

**Summary:** An ordinance creating Title 15 of the Lincoln County Code establishing the Coyote Springs Planned Unit Development Code for the regulation and maintenance of planning and zoning within the Coyote Springs Planning Area.

BILL NO. 2004-\_\_

ORDINANCE NO. 2004-\_\_

AN ORDINANCE CREATING TITLE 15 OF THE LINCOLN COUNTY CODE  
ESTABLISHING THE COYOTE SPRINGS PLANNED UNIT DEVELOPMENT CODE  
FOR THE REGULATION AND MAINTENANCE OF PLANNING AND ZONING  
WITHIN THE COYOTE SPRINGS PLANNING AREA AS AUTHORIZED UNDER  
NRS CH. 278 AND NRS CH. 278A, AND OTHER MATTERS PROPERLY RELATED  
THERETO

**WHEREAS**, the legislature has enacted NRS ch. 278A for the use of cities and counties in adopting necessary ordinances related to land development and use;

**WHEREAS**, Lincoln County finds it necessary to further the public health, safety, morals and general welfare in an era of increasing urbanization and of growing demand for housing of all types and design within the Coyote Springs Valley;

**WHEREAS**, it is necessary to develop commercial and industrial facilities conveniently located to that Coyote Springs Valley housing;

**WHEREAS**, Lincoln County recognizes the necessity to encourage the efficient use of land within the Coyote Springs Valley;

**WHEREAS**, the Commissioners desire to reflect changes in the technology of land development so that resulting economies may be made available to those who need homes within the Coyote Springs Valley;

**WHEREAS**, to insure that increased flexibility of substantive regulations over land development authorized in NRS 278A be administered in such a way as to encourage the disposition of proposals for Coyote Springs Valley land development be made without undue delay.

**THE BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF LINCOLN DO ORDAIN:**

**Title 15**

**COYOTE SPRINGS PLANNED UNIT DEVELOPMENT CODE**

## TABLE OF CONTENTS

<b>CHAPTER 1</b>	<b>6</b>
15-1-01: Title	7
15-1-02: Purpose	7
15-1-03: Applicability	8
15-1-04: Authority	8
15-1-05: Summary of Authority	8
15-1-06: Coyote Springs General Improvement District	13
15-1-07: Coyote Springs Fire District	14
15-1-08: All Development to be in Compliance with Lincoln County Code	14
15-1-09: Interpretation	14
15-1-10: Conflicts with Other Regulations or Agreements	15
15-1-11: Legal Effect	15
15-1-12: Severability	15
15-1-13: Repeal of Pre-Existing Titles	16
15-1-14: Penalties	16
15-1-15: Enforcement Procedure	16
15-1-16: Abatement Proceedings	16
15-1-17: Grounds for Revocation of Certain Land Use Applications	17
15-1-18: Cumulative Remedies	17
15-1-19: Records	17
15-1-20: Definitions	17
 <b>CHAPTER 2</b>	 <b>18</b>
15-2-01: Establishment of Planned Village Development District Zone	19
15-2-02: Intent	19
15-2-03: Planned Village District Land Use Plan	20
15-2-04: Land Use Plan Flexibility	22
15-2-05: Village Types	23
15-2-06: Land Use Zones	25
15-2-07: Uses Allowed within Land Use Zones	28
 <b>CHAPTER 3</b>	 <b>30</b>
15-3-01: Types of Residential Units	31
15-3-02: Minimum Size of a PUD Site	31
15-3-03: Development Density or Intensity	31
15-3-04: Residential Development Standards	31
15-3-05: Commercial Development Standards	35
15-3-06: Improvement Assurance	36
15-3-07: Public Streets System	36
15-3-08: Private Streets	37
15-3-09: Setback from Streets	38

15-3-10: Fire Lanes. ....38

15-3-11: Legal Access from Public or Private Streets.....38

15-3-12: Private Gated Communities.....38

15-3-13: On-Site Parking and Loading Facilities.....39

15-3-14: Jointly Owned Areas.....49

15-3-15: Storm Drainage. ....49

15-3-16: Potable Water System.....50

15-3-17: Fire Hydrants. ....50

15-3-18: Sanitary Sewer System. ....50

15-3-19: Treated Effluent Storage and Distribution System.....51

15-3-20: Electric Power System.....51

15-3-21: Natural Gas System. ....52

15-3-22: Telephone/Communications System.....52

15-3-23: Common Open Space Requirement.....53

15-3-24: Hillside Development Standards. ....53

**CHAPTER 4 .....64**

15-4-01: Village Design. ....65

15-4-02: Architectural Design. ....65

15-4-03: Landscape Design.....66

15-4-04: Fences, Walls and Buffering Design.....66

15-4-05: Sign Design. ....67

15-4-06: Exterior Lighting Design. ....67

**CHAPTER 5 .....69**

15-5-01: Village Development Approval. ....70

15-5-02: Tentative Plan for PUD/Village Development. ....70

15-5-03: PUD Final Plan Approval.....76

15-5-04: Deviations from Final Plan.....80

**CHAPTER 6 .....81**

15-6-01 Fees .....81

**CHAPTER 7 Uses**

**CHAPTER 8 Definitions**

<b>Subject</b>	<b>CHAPTER</b>
General.....	1
Planned Village Development District .....	2
Minimum Development Standards .....	3
Minimum Design Standards .....	4
Planned Unit Development Approval Procedure .....	5
Fees .....	6
 <b>Appendix</b>	
Uses .....	7
Definitions .....	8

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# CHAPTER 1

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## GENERAL

### SECTION

- 15-1-01: Title
- 15-1-02: Purpose
- 15-1-03: Applicability
- 15-1-04: Authority
- 15-1-05: Summary of Authority
- 15-1-06: Coyote Springs General Improvement District
- 15-1-07: Coyote Springs Fire District
- 15-1-08: All Development in Compliance with Lincoln County Code
- 15-1-09: Interpretation
- 15-1-10: Conflicts with Other Regulations or Agreements
- 15-1-11: Legal Effect
- 15-1-12: Severability
- 15-1-13: Repeal of Pre-Existing Titles
- 15-1-14: Penalties
- 15-1-15: Enforcement Procedure
- 15-1-16: Abatement Proceedings
- 15-1-17: Grounds for Revocation of Certain Land Use Applications
- 15-1-18: Cumulative Remedies
- 15-1-19: Records
- 15-1-20: Definitions

**15-1-01: Title**

This Title shall be known as the Coyote Springs Planned Unit Development Code (CSPUDC) and is adopted under the authority of Chapter 278 (Planning and Zoning) and Chapter 278A (Planned Development) of the Nevada Revised Statutes and all amendatory and supplementary acts, and shall include any future amendments. If the provisions of this Title are in conflict with the Nevada Revised Statutes, Nevada Revised Statutes will prevail.

**15-1-02: Purpose**

The purpose of the Coyote Springs Planned Unit Development Ordinance Code is to:

- A. Enhance and protect public health, safety and general welfare as the Coyote Springs Planning Area is developed;
- B. Encourage innovations in residential, commercial and industrial development through a village development process providing opportunities for housing, recreation, shopping, and employment opportunities for Lincoln County residents;
- C. Encourage conservation of natural resources and protection of air quality;
- D. Provide for the harmonious development of uses, groupings of buildings, parking areas, traffic circulation, recreational facilities, and open spaces;
- E. Provide flexibility for the developer in response to community and market needs as the planning area is fully developed in phases over a number of years;
- F. Establish that the Coyote Springs Planning Area is to be developed as a single entity for one or more planned unit residential developments, one or more public, quasi-public, commercial or industrial areas, or both is to be developed as a "Planned Unit Development" under the under the Planned Unit Development provisions of Nevada Revised Statutes Chapter 278A;
- G. Establish a Planned Village Zoning District (PVD) for the Planning Area in accordance with Nevada Revised Statutes;
- H. Establish Land Use Zones allowed within the Planned Village Zoning District;

- I. Establish permitted uses within Land Use Zones;
- J. Establish minimum standards of development;
- K. Establish minimum standards of design;
- L. Establish Planned Unit Development tentative and final plan approval processes, and;
- M. Establish Planning and Zoning fees that are unique to the Coyote Springs Planning Area.

### **15-1-03: Applicability**

This Title 15, "Coyote Springs Planned Unit Development Code", is applicable only to all development and use of property in the "Coyote Springs Planning Area". The "Coyote Springs Planning Area" includes only those lands in Lincoln County described below:

#### A. Township 11 South, Range 63 East, (Lincoln County, Nevada):

All of Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, and 35; Section 13, the South Half (S 1/2); Section 36, the West Half (W 1/2); Sections 19, 30 and 31, all except those portions lying West of the Centerline of U.S. Highway 93.

#### B. Township 12 South, Range 63 East, (Lincoln County, Nevada):

All of Sections 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 23, 25, 26, 27, 28, 33, 34, 35, and 36; Sections 1, 13, and 24, the West Half (W 1/2); Section 12, the West Half (W 1/2) of the West Half (W 1/2); Sections 6, 7, 18, 19, 29, 30 and 32, all except those portions lying West of the Centerline of U.S. Highway 93.

### **15-1-04: Authority.**

The authority to enact and administer a Planned Unit Development Ordinance is provided to the County Commission by NRS 278, "Planning and Zoning" and NRS 278A, "Planned Unit Development Law".

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## **15-1-05: Summary of Authority.**

The County Bodies, Officials and Administrator listed below, in order from the entity with the most authority, have the responsibility for implementing and administering this Title in cooperation with all listed authorities and other governmental entities:

### **A. Responsibilities of the Board of County Commissioners (“Board”).**

- (1) Approve, conditionally approve, or deny tentative and final PUD plans.
- (2) Approve, conditionally approve, or deny applications for subsequent limited land use zone approval.
- (3) Approve, conditionally approve, or deny any special use application within any land use zone.
- (4) Hear appeals of decisions made by the Planning Commission, or Administrator regarding any application for which they may have final authority to act.
- (5) Take any other action not delegated to other bodies or the Administrator that may be desirable and necessary.

### **B. Responsibilities of the Planning Commission (“Commission”).**

- (1) Make recommendations to the Board concerning the approval or denial of any tentative or final PUD plan.
- (2) Make recommendations to the Board concerning the approval or denial of any application for subsequent limited land use zone approval.
- (3) Make recommendations to the Board concerning the approval or denial of any special use application within any land use zone.

### **C. Responsibilities of the District Attorney.**

- (1) Provide legal advice concerning this Title to County Officials and the Administrator.
- (2) Represent Lincoln County in the prosecution of any action necessary to enforce the provisions of this Title.

- (3) Ensure compliance with Nevada Open Meeting Law in the administration of this Title.

D. Responsibilities of the Sheriff.

- (1) Enforce this Title as requested by the Board or Administrator.

E. Responsibilities of the County Recorder.

- (1) Record all maps and required documents presented for recording.
- (2) Enforce this Title with respect to the recording of documents.

F. Responsibilities of the "Administrator" for planning, zoning, code enforcement, and building functions.

- (1) Administer this Title, including the acceptance, review and processing of tentative and final PUD plans, applications for subsequent limited land use zone approvals, land use applications, the maintenance of all records in compliance with Nevada Open Meeting Law, and rendering interpretations of the provisions of this Title in cooperation with other government entities.
- (2) The Administrator has sole responsibility for administering the reviews and/or approvals of the following:
  - a. Review and approve or reject plans, technical studies and cost estimates for on-site improvements, that are not a responsibility of the District or Fire District, within 30 working days of complete application submittal and in conformance with this Title.
  - b. Approve or reject the amount of bonds or cash deposits related to construction and installation of required on-site facilities and improvements, which are not a responsibility of the District or Fire District, within 15 working days of submittal.
  - c. Claim bonds on defaulted on-site projects, which are not a responsibility of the District or Fire District, and deposit funds with the County Treasurer.
  - d. Prepare and have executed License and Maintenance Agreements for on-site improvements that may be established by this Title.

- e. Issue building permits or provide notice to applicant as to why a building permit will not be issued within thirty working days of receiving complete submittals from the applicant. When plans submitted by the applicant require correction, the thirty (30) working day period for permit issuance shall be extended ten (10) working days, plus the number of working days required for the applicant to resubmit the corrected plans.
- f. Issue certificates of occupancy ("COO") or provide notice as to why a COO will not be issued within seven (7) working days of construction completion or change of use notification and request for COO inspection by the owner, builder or occupant. The request for COO inspection shall include a letter from the General Improvement District (GID) indicating that the GID has accepted all offered easements or right-of-ways and required improvements, if any. When the building construction is found to be deficient for the intended use during the COO inspection, the seven (7) working day period for COO inspection shall be extended seven (7) working days, plus the number of working days occurring before the owner, builder or occupant notifies the Administrator that all deficiencies have been corrected and requests a COO re-inspection.
- g. Interpret the provisions related to accessible on-site parking, within fifteen (15) working days of receiving a request for interpretation.
- h. Approve, conditionally approve, or deny conditional and temporary use permit applications, within fifteen (15) working days of receiving a permit request submittal.
- i. Administer specifications and procedures relating to this Title.
- j. Grant or deny requests for deviations from the requirements for land use established within an approved final PUD plan in accordance with Section 15-5-04.
- k. Approve or deny requests for temporary and conditional use permits

(3) In consultation and co-operation with affected elected officials, and other governmental entities, formulate recommendations for all applications to be considered by the Commission or the Board. These applications include those for:

- I. Tentative and final PUD plans.
- m. Limited land use zone approvals.
- n. Special Uses.

G. Responsibilities of the County Surveyor.

Review and certify, in accordance with Nevada Revised Statutes ("NRS"), maps and documents submitted to the County by professional land surveyors for any development pursuant to this Title.

**15-1-06: Coyote Springs General Improvement District.**

The Coyote Springs General Improvement District (District) has been formed to provide certain infrastructure and services within the Planning Area. The District shall:

- A. Participate in all pre-submittal conferences for tentative PUD plans, and;
- B. Review tentative and final PUD plans and other land use applications, within twenty two (22) working days of receipt from the Administrator, for compliance with District Standards and Regulations related to the authorities listed below and shall cooperatively develop recommendations, with the Administrator, for submission to the Commission and Board for their consideration.
  - (1) Electric light and power.
  - (2) Extermination and abatement of mosquitoes, flies, other insects, rats and liver fluke or fasciola hepatica.
  - (3) Streets and alleys.
  - (4) Facilities for storm drainage or flood control.
  - (5) Sanitary facilities for sewerage.
  - (6) Facilities for lighting streets.
  - (7) Facilities for the collection and disposal of garbage and refuse.
  - (8) Recreation facilities.
  - (9) Facilities for water.
  - (10) Control and eradication of noxious weeds.
  - (11) Establishment of area or zone for preservation of endangered or threatened wildlife.

**15-1-07: Coyote Springs Fire District.**

The Coyote Springs Fire District (Fire District) has been formed to provide fire protection and emergency medical services within the Planning area. The Fire District shall:

- A. Participate in all pre-submittal conferences for tentative PUD plans, and;
- B. Review tentative and final PUD plans and other land use applications, within twenty two (22) working days of receipt from the Administrator, for compliance with Fire District Standards and Regulations related to the authorities listed below and shall cooperatively develop recommendations, with the Administrator, for submission to the Commission and Board for their consideration.
  - (1) Fire protection.
  - (2) Emergency Medical Services.

**15-1-08: All Development to be in Compliance with Lincoln County Code.**

- A. No structure, use of any structure or land, and lot of record shall be established, enlarged, extended, altered, moved, divided or maintained except as authorized by and in compliance with the provisions of this Title or other applicable provisions of the Lincoln County Code.
- B. Following approval of all appropriate applications and maps, all proper licenses and permits are required, as indicated in the Lincoln County Code, in order to establish the use or structure. Nothing in this Title, including the approval of a tentative or final PUD plan or land use application, shall be interpreted to replace such requirements.

**15-1-09: Interpretation.**

- A. In their interpretation and application, the provisions of this Title shall be the minimum requirements, adopted for the promotion of the general prosperity, health, safety, and welfare.
- B. More restrictive standards, or the provision of amenities in excess of required

minimum standards, shall be permitted when required by the District, Fire District or Master Owners Association.

**15-1-10: Conflicts with Other Regulations or Agreements.**

- A. This Title is not intended to interfere with, abrogate or annul any easements, covenants, platted setback lines or other agreements between parties.
- B. Where the requirements of this Title conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or those imposing higher standards, to the extent permitted by law, shall govern.
- C. Where the requirements of any imposed condition conflicts with any governmental regulation or law, compliance with the condition is not required.
- D. Where the requirements of imposed conditions conflict with conditions imposed upon a tentative or final PUD plan or by a separate land use, any condition imposed or waived by the Board during a public hearing shall supercede the conflicting condition.
- E. The County is not obligated to enforce private agreements.

**15-1-11: Legal Effect.**

This Title is predicated upon, and may only be enforced consistent with, the Constitutions of the United States of America and the State of Nevada. No provision or ordinance shall be enforced or mandated which would violate the Constitution of the United States or the State of Nevada.

**15-1-12: Severability.**

Should any section, subsection, paragraph, clause, word or provision of this Title be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Title as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**15-1-13: Repeal of Pre-Existing Titles.**

Upon this Title taking effect after publication, as required by law, the previous Titles relating to subdivision, land development, public improvement standards and zoning, as well as all amendments thereto applying to the Coyote Springs Planning Area, are repealed only to the extent that they apply to the Coyote Springs Planning Area, provided that such repeal shall not affect the liability of any person for a violation of those Titles, or amendments thereto, or the right of the County to prosecute for such violation.

**15-1-14: Penalties.**

- A. Any person violating any provision of this Title is guilty of a misdemeanor and is subject to the applicable penalties as provided under NRS 193.150 (Punishment of Misdemeanors). Any act that is prohibited, or the failure to perform required acts, shall constitute a violation of this Title.
- B. Any person is guilty of a separate offense for each and every day during any portion of which any violation of this Title is committed or continued.

**15-1-15: Enforcement Procedure.**

If the property owner has submitted an appropriate land use application to legalize the use and/or structure, which is the subject of an enforcement proceeding, the Administrator may suspend enforcement pending consideration of the land use application by the Board.

**15-1-16: Abatement Proceedings.**

- A. Any use of property, or the establishment of a building or structure contrary to the provisions of this Title or in violation of any condition attached to the granting of any land use application is unlawful and a public nuisance.
- B. Upon discovery of such a violation, the Administrator may commence proceedings for the abatement thereof in accordance with the provisions of the Lincoln County Code, or may pursue other remedies as provided by law.

**15-1-17: Grounds for Revocation of Certain Land Use Applications.**

- A. Failure to abide by and faithfully comply with the provisions of this Title, with any other requirement of Lincoln County Codes, and/or any and all conditions attached to the granting of any land use application is unlawful and a public nuisance, and shall constitute grounds for the revocation of the same.
- B. Upon discovery of any such violation, the Administrator may commence proceedings for the revocation thereof in accordance with the provisions of the Lincoln County Code, or may pursue other remedies as provided by law.
- C. If the Board determines that there is sufficient cause to revoke the permit, a public hearing shall be scheduled before the Board, at which time the property owner or other interested party may show cause as to why the permit should or should not be revoked.
- D. The hearing shall be noticed in accordance with the requirements for the original application type. If the Board revokes the permit, it shall specify for the record the reasons for its action.

**15-1-18: Cumulative Remedies.**

All remedies provided herein shall be cumulative and not exclusive.

**15-1-19: Records.**

- A. All records submitted with any tentative or final PUD plan or land use application, or at any hearing for the same, shall become a part of the records of the Board or Commission and be maintained in accordance with the provisions of Chapter 239 (Public Records) of the Nevada Revised Statutes.
- B. Any document within these records can be examined and reproduced by any person.

**15-1-20: Definitions**

Definitions applicable to this Title may be found in Appendix B, "Definitions".

## CHAPTER 2

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### PLANNED VILLAGE DEVELOPMENT DISTRICT (PVD)

#### SECTION

- 15-2-01: Establishment of Planned Village Development District Zone
- 15-2-02: Intent
- 15-2-03: PVD Land Use Plan
- 15-2-04: Land Use Plan Flexibility
- 15-2-05: Village Types
- 15-2-06: Land Use Zones
- 15-2-07: Uses Allowed within Land Use Zones

**15-2-01: Establishment of Planned Village Development District Zone.**

Through the adoption of this Title 15, a Planned Village Development District (PVD) zone is established and applied to all lands within the Coyote Springs Planning Area.

**15-2-02: Intent.**

The intent of the PVD District is to establish the density and intensity of uses, promote diversity and integration of uses and structures through flexible design standards, utilizing the planned unit development (PUD) process authorized by Nevada Revised Statutes 278A, that:

- A. Create new communities that are livable, diverse, and sustainable;
- B. Promote efficient and economic uses of land;
- C. Provide flexibility to meet changing needs, technologies, economics, and consumer preferences;
- D. Promote development patterns and land uses which reduce transportation needs and which conserve energy and natural resources;
- E. Lower development and building costs by permitting efficient networks of utilities, scaled streets, and the use of shared facilities;
- F. Protect and enhance natural resources;
- G. Provide more parks, open spaces and scenic areas, either commonly owned or publicly-owned, than would otherwise be provided under historical land development procedures; and
- H. Encourage a variety of compatible architectural styles, building forms, and building relationships within a planned unit development.

## **15-2-03: Planned Village District Land Use Plan**

### **Purpose of Villages.**

The PVD district is designed to recognize and allow for various types of villages as general patterns of Planned Unit Development within the Planning Area. Villages are broadly characterized as communities generally having a predominant land zone use, other compatible allowable uses and varied densities of uses within the village.

### **PVD Zone Land Use Plan**

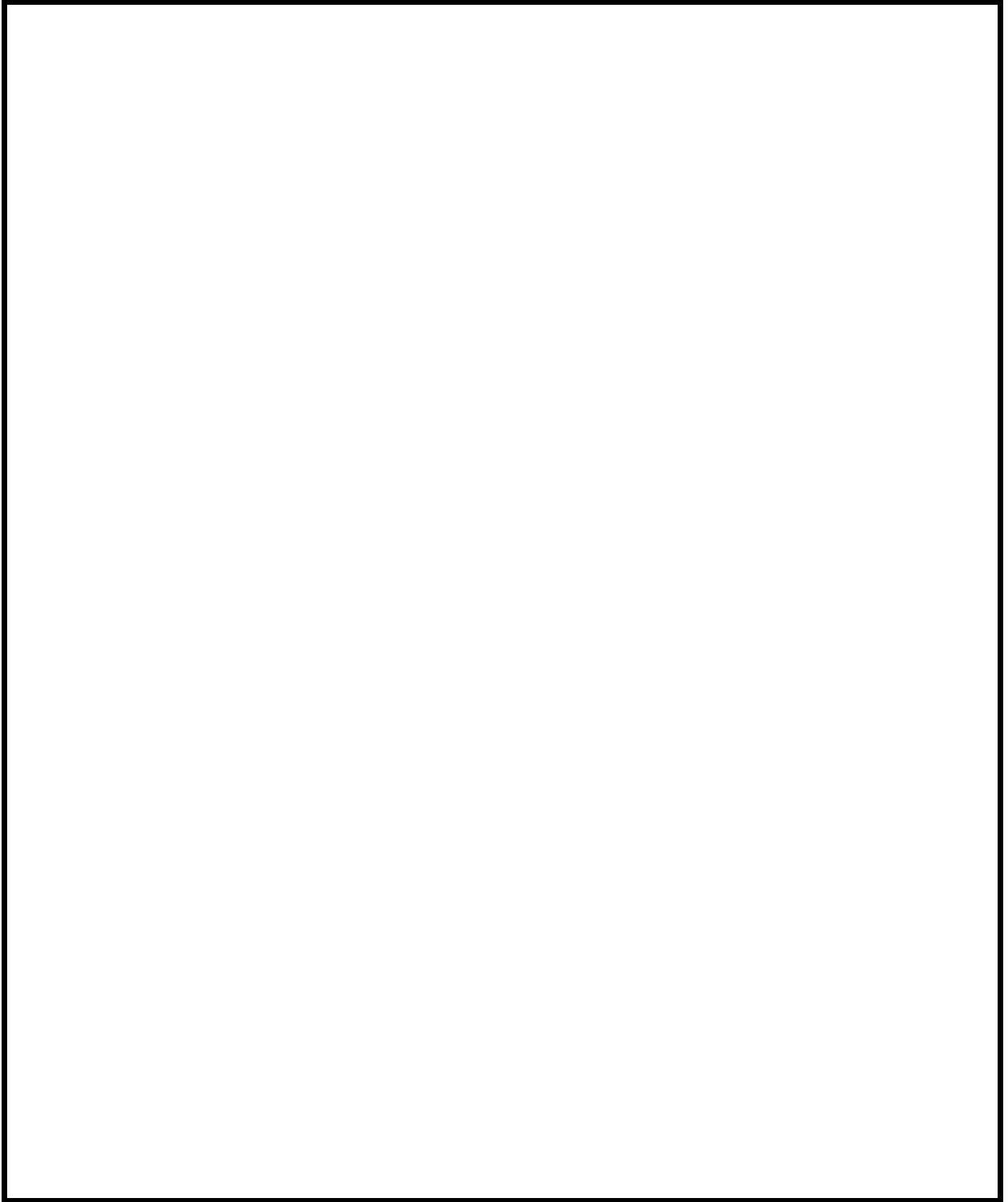
The development concept for Coyote Springs consists of the gradual, phased development of a series of neighborhoods, each with their own distinct character and related to a village core. The PVD Land Use Plan (The "Land Use Plan") proposes a series of villages featuring a mix of uses with a range of unit types, lot sizes, densities, and amenities including golf courses, clubhouse facilities and a parks and open space network with an extensive pedestrian/bicycle pathway system linking different areas of the community.

Due to the size of the Planning Area, the Land Use Plan only depicts the general nature and relative intensity of residential and non-residential uses, while allowing sufficient flexibility to permit detailed planning and design at the time of actual development. The Land Use Plan accounts for differences in density by establishing village locations with respect to topography and environment.

Rather than establishing specific land uses and zoning districts, the Land Use Plan identifies nine (9) different village types with a mix of residential and non-residential uses and densities. These villages provide quality residential environments including large-lot ranch communities, primary and second home communities, active-adult communities, and vacation communities for the short and long term visitor. In addition, a series of business-oriented villages provide the opportunity for the growth of industry and economic stability within the Coyote Springs community.

A general overview of land uses anticipated in the Planning Area is illustrated in Figure 2:1 as follows.

Figure 2:1 – PVD Land Use Plan



## **15-2-04: Land Use Plan Flexibility**

The Land Use Plan and Village Types contained herein are intended to depict the general nature and relative intensity of residential and non-residential development within the Planning Area, while allowing sufficient flexibility to permit detailed planning and design at the actual time of tentative and final PUD plan approval.

Because the PVD is projected to develop over a forty-year period, the Land Use Plan, at best, is a framework that translates current real estate market trends in a conceptual manner. The development densities shown for each land use category within the Planning Area do not necessarily reflect the actual densities that may be realized as a result of tentative and final PUD plan approvals. As market conditions change, the configuration of villages and phases may change from those shown in the Land Use Plan to accommodate detailed site conditions and revisions to the community's implementation strategy, as reflected in tentative PUD plan submittals, provided that the reconfiguration does not conflict with the general intent or specific conditions of the Development Agreement.

## 15-2-05: Village Types

The village types described within the Land Use Plan are provided solely for the purpose of (1) describing the overall character of development within Coyote Springs and (2) achieving an overall aggregate density for the Planning Area. Each village type consists of a broad range of land uses, with a central theme creating the predominant use, that when combined, establish density, use, and development standards for the village type. It is not the intent of the Land Use Plan to distinguish specific land uses within each village type, but rather to establish general locations for certain village types within the Planning Area. Specific zoning within a village type will be identified with the approval of each tentative PUD plan and established through approval of each final PUD plan. The village types described in the Land Use Plan are:

- A. **Ranch Villages.** These villages primarily provide the opportunity for larger residential lots, ranging from 0.5 – 10 acres or larger, with an equestrian/ranch environment. The aggregate residential density within these villages is estimated at 0.8 Dwelling Units per Acre (“DUA”) although densities will vary greatly within tentative PUD plan submittals.
  
- B. **Second Home Villages.** These villages primarily provide custom home sites, up to 2 acres in size, for weekend retreats, seasonal and year-round living within a highly amenitized recreational environment. The aggregate residential density within these villages is estimated at 1.5 DUA although densities will vary greatly within tentative PUD plan submittals.
  
- C. **Residential Villages.** These villages primarily provide quality affordable primary homes and communities with dwelling unit densities ranging from 2 to 20 DUA for first time buyers and primary families. The aggregate residential density within these villages is estimated at 6.0 DUA although densities will vary greatly within tentative PUD plan submittals.
  
- D. **Adult Villages.** These villages primarily focus on providing senior active lifestyle communities with age restrictions within a highly amenitized environment with dwelling unit densities ranging from 2 to 20 DUA. The aggregate residential density within these villages is estimated at 6.0 DUA although densities will vary greatly within tentative PUD plan submittals.
  
- E. **Vacation Villages.** These villages primarily focus on providing a mix of year-round, seasonal and vacation living, and overnight stays with dwelling unit densities ranging from 2 to 40 DUA in particular locations. The aggregate residential density within these villages is estimated at 8.0 DUA although

densities will vary greatly within tentative PUD plan submittals.

- F. **Mixed-Use Urban Villages.** These villages primarily provide an environment for allowing community service facilities, neighborhood commercial facilities, employment and residential living combined with a small town character setting. The aggregate residential density within these villages is estimated at 12.0 DUA although densities will vary greatly within tentative PUD plan submittals.
- G. **Open Space Fringe Development.** These villages border on the recreational open space corridor within the Pahranaagat wash and connect to a larger open space corridor that networks the community together. In general, twenty percent (20%) of the area within the open space network will be developed at densities ranging from 2 to 40 DUA in certain locations. The aggregate residential density within these villages is estimated at 6.0 DUA although densities will vary greatly within tentative PUD plan submittals.
- H. **Highway Commercial Villages.** These villages primarily focus on the need for a quality employment base that serves both the community and highway corridor allowing the growth of industry and economic stability within the planning area. The aggregate residential density within these villages is estimated at 8.0 DUA, for residential development exclusively, although densities will vary greatly within tentative PUD plan submittals.
- I. **Commercial/Industrial Park Villages.** These villages primarily focus on the need for a quality employment base allowing the growth of industry and economic stability within the community. While these villages are primarily commercial/industrial in use. Residential uses may be included for consideration in tentative PUD plan submittals.

## 15-2-06: Land Use Zones.

The following land use zones are allowed in the PVD district. Predominant use and density of use are broadly described by Village Type.

### A. Residential Land Use Zones.

- (1) **CS-R-U, Rural Open Land Zone.** This zone is established to provide for very low density residential dwellings, with a maximum development density of one-half (0.5) DUA, and other appropriate uses for large land parcels, including dwellings which do not conform to the design restrictions for single-family dwellings.
- (2) **CS-R-E, Rural Estates, Residential Zone.** This zone is established for areas particularly suited for low density residential use, with a maximum development density of one-half (0.5) DUA.
- (3) **CS-R-A, Residential Ranch Zone.** This zone is established for areas particularly suited for equestrian activities, including residential uses, with a maximum development density of one (1) DUA.
- (4) **CS-R-D, Suburban Estates Residential Zone.** This zone is established for areas particularly suited to low density, single-family residential use on lots of ten thousand (10,000) square feet or more in area.
- (5) **CS-R-1, Single Family Residential Zone.** This zone is established to provide for the development of single-family residential dwellings, with a development density range from three (3) to six DUA, and to prohibit the development of incompatible uses that are detrimental to the residential environment.
- (6) **CS-R-2, Medium Density Residential Zone.** This zone is established to provide for the development of compact single-family and two-family residential dwellings, with a development density range of six (6) to twelve (12) DUA and to prohibit the development of incompatible uses that are detrimental to the residential environment.
- (7) **CS-R-3, Multiple-Family Residential Zone.** This zone is established to provide for the development of medium density residential use, with a maximum development density of eighteen (18) DUA, including apartments, and to prohibit the development of incompatible uses that are detrimental to the medium density residential environment.

- (8) **CS-R-4, Multiple-Family Residential Zone.** This zone is established to provide for the development of high density residential use, with a maximum development density of twenty five (25) DUA, including apartments, and to prohibit the development of incompatible uses that are detrimental to the high density residential environment.
- (9) **CS-R-5, Apartment Residential Zone.** This zone is established to provide for the development of high density apartment residential use, with a maximum development density of fifty (50) DUA, and to prohibit the development of incompatible uses that are detrimental to the high density residential environment.

B. Non-Residential Land Use Zones.

- (1) **CS-C-P, Office and Professional Zone.** This zone is established to provide for the development of office and professional services areas, and to provide a buffer through the establishment of low intensity uses between the more intensive commercial developments and the residential developments.
- (2) **CS-C-1, Local Business Zone.** This zone is established to provide for the development of retail businesses or personal services and to serve as a convenience within the village. The intent of the use is for developments which are typically on a site less than ten (10) acres.
- (3) **CS-C-2, General Commercial Zone.** This zone is established to accommodate a full range of commercial, or mixed commercial and residential areas within the village. The intent of the use is for developments which have a site area which is typically greater than ten (10) acres.
- (4) **CS-M-D Designed Manufacturing Zone.** This zone is established to provide areas suitable for the development of light manufacturing establishments with limited outside activity and to prohibit the development of incompatible uses. This use is intended for application to areas which are typically less than ten (10) acres in size.
- (5) **CS-M-1 Manufacturing Zone.** This zone is established to provide areas suitable for the development of light manufacturing establishments and to prohibit the development of incompatible uses. This use is intended for application to areas which are typically ten (10) acres or more in size.

- (6) **CS-M-2 Industrial Zone.** This zone is intended to provide areas suitable for the location and operation of the most intense manufacturing and industrial activities.
- (7) **CS-P-F Public Facility Zone.** This zone is established in order to provide for the location and development of sites suitable for necessary public buildings, airports, structures, and associated activities, and related private buildings, structures, and associated activities.
- (8) **CS-O-S, Open Space Zone.** This zone is intended to provide for permanent open space in the development, to prevent irreversible environmental damage to sensitive areas, and to provide recreational opportunities, including qualified parks.
- (9) **CS-REC, Recreational Zone.** This zone is intended to provide for public or private programmed or non-programmed recreational areas, including qualified parks.
- (10) **CS-RVP, Recreational Vehicle Park Zone.** This zone is established to provide for the location and development of sites suitable for temporary or transient lodging in recreational vehicles.

#### C. Mixed Use Land Use Zones

- (1) **CS-M-U, Mixed-Use Zone.** This zone is established to provide for the development of combination commercial and residential uses on a single lot or within a single integrated development on multiple lots.
- (2) **CS-H-1, Resort Zone.** This zone is established to provide for the development of gaming enterprises, commercial, and mixed use and residential uses compatible with gaming enterprises, and to prohibit the development of incompatible uses that are detrimental to gaming enterprises.

## **15-2-07: Uses Allowed within Land Use Zones.**

Chapter 7 contains the uses, including the permitted uses, allowed in the various "Land Use Zones".

- A. All of the uses contained in Appendix "A" are subject to this Title.
- B. Should a proposed use not be included in Appendix "A", the Administrator shall determine the appropriate approval process for the use.
- C. The following designations of uses, conditions and exceptions are utilized in this Appendix "A":
  - (1) Permitted Uses "P". The use is permitted as a principal use in that zoning district.
  - (2) Non-Permitted Uses "X". The use is not permitted in that land use zone.
  - (3) Accessory Uses "A". The use is permitted only as an accessory use to the principal use within the specified land use zone, but this does not exclude other land uses which are also considered accessory to the principal use, but not listed and may be approved by the Administrator.
  - (4) Conditional Uses "C". The use is permitted in the land use zone subject to meeting stated conditions (this may be reviewed with a building permit, business license or design review; a separate land use application is not required). If stated conditions do not apply, the use is a permitted use in that land use zone. Conditional uses may require performance measures to mitigate possible negative impacts of the use. Conditional uses are approved or denied by the Administrator.
  - (5) Temporary Uses "T". Temporary uses are permitted, for a stated period of time, in each zoning district subject to the performance conditions listed with an administrative temporary use. Temporary uses are approved or denied by the Administrator.
  - (6) Special Uses "SC" or "SB". The use is permitted as a special use in the listed land use zone with a special use permit subject to a public hearing process. Some special uses require performance measures to mitigate possible negative impacts of the use. Special

uses are approved or denied by either the Commission (“SC”) or the Board (“SB”) as determined by the Special Use type approval indicated (“SC” or “SB”) for the proposed use in Appendix “A”.

(7) Conditions related to various uses. Most non-permitted uses require performance conditions to mitigate possible negative impacts of the use. Whenever the applicant cannot or does not desire to comply with a performance condition, relief may only be sought as follows:

- a. Accessory Uses, Conditional Uses, Temporary Uses. A special use permit, type “SC”, may be requested in order to waive a condition associated with these uses, unless the condition cannot be waived or varied.
- b. Special Uses. An amendment to minimum design or development standards may be requested in addition to the special use permit, in order to amend a condition associated with a special use, unless the condition cannot be amended or varied. Certain conditions may be considered to be amended during the public hearing process of the special use permit, without the separate amendment of minimum design or development standards application.

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## CHAPTER 3

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### MINIMUM DEVELOPMENT STANDARDS

#### SECTION

- 15-3-01: Types of Residential Units
- 15-3-02: Minimum Size of a PUD Site
- 15-3-03: Development Density or Intensity
- 15-3-04: Residential Development Standards
- 15-3-05: Commercial Development Standards
- 15-3-06: Improvement Assurance
- 15-3-07: Public Streets System
- 15-3-08: Private Streets
- 15-3-09: Setback from Streets
- 15-3-10: Fire Lanes
- 15-3-11: Legal Access from Public or Private Streets
- 15-3-12: Private Gated Communities
- 15-3-13: On-Site Parking and Loading Facilities
- 15-3-14: Jointly Owned Areas
- 15-3-15: Storm Drainage
- 15-3-16: Potable Water System
- 15-3-17: Fire Hydrants
- 15-3-18: Sanitary Sewer System
- 15-3-19: Treated Effluent Storage and Distribution System
- 15-3-20: Electric Power System
- 15-3-21: Natural Gas System
- 15-3-22: Telephone/Communications System
- 15-3-23: Common Open Space Requirement
- 15-2-24: Hillside Development Standards

**15-3-01: Types of Residential Units.**

A PUD may include attached or detached single-family or two-family units, and multi-family housing units including but not limited to town houses, cluster units, condominiums, garden apartments or any combination thereof.

**15-3-02: Minimum Size of a PUD Site.**

In accordance with NRS 278A.250, the minimum site size for a tentative PUD plan submittal is five (5) acres, except that the Board may waive this minimum when proper planning justification is shown.

**15-3-03: Development Density or Intensity.**

To encourage the flexibility of planning area development, as intended by the provisions of this Title, the density or intensity of uses within a PUD or Village will be established by the Board during the approval of each tentative PUD plan.

**15-3-04: Residential Development Standards.**

This sub-section outlines the minimum standards for interpreting building setbacks, coverage and heights for single-family, two-family, and multi-family residential development within the Planning Area. The Master Developer may establish more restrictive standards as detailed in the "Coyote Springs Design Standards", adopted by the Master Owners Association, and made a part of each tentative PUD plan approval. The "Coyote Springs Design Standards" may be amended by the Master Developer for each tentative PUD plan submittal. The following parameters define the standards for minimum building restrictions:

Development Criteria	Coyote Springs Rural Residential Districts				Coyote Springs Single-Family Residential Districts				Coyote Springs Multi-Family Districts		
	R-U	R-A	R-E	R-D	R-1	R-T	R-2	RUD	R-3	R-4	R-5
<b>Maximum Building Coverage (Excluding Covered Patios)</b>											
Single Story Residences	65%				No Maximum				No Maximum		
Multi-Story Residences	50%				No Maximum				No Maximum		
<b>Minimum Setbacks - Principal Structure <sup>1</sup></b>											
Front											
Living Area <sup>2</sup>	40'		30'		20'				20'		
Porch, Porte Cochere, and Architectural Projections <sup>3</sup>	30'		20'		15'				15'		
Front Entry Garage	40'		30'		20'				20'		
Side Entry Garage	30'		20'		10'				10'		
Rear <sup>3</sup>	10'				10'				10'		
Terraces and Covered Patios <sup>4</sup>	20'		10'		5'				5'		
Exposed to Golf Course or Common Areas	20'				20'				20'		
Side <sup>4</sup>											
Interior Side	15'		10'		5' / 5' 0' / 10' <sup>5</sup>				5'		
Corner Side	Title 30				10'				20'		

<sup>1</sup> Indicates minimum setbacks. Master Developer may choose to vary setbacks within the above parameters by a minimum of 3'.

<sup>2</sup> Allowable projections into the required setbacks include eaves, fireplaces, entertainment centers, balconies, outside stairs, bay windows, porch columns, wing walls, courtyard walls and similar architectural features and may project a maximum of three (3) feet into any required lot setback. Projections should not encroach on recorded utility easements on side yards. Single story portions of living areas may encroach 5' into the front yard setback.

<sup>3</sup> Minimum setback limited to height setback ratio per Title 30 section 30.56.070, Figure 30.56-10.

<sup>4</sup> 2nd story decks will be measured to the fascia.

<sup>5</sup> Single-family residences on zero-lot line lots and z-lots are permitted provided that the remaining side yard is a minimum 10' in width, and a recorded maintenance easement is granted by the property owner adjoining that side of the lot on which the side yard has been eliminated.

Development Criteria	Coyote Springs Rural Residential Districts				Coyote Springs Single-Family Residential Districts				Coyote Springs Multi-Family Districts		
	R-U	R-A	R-E	R-D	R-1	R-T	R-2	RUD	R-3	R-4	R-5
Front Courtyard Walls <sup>6</sup>											
Wall Height Below 48"	10'				10'				10'		
Wall Height Above 48"	5' behind Building Setback				5' behind Building Setback				5' behind Building Setback		
Minimum Setbacks – Accessory Structures <sup>7</sup>											
Casita / Guesthouse <sup>8</sup>											
Front	Same as Front Building Setbacks				Same as Front Building Setbacks				Same as Front Building Setbacks		
Rear and Side	5'				5' with window or door openings 0' with solid wall				10' <sup>4</sup>		
Minimum Separation <sup>9</sup>	6'				6'				6'		

<sup>6</sup> Wall materials will be selected to reflect the character of the home and neighborhood in which the lot is located.

<sup>7</sup> A breezeway is any roof connecting two buildings where the design and construction of the roof is in keeping with the design and construction of the main building. If any accessory structure, casita, or guesthouse, separated from the main structure by a minimum of 6', is connected to the main structure with a breezeway, it is still considered an accessory structure, casita, or guesthouse subject to the setback requirements for such as indicated above.

<sup>8</sup> A guesthouse / casita is a segregated portion of a dwelling, or a separate dwelling structure with a minimum of 6' separation from the main structure on the lot or 6' from accessory structures on any adjacent lots. Permitted uses include guest cottages, servant's quarters, pool cabanas, personal offices and other similar uses. Kitchen facilities and sleeping quarters are permitted in guesthouse / casitas; however, those guesthouse / casitas with kitchen or sleeping facilities cannot be rented, leased or sold separately from the rental, lease or sale of the main dwelling unless submitted as a duplex zoning under R-3 District. Guesthouse / casitas may be located to the front, rear or side of the main structure, subject to the setback criteria above.

<sup>9</sup> Minimum separation applies to the distance between the primary structure and the accessory structure or guesthouse.

Development Criteria	Coyote Springs Rural Residential Districts				Coyote Springs Single-Family Residential Districts				Coyote Springs Multi-Family Districts		
	R-U	R-A	R-E	R-D	R-1	R-T	R-2	RUD	R-3	R-4	R-5
<b>Accessory Structure</b> <sup>10</sup>											
Front	5' behind Front Building Setbacks				5' behind Front Building Setbacks				5' behind Front Building Setbacks		
Rear and Side	5'				5' with window or door openings 0' with solid wall				5', 20 feet adjacent to Single-Family		
Minimum Separation	6'				6'				6'		
<b>Maximum Building Height</b> <sup>11</sup>											
Primary Structure	35'				35'				50' <sup>12</sup>		
Porch, Porte Cochere, and Architectural Projections	Same Height as Primary Structure				Same Height as Primary Structure				35'		
Casita / Guesthouse	Same Height as Primary Structure				Same Height as Primary Structure				35'		
Accessory Structure	14'				14'				14'		

<sup>10</sup> An accessory structure is a detached structure whose use is customarily incidental and accessory to the main structure located on the same lot, and separated by a minimum of 6' from the main structure on the lot or 6' from accessory structures on any adjacent lots. Accessory structures may be located to the rear or side of the main structure, subject to the setback criteria above.

<sup>10</sup> Hillside development lots may have different building heights depending on the location. Refer to Hillside Development Standards for maximum building height standards.

<sup>10</sup> Maximum height restriction that applies, except when utilized in Mixed Use Development Overlay Districts where height is limited to Title 30 Mixed Use Urban Village (U-V) District limitations. In any condition, building height limited to height setback ratio per Title 30 section 30.56.070, Figure 30.56-10.

<sup>11</sup> Hillside development lots may have different building heights depending on the location. Refer to Hillside Development Standards for maximum building height standards.

<sup>12</sup> Maximum height restriction that applies, except when utilized in Mixed Use Development Overlay Districts where height is limited to Title 30 Mixed Use Urban Village (U-V) District limitations. In any condition, building height limited to height setback ratio per Title 30 section 30.56.070, Figure 30.56-10.

### 15-3-05: Commercial Development Standards.

This sub-section outlines the minimum standards for interpreting building setbacks, coverage and heights for commercial and mixed-use development within the Planning Area. The Master Developer may establish more restrictive standards as detailed in the “Coyote Springs Design Standards” and adopted by the Master Owners Association and made a part of each tentative PUD plan approval. The “Coyote Springs Design Standards” may be amended by the Master Developer for each tentative PUD plan submittal. The following parameters define the standards for minimum building restrictions:

Development Criteria	Office and Commercial Districts			Industrial Districts			Non-Residential Districts				Mixed-Use Districts	
	C-P	C-1	C-2	M-D	M-1	M-2	P-F	O-S	REC	RVP	M-U	H-1
<b>Maximum Building Coverage</b> 13	70%			90%			70%				70%	
<b>Minimum Building Setbacks</b> <sup>14</sup>												
Front	10'			20'			20'				10'	
Rear <sup>15</sup>	10'			20'			20'				10'	
Interior Side <sup>16</sup>	10'			20'			20'				10'	
Side Street (Corner):	10'			20'			20'				10'	

<sup>13</sup> Within Office and Commercial, Non-Residential, and Mixed Use Districts, maximum building coverage can be exceeded by incorporating structured parking, shared parking, and or other methods to maximize building coverage.

<sup>14</sup> Allowable projections into the required setbacks include eaves, fireplaces, balconies, outside stairs, bay windows, porch columns, wing walls, courtyard walls and similar architectural features and may project a maximum of three (3) feet into any required lot setback. Projections should not encroach on recorded utility easements on side yards.

<sup>15</sup> Rear setback required when adjacent to residential development or street, otherwise no setback required.

<sup>16</sup> Interior side setback required when adjacent to residential development, otherwise no setback required.

<sup>17</sup> Building height measured from main lobby finished floor elevation to roofline of highest habitable floor. Architectural projections are allowable outside maximum building height.

<sup>18</sup> Maximum building height can be exceeded with approval of a deviation or a special use permit.

<sup>19</sup> Maximum building height can be exceeded with approval of a deviation or a special use permit.

Development Criteria	Office and Commercial Districts			Industrial Districts			Non-Residential Districts				Mixed-Use Districts	
	C-P	C-1	C-2	M-D	M-1	M-2	P-F	O-S	REC	RVP	M-U	H-1
<b>Maximum Building Height</b> <sup>17</sup>	35'	50' <sup>18</sup>	75' <sup>6</sup>	50'	50'	75'	35'				120' <sup>19</sup>	

**15-3-06: Improvement Assurance.**

The owner or developer shall agree to provide all improvements required by the District or other governmental entity and shall assure the District or other governmental entity that the required improvements will be satisfactorily completed through the posting of assurance in the form of surety bonds or other security in an amount determined by the District or other governmental entity with whom the assurance is provided, in accordance with the District or other governmental entity requirements, prior to recordation of the final PUD plan map.

**15-3-07: Public Streets System.**

- A. The public street system shall be designed and constructed to the standards and specifications of the District.
- B. Prior to the issuance of building permits or concurrent with the recording of a final PUD plan map, public street right-of-ways, in conformance with District standards, must be offered for dedication to the District.
- C. The District will approve public street system designs, inspect construction, and upon satisfactory construction completion, accept right-of-ways dedication and acquire the public street improvements.
- D. Lighting shall be provided, in accordance with the requirements of the District, on all public streets.
- E. The District must provide the Building Official with a letter of public street right-of-ways dedication and improvement acceptance, for the public streets necessary to provide access to any building or other improvement, prior to the issuance of a Certificate of Occupancy, by the Building Official.

<sup>17</sup> Building height measured from main lobby finished floor elevation to roofline of highest habitable floor. Architectural projections are allowable outside maximum building height.

<sup>18</sup> Maximum building height can be exceeded with approval of a deviation or a special use permit.

<sup>19</sup> Maximum building height can be exceeded with approval of a deviation or a special use permit.

**15-3-08: Private Streets.**

- A. Private street design will be in accordance with the standards and specifications of the District and will be approved by the District prior to the issuance of building permits.
- B. Prior to the issuance of building permits or concurrent with the recording of a final PUD plan map, private street easements shall be granted to and accepted by the Owners Association that will be responsible for maintaining the private street.
- C. All private road easements serving more than two (2) single or two family residential lots shall be a minimum of forty (40) feet in width and shall terminate in a cul-de-sac or hammerhead per District Standards.
- D. A private road easement serving a maximum of two (2) single or two-family residential lots shall be considered a driveway, shall be not less than twenty (20) feet in width and need not terminate in a cul-de-sac or hammerhead, but may extend into the lots being accessed.
- E. The storm water from all common driveways shall drain either to storm drains or a public or private street section as approved by the District.
- F. Lighting shall be provided, in accordance with the requirements of the District, on all private common drives and private streets.
- G. Private streets may be established without being included within private residential lots if:
  - (1) an owners association assumes responsibility for the maintenance of the private street lots; and
  - (2) lots accessed from the private street are proportionately assessed and taxed for the private street lot.
- H. All private streets shall be named and address numbered by the District.
- I. Private street name signs shall be provided as required by the District. A sign bearing the words "private street" shall be mounted directly below the street name sign.

The District will inspect private street construction.

- J. Upon construction completion and approval by the District, the responsible Owners Association shall maintain the private street improvements.
- K. The District must provide the Building Official with a letter of private street improvement acceptance prior to the issuance of a Certificate of Occupancy, by the Building Official, for any building or other improvement that is provided access from the private street improvement.

**15-3-09: Setback from Streets.**

Setback of buildings and other sight restrictions at intersections of public or private streets shall conform to District standards.

**15-3-10: Fire Lanes.**

Fire lanes shall be provided as required by the Fire District. Fire lanes may be grass areas, when the grass area is capable of supporting the weight of fire apparatus in all weather conditions.

**15-3-11: Legal Access from Public or Private Streets.**

- A. Each single or two-family residential lot shall be accessed from and have a minimum public street frontage of twenty feet, or be accessed by a private street or driveway at least twenty feet in width.
- B. All other lots shall be accessed from a public or private street as approved in the final PUD plan.

**15-3-12: Private Gated Communities.**

Developments with interior private streets or drives may restrict access to the development subject to the following:

- A. Access gates shall meet the requirements of the Fire District and setback a minimum of fifty (50) feet from the gutter lip of the public street intersecting the private gated street or drive to allow space for the stacking of vehicles.

- B. Egress gates shall meet the requirements of the Fire District and setback a minimum of twenty (20) feet from the gutter lip of the public street intersecting the private gated street or drive.
- C. Guard enclosures and/or related equipment shall be setback a minimum of twenty (20) feet from the right-of-way line of the public street intersecting the private gated street or drive, but need not conform to any other setback, and may be located within the private street if approved by the Fire District.
- D. Current access codes to the private street or drive gates shall be provided to the Sheriff's Department and the Fire District.
- E. Any perimeter wall enclosing the private gated community is to be constructed and maintained in accordance to the standards of the Master Owners Association.

### **15-3-13: On-Site Parking and Loading Facilities.**

#### A. Purpose.

The purpose of this Section is to establish minimum standards and regulations for the provision of minimum permanent on-site parking and loading facilities for land uses in Coyote Springs.

#### B. General Parking Regulations.

- (1) These standards shall apply when a use is established, an existing building is altered or enlarged, a use is intensified by a change of occupancy, or by the addition of floor area or seating capacity, and will apply for as long as the use remains.
- (2) The regulations in this Section establish, on-site minimum parking requirements. The property owner shall be responsible for ensuring that adequate parking is available, in excess of these minimum requirements, for resident, guest, customer, employee, delivery and/or company vehicle parking.
- (3) Unless otherwise specified, any area subject to vehicular traffic shall be paved.
- (4) All parking lot areas must be paved and striped, except vehicle sales display areas need only be paved. Parking for single or two-

family residential lots must also be paved.

- (5) Parking within unimproved or landscaped areas is prohibited, with the exception of permitted special event parking.
- (6) For temporary outdoor activities and seasonal outdoor sales parking may be temporarily reduced. Paving is not required for seasonal sales if approved dust mitigation measures are taken.
- (7) Clear visibility for all interior drive aisles should be maintained to avoid pedestrian/vehicular conflicts. Speed bumps and humps are discouraged; however, the parking design should be configured to reduce speed.
- (8) Parking lots for large scale retail and similar uses shall provide lighting adequate to ensure safety and deter potential crime. All adjacent properties shall be shielded from the lighting.
- (9) Except for emergency repairs only, no motor vehicle repair work shall be permitted in required parking areas.
- (10) Plans for construction or alteration of any off-street parking facility subject to this chapter must be submitted to and approved by the Administrator.
- (11) If it is necessary to prevent unsafe conditions or material damage or prejudice to adjacent properties, the Administrator may impose requirements in addition to those specified in this title. Such requirements may include, but are not limited to, visual and sound buffers, directional and warning signs, lighting and other security provisions, limitations on hours of operation and limitations on ingress and egress.
- (12) All required parking must be located on the same site as the use it serves.
- (13) In any nonresidential development where the requirements of this chapter can be met by non-concurrent, joint use of the same spaces by more than one business, the Administrator may permit the parking requirement to be reduced accordingly.
- (14) For commercial developments on parcels of 10 acres or greater in size, the Administrator may approve the use of alternative parking space requirements based on Urban Land Institute, American Planning Association, Institute of Transportation

Engineers, or other analytical studies approved by the Administrator. In developing alternatives, the Administrator may take into account factors including monthly, hourly and weekly variation; peaking or time cycle characteristics and relationships of parking uses, and shared uses. It shall be the responsibility of the applicant to justify the use of and appropriateness of alternative parking number calculations.

- (15) For residential uses on lots or parcels occupied by no more than four dwelling units, the Administrator may approve a parking layout which contains tandem parking spaces.
- (16) Unobstructed access to a public right-of-way shall be provided for all on-site parking. Driveways shall intersect with public or private streets at an angle of approximately ninety degrees. One-way driveways and parking aisles shall be not less than twelve feet in width. Two-way driveways and parking aisles shall be not less than twenty feet in width. However, any driveway or parking aisle which serves as a required fire lane shall meet the requirements of the Fire District. Adequate circulation and maneuvering space shall be provided on site in all off-street parking facilities.
- (17) On-site parking facilities shall be striped and otherwise marked so that individual spaces and aisles are clearly indicated. Directional markers and signs indicating spaces reserved for compact cars and the handicapped shall be painted on the pavement or placed on standards, as directed by the Administrator.

#### C. Special Events Parking.

The parking requirements for special events are unique to the special event and will be established as a part of the special event temporary use permit authorized by the Administrator.

#### D. D. Fugitive Dust Requirements.

- (1) No unpaved parking areas shall be constructed except for the following:
  - a. Storage and handling of landscape, aggregate, and similar bulk materials areas when adequate dust control measures are taken. All associated access, parking, and loading areas used by on-road vehicles must be paved.
  - b. Storage and handling of non-rubber-tired vehicles or

equipment when adequate dust control measures are taken. All associated access, parking, and loading areas used by on-road vehicles must be paved.

- c. Intermittent vehicle parking use for a period of 35 days or less during a calendar year when adequate dust control measures are taken.

- (2) Waivers or variances to reduce fugitive dust requirements for unpaved areas greater than or equal to 5,000 square feet are not permitted.

#### E. Off-street parking spaces--Number required.

This section specifies the minimum number of required off-street parking spaces related to various land uses. For any use not specifically covered by one of the following categories, the requirement shall be determined by the Administrator based on actual parking demand associated with that use. If the Administrator determines that special circumstances exist, he may require spaces in addition to those specified in this section.

##### (1) Residential uses:

- a. Single-family or two-family residence, one space per bedroom,
- b. Multiple family residence, 1.5 spaces per efficiency, studio or one-bedroom unit; one space per bedroom for two-bedroom or larger units,
- c. Group homes, \*0.75 space per bed plus one per employee for the largest shift, except by special use permit,
- d. Senior citizen housing, \*0.5 space per bedroom plus one per employee for the largest shift, except by special use permit,
- e. Rest homes, convalescent hospital, \*0.25 space per bed plus one per employee for the largest shift.
- f. \* Requirements for residential uses marked with an asterisk (\*) in the sub-sections above may be reduced by up to twenty five percent (25%) by special use permit if the Commission finds that the residential development will be used primarily and permanently by handicapped persons or

persons over the age of sixty.

(2) Commercial uses:

- a. General retail and service, one space per 200 square feet of net leasable floor area,
- b. Personal service, barber shop, beauty, one space per 125 square feet of net leasable salon, etc. floor area,
- c. Office, financial institution, one space per 175 square feet of net leasable floor area,
- d. Medical, dental office or clinic, one space per 125 square feet of net leasable floor area,
- e. Casino, gaming facility, one space per 100 square feet of gaming floor area, plus parking for shops, bars, restaurants, showrooms, meeting rooms, hotel rooms or other associated uses,
- f. Hotel or motel, one space per room if less than 50 rooms, 0.8 per room if 50 rooms or more, plus parking for restaurants, bars, meeting rooms or other associated uses,
- g. Bar, restaurant, meeting room, showroom, one space per 100 square feet of floor area including service areas,
- h. Theater, auditorium, one space per three seats,
- i. Child care facility, one space per required employee, plus one space per each eight children,
- j. Auto repair and service, three spaces outside the work area for each 300 square feet of work area,
- k. Retail sales of building materials, furniture, major appliances, etc., one space per 500 square feet of net leasable floor area.
- l. Health club and/or recreation facility, one space per 175 square feet of building area.

(3) Industrial uses:

- a. Manufacturing, processing, To be determined by the Administrator based on specific use, but not less than one space per 1,000 square feet of net usable area.
- b. Warehousing, distribution, To be determined by the Administrator based on specific use, but not less than one space per 3,000 square feet of net usable area.
- c. Outdoor sales and services operations and auto, truck, recreational vehicle, watercraft and motorcycle rental and sales with outdoor displays. To be determined by the Administrator.

(4) Other uses:

- a. Places of worship, churches, one space per three seats or 72 lineal inches of pew space, plus one space per 250 square feet of additional usable area,
- b. Hospitals, 1.5 spaces per bed.

F. Design and Layout of Parking.

(1) Parking Space Dimension Minimums.

Vehicular. Parking spaces shall meet the following minimums, exclusive of drives, streets, alleys or aisles, giving ingress and egress:

- c. Automobile, other than accessible spaces, nine (9) feet six (6) inches wide by twenty (20) feet long, except:
- d. Recreational vehicle spaces, ten (10) feet wide by twenty-two (22) feet long.
- e. Commercial vehicle spaces, ten (10) feet wide by twenty-five (25) feet long, with a minimum fourteen (14) feet of vertical clearance.
- f. Overhangs of up to one (1) foot into landscaped areas, or over private sidewalks five (5) feet or more in width, may be counted as part of the required stall length.

- g. For parking garages, carports, or similar structure, the front or rear one-third (1/3) of the space may have a one (1) foot side intrusion for columns or similar structures.

(2) Vehicular Parking Layout.

Minimum layout dimensions are established in "Coyote Springs Design Standards", approved as a part of each tentative PUD plan, which shall apply to all required on-site parking areas.

(3) Design and Improvement Standards.

- a. If provided, spaces designated for carpools, vanpools, and other high occupancy vehicles shall be located with priority over all other vehicular parking except for mobility impaired accessible parking.
- b. All parking, drive aisle, areas subject to vehicular access or used for the parking, maneuvering, or storing of motor vehicles, equipment, or materials shall be paved in accordance with plans approved to ensure proper drainage.
- c. Except for single-family dwellings exiting onto local or private streets, the parking space or lot shall be designed so that exiting vehicles will not be required to back out across any sidewalk and onto a street.
- d. All on-site parking facilities shall have access to a street through a system of drive aisles and/or easements.
- e. Required on-site parking shall not be located within a dedicated state right-of-way unless approved by the Nevada Department of Transportation.
- f. No parking space shall be located so as to require the moving of any vehicle on the premises in order to enter or leave any other space, except in conjunction with single-family residences, and valet parking in conjunction with commercial uses, which can be approved if the development provides one hundred and fifty (150) or more parking spaces, no more than thirty percent (30%) of the total number of required spaces are designed as tandem spaces (end to end parking), and a valet parking attendant is on duty

during business hours.

- g. Except in a single-family residential development, whenever practical, parking in a drive aisle connecting the public right-of-way with a parking area or garage shall not be permitted on, or adjacent to, the drive aisle.
- h. Parallel spaces are to be discouraged and are permitted only when another design is impractical due to the limited size and configuration of the lot as approved by the Board in conjunction with any land use application.
- i. Walls, fences or landscaping provided shall be adequately protected from damage by vehicles using the parking lot and shall be kept in good repair at all times.
- j. Landscaping shall be provided in accordance with this Title.
- k. Vehicular spaces shall be designed in accordance with "Coyote Springs Design Standards", approved as a part of each tentative PUD plan, which shall apply to all required on-site parking areas.
- l. Dead end parking areas exceeding twenty (20) spaces (ten (10) per side of a drive aisle) shall provide a standard size parking space, striped and assigned "No Parking", for a turnaround or equivalent design.
- m. A customer and/or employee entrance shall be provided for all building faces(s) adjacent to a particular parking area.

#### G. Mobility Impaired Accessible Spaces.

- (1) In all parking facilities serving the public, accessible parking for the disabled shall be provided.
- (2) One (1) accessible parking space shall be provided for every twenty five (25) or fraction of twenty five (25) for the first 100 spaces; one for every fifty or fraction of fifty for the next 100 spaces; one for every one hundred or fraction of one hundred for the next 300 spaces; and for lots over 500 spaces two (2) percent of the total number of spaces.
- (3) One (1) out of every eight (8) accessible spaces shall be van

accessible. If less than eight (8) accessible spaces are required, at least one of the spaces must be van accessible.

- (4) Accessible parking spaces shall be a minimum of eight (8) feet wide and have an adjacent five (5) foot wide aisle.
- (5) Van accessible spaces shall be a minimum of eight (8) feet wide and have an adjacent eight (8) foot wide aisle.
- (6) The accessible spaces shall be located on the shortest accessible route of travel to an accessible building entrance.
- (7) All accessible parking spaces must be indicated by a sign which complies with NRS 484.408 and the bottom of which is not less than seven (7) feet above the ground.
- (8) For all van accessible spaces, an additional sign indicating that it is van accessible shall be mounted below the sign required in subsection "7" above.

#### H. On-Site Loading Requirements.

- (1) Spaces Required. Every use involving the receipt or distribution by vehicle of material or merchandise shall provide adequate space for standing, loading, and unloading in order to avoid undue interference with public use of streets in accordance with Table 13-H-1 below.
- (2) Design and Improvement Standards. Off-street loading areas shall be developed in accordance with the standards in Table 13-H-1.
  - a. The minimum size of a loading space shall be at least ten (10) feet in width, twenty-five (25) feet in length, with a fourteen (14) foot vertical clearance.
  - b. Loading spaces shall be designed in accordance with "Coyote Springs Design Standards", approved as a part of each tentative PUD plan, which shall apply to all required on-site loading requirements. At a minimum, the following areas for access and maneuvering shall be provided:
    - i. Access Aisles. A width of at least eighteen (18) feet shall be provided for one way aisles and twenty-four (24) feet for two (2) way aisles.

- ii. The loading berth shall be located adjacent, or as close as possible, to the main structure.
- iii. Loading docks shall be setback, screened and buffered to minimize noise and disruption to adjacent residential uses. Screening shall be of sufficient height and length to completely screen the vehicles, consisting of wing walls, depressed loading docks, increased landscaping, setback, walls, similar structures, or any combination.

**Table 13-H-1: Schedule of Loading Space Requirements.**

USES	LOADING SPACES REQUIRED PER SQUARE FOOTAGE OF GROSS FLOOR AREA
Hotels, motels, hospitals, major schools, theaters.	Less than 12,000 : 0 1 : 12,000 up to 120,000 + 1 : 120,000 over 120,000
Assisted Living/Congregate Care.	Less than 100,000 : 0 1 : 100,000 up to 200,000 + 1 : 200,000 over 200,000
Personal services.	Under 12,000 : 1 + 12,000 - 25,000 : 1
Restaurants.	Under 25,000 : 1 + 25,000 - 40,000 : 1 + 40,000 - 120,000 : 1 + 1 : each additional 200,000
Retail sales.	5,000 - 15,000 : 1 + 15,000 - 40,000 : 1 + 40,000 - 100,000 : 1 + 1 : each additional 50,000
Industrial, Warehouse.	5,000 - 12,000 : 1 + 12,000 - 30,000 : 1 + 30,000 - 120,000 : 1 + 1 : each additional 120,000
Office.	30,000 - 120,000 : 1 + 1 : each additional 120,000

#### I. Alternative Loading Standards.

An alternative layout and number of required loading facilities can only be approved by a request to the Administrator. A site traffic operations study, performed by a registered civil engineer licensed to practice in the State of Nevada shall be

submitted with the application which documents the basis of any suggested reduction in the number of loading facilities, and demonstrates how the alternative layout will meet the site access and site buffering requirements of this Section. Factors which may justify the administrative approval of such a waiver are:

- (1) The ability of the proposed design to adequately buffer adjacent development and street views of the loading area.
- (2) The ability of the proposed design to accommodate anticipated loading requirements of the use.
- (3) Evidence which demonstrates that the number and layout of the loading area as required by this chapter is not applicable to this particular situation based upon the study of similar uses within the Planning Area.
- (4) Evidence of the unique characteristics of an individual site, including those created by the shape and location of property, design of existing or proposed structures, the operation of the uses proposed for the site or its ownership which require the application of alternative standards.

#### J. Lighting of Parking Lots.

Lighting shall be provided, in accordance with the "Coyote Springs Design Standards", approved as a part of each tentative PUD plan, which shall apply to all required on-site exterior lighting.

#### **15-3-14: Jointly Owned Areas.**

Whenever any property or facility such as parking lots, storage areas, swimming pools or other areas, is jointly owned, a proper maintenance and use agreement shall be recorded as a covenant on the property.

#### **15-3-15: Storm Drainage.**

- A. The storm drainage system required for both on-site and off-site improvements, including public and private streets, shall be designed and constructed to the standards and specifications of the District.
- B. Prior to the issuance of building permits or concurrent with the recording of a final PUD plan map, necessary on-site and off-site storm drainage improvement and maintenance easements shall be offered to the District.

- C. The District will approve both on-site and off-site storm drainage system designs, inspect construction, and upon satisfactory construction completion accept the necessary easements and acquire the storm drainage improvements.
- D. The District must provide the Building Official with a letter of storm drainage easement and improvement acceptance prior to the issuance of a Certificate of Occupancy, by the Building Official, for any building or other improvement that is constructed within a final PUD plan area.

### **15-3-16: Potable Water System.**

- A. The potable water system shall be designed and constructed to the standards and specifications of the District.
- B. Prior to the issuance of building permits or concurrent with the recording of a final PUD plan map, necessary on-site and off-site water system improvement and maintenance easements shall be offered to the District.
- C. The District will approve potable water system designs, inspect construction, and upon satisfactory construction completion accept the necessary easements and acquire the potable water system improvements.
- D. The District must provide the Building Official with a letter of potable water system easement and improvement acceptance, for the potable water system required to serve the building or other improvement, prior to the issuance of a Certificate of Occupancy.

### **15-3-17: Fire Hydrants.**

Fire hydrants shall be provided and installed as required by the Fire District.

### **15-3-18: Sanitary Sewer System.**

- (1) The sanitary sewer and treated effluent distribution system shall be designed and constructed to the standards and specifications of the District.
- (2) Prior to the issuance of building permits or concurrent with the recording of a final PUD plan map, necessary on-site and off-site sanitary sewer system improvement and maintenance easements shall offered to the District.

- (3) The District will approve sanitary sewer system designs, inspect construction, and upon satisfactory construction completion accept the necessary easements and acquire the sanitary sewer system improvements.
- (4) The District must provide the Building Official with a letter of sanitary sewer system easement and improvement acceptance, for the sanitary sewer system required to serve the building or other improvement, prior to the issuance of a Certificate of Occupancy.

### **15-3-19: Treated Effluent Storage and Distribution System.**

- A. The treated effluent storage and distribution system shall be designed and constructed to the standards and specifications of the District.
- B. Prior to the issuance of building permits or concurrent with the recording of a final PUD plan map, necessary on-site and off-site treated effluent storage and distribution system improvement and maintenance easements shall be offered to the District.
- C. The District will approve treated effluent storage and distribution system designs, inspect construction, and upon satisfactory construction completion accept the necessary easements and acquire the treated effluent storage and distribution system improvements.
- D. The District must provide the Building Official with a letter of treated effluent storage and distribution system easement and improvement acceptance, for the treated effluent storage and distribution system required to serve the building or other improvement, prior to the issuance of a Certificate of Occupancy.

### **15-3-20: Electric Power System.**

- A. The electric power system shall be designed and constructed to the standards and specifications of the District.
- B. Prior to the issuance of building permits or concurrent with the recording of a final PUD plan map, necessary on-site and off-site electric power system improvement and maintenance easements shall be offered to the District.
- C. The District will approve electric power system designs, inspect construction,

and upon satisfactory construction completion accept the necessary easements and acquire the electric power system improvements.

- D. The District must provide the Building Official with a letter of electric power system easement and improvement acceptance, for the electrical system required to serve the building or other improvement, prior to the issuance of a Certificate of Occupancy.
- E. The District shall not provide permanent (non-construction) electrical service to any building or other improvement that is constructed until a certificate of occupancy has been issued by the Building Official.

**15-3-21: Natural Gas System.**

- A. The natural gas system shall be designed, constructed, and maintained to the standards and specifications of the public utility providing the service.
- B. Prior to the issuance of building permits or concurrent with the recording of a final PUD plan map, necessary on-site and off-site natural gas system improvement and maintenance easements shall be offered to and accepted by the public utility providing the service.
- C. The public utility providing the service shall not provide permanent (non-construction) natural gas service to any building or other improvement that is constructed until a certificate of occupancy has been issued by the Building Official.

**15-3-22: Telephone/Communications System.**

- A. The telephone/communications system shall be designed, constructed, and maintained to the standards and specifications of the public utility providing the service.
- B. Prior to the issuance of building permits or concurrent with the recording of a final PUD plan map, necessary on-site and off-site telephone/communication system improvement and maintenance easements shall be offered to and accepted by the public utility providing the service.

**15-3-23: Common Open Space Requirement.**

- A. Common Open Space shall be provided and maintained as required in the "Common Open Space Plan" approved as a part of each tentative and final PUD plan.
- B. "Common Open Space" means a parcel or parcels of land or an area of water or a combination of land and water or easements, licenses or equitable servitudes within the site designated for a planned unit development which is designed and intended for the use or enjoyment of the residents or owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the development.

**15-3-24: Hillside Development Standards.**

- A. The purpose and intent of these hillside development standards is to regulate residential and non-residential development of areas designated as hillside within the Planning Area by establishing requirements and special conditions for those impacted areas. Regulating the intensity of development according to the natural characteristics of hillside terrain, such as degree of slope, significant landforms, slope stability, and existing drainage patterns, allows for development in hillside areas while minimizing the physical impacts of such development. These restrictions provide for the reasonable, safe and aesthetic use of hillside areas and related lands while protecting the public health, safety, and general welfare. The hillside development standards are established to:

- (1) Ensure stable slopes;
- (2) Reduce water runoff and control erosion by maintaining the natural features of the land, when reasonable, to reduce erosion and minimize storm water runoff;
- (3) Minimize grading and site disturbance to maximize compatibility with the natural terrain;
- (4) Preserve sensitive environments on the hillside;
- (5) Minimize the need for public services where the ability to provide services is limited by the terrain;
- (6) Encourage the conservation of these areas as visual resources,

parks, open space, recreational space, conservation areas, and other related land uses;

- (7) Reduce the physical impact of hillside development by encouraging innovative site and architectural design, minimizing grading, and requiring restoration of graded areas;
- (8) Recognize the unique characteristics of the hillside terrain and promote the placement of building pads, which are compatible with the hillside terrain;
- (9) Permit intensity of development compatible with the natural characteristics of hillside terrain, such as degree of slope, significant landforms, soil suitability, and existing drainage patterns; and,
- (10) Establish a transition zone between hillside development and more intensive development.

#### B. Hillside Definition.

For these hillside development standards, hillside is defined as any slope in excess of fifteen percent (15%), the contiguous extent of which meets the following criteria:

- (1) The contiguous land area equals or exceeds two and one-half (2 1/2) acres and,
- (2) The extent of the area is defined by any two points of elevation where the difference between their elevations (rise) divided by the total distance between the same two points (run) meets or exceeds a fifteen percent (15%) slope; and,
- (3) That slope can be measured for a continual distance and encompass an area that meets the minimum contiguous land area outlined above.

For all areas of the lot or parcel with less than a fifteen percent (15%) slope meeting the contiguous areas requirements outlined above, one hundred percent (100%) site disturbance may occur. Areas with slope greater than or equal to fifteen percent (15%) will be designated as hillside, and the following hillside development standards shall apply.

#### C. Development Approval Process.

Because of the unique issues inherent in the development of hillside areas, the following process will be undertaken, in addition to all other required processes, with any tentative PUD plan that includes the development of any hillside area.

- (1) Prior to a tentative PUD plan submittal to the Administrator, the Applicant will determine whether hillside development areas may be designated within the area covered under the tentative PUD plan application.
- (2) If the areas covered under the tentative PUD plan application are subject to hillside development standards, the Applicant will submit to the Administrator a topographic map and slope analysis of the existing terrain distinguishing the areas that meet the designation for hillside as described within these development standards.
- (3) The final PUD plan submittal, for any portion of an approved tentative PUD plan identified as an hillside area, shall include an Hillside Development Plan meeting the requirements of this subsection.<sup>20</sup>
- (4) In order to address the sensitive nature of hillside development, a grading plan shall be submitted for approval with the final PUD plan application.

#### D. Permitted Land Uses.

Permitted land uses include residential and non-residential development within areas designated as hillside based on the standards outlined herein. Rural residential district zoning is encouraged for areas designated as hillside, however, other uses, which may include more dense residential or non-residential uses including public facilities that meet requirements of this code, can be designated subject to review by the Administrator. All open space uses, which may include linear or structured parks, trail systems, flood control, golf courses and related recreational facilities, and other open space uses that do not include permanent structures are exempt from meeting hillside development standards as described herein, but must still meet the general requirements of this Title.

#### E. Development Standards.

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<sup>20</sup> The Hillside Development Plan will be submitted with any Master Development Plan that have areas that will be designated as hillside.

Where not further regulated below, the Residential Development Standards established in this Title for interpreting building setbacks, heights and densities within the Planning Area shall apply. The following parameters define the standards for building restrictions in hillside development areas.

(1) Density Allocation and Maximum Site Disturbance.

For areas of slope greater than or equal to fifteen percent (15%), the following maximum density and disturbance standards shall apply. Site disturbance shall include all grading for the development of the property but shall not include any public or private street.

Development Criteria	Maximum Density	Maximum Site Disturbance
<b>Slope Percentage</b> <sup>21</sup>		
15%-20%	2.0	50%
20%-25%	1.0	40%
25%-30%	0.4	30%
30%-35%	0.2	25%
35+%	0.1	15%

(2) Hillside Lot Development Standards.

Except for those hillside standards outlined below, the Residential Development Standards in this Title shall apply.

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<sup>21</sup> Maximum site disturbance applies only to areas with specified slope percentages. Slope percentages and maximum densities apply only to the extent of the building envelope on the lot or parcel.

Development Criteria	Requirement
<b>Lot Size</b>	
Minimum Lot Width	45'
Maximum Lot Depth	3 Times the Lot Depth
Maximum Lot Width	3 Times the Lot Width
Maximum Depth on Flag Lot	150'
Minimum Width of Flag Lot at Street	24'
<b>Maximum Building Height</b>	
Primary Structure	50' (step down and daylight basement) <sup>22</sup>
Porch, Porte Cochere, and Architectural Projections	Same Height as Primary Structure
Casita / Guesthouse	35'
Accessory Structure	14' or One Story

### (3) Density and Site Disturbance Transfer.

Density and site disturbance may be transferred from portions of a lot or parcel with a slope greater than fifteen percent (15%) to any area of the hillside development plan, regardless of slope. Areas from which density and site disturbance are transferred shall be designated as natural areas in accordance with these standards.

### (4) Natural Areas.

The intent of natural areas is to provide for retention of hillside areas in their natural state. The density and site disturbance from areas designated as hillside may be transferred to other portions of a site that are designated as natural areas. Specific criteria for natural areas include:

<sup>22</sup> Homes on downhill sloping lots must have daylight basements and stepped forms that descend with the sloping topography. The roof forms often become the most predominant features, and need to be designed within the acknowledgement that views of the roof are often from the street or lots above. Building height may be up to three stories including the daylight basement as long as the finished floors of the sloping lot have stepped foundations

- a. Natural areas should be immediately adjacent, or contiguous, to other land also designated as a natural area or open space.
- b. Natural areas shall be at least one half acre in size or immediately adjacent or contiguous to other land also designated as a natural area which, in the aggregate, totals at least one half acre in size.
- c. Site disturbance, other than hiking trails or revegetation with native plant materials, shall not be permitted within a natural area.
- d. Re-vegetation with native plant materials in natural areas is permitted as long as the total area disturbed for installing plant material does not exceed fifty percent (50%) of the total area designated as natural area.
- e. Natural areas may be designated as a deed-restricted portion of a privately owned lot, or as a separate parcel. If so designated, such parcel may be under the ownership of a property owners' association or deeded to any organization that accepts responsibility for the perpetual preservation and maintenance of the natural area, subject to approval and acceptance by the District. To protect the natural areas of the separate parcel, covenants, which run with the land, shall be recorded in favor of District and/or all owners with record interest in the natural area.
- f. The natural area shall be delineated in a surveyable manner on the final PUD plan, and shall be designated by legal description on the final PUD plan maps recorded with the County Recorder.

(1) Grading Standards.

In addition to all other restrictions related to grading, hillside development shall also meet the following criteria. Compliance to these requirements shall be inspected and certified by a third party.

- a. All portions of a lot or parcel designated as hillside to be left ungraded are to remain undisturbed and are not to be used for stockpiling of materials or excess fill.

- b. Designated natural areas shall be temporarily fenced or a barrier placed where they abut construction areas in order to prevent encroachment in to the natural areas.

The height of cuts within areas designated as hillside shall be as approved in the Hillside Development Plan. The cut shall be backfilled and compacted, then either re-vegetated or varnished prior to final inspection in accordance with the following:

- i. Trees, desert shrubs, and grasses shall be planted with a density adequate to control erosion.
  - ii. A temporary watering system shall be used until the re-vegetated materials are established.
  - iii. In addition to landscaping and temporary irrigation, the disturbed areas shall be restored as close to its natural condition as possible by using eonite, permeon or a similar approved process (chemicals used to restore natural color to the landscape).
- c. Excess soils shall be removed from the site to an appropriate off-site disposal or storage area approved in the Hillside Development Plan.
  - d. All site re-vegetation/varnish shall be completed within ninety (90) days of completion of work or prior to issuance of certificate of occupancy, whichever occurs first.

(2) Slope Stabilization.

With the exception of retaining or rockery walls, all slopes steeper than 3:1, or as required by a geotechnical report, shall be stabilized with properly engineered stone riprap material or other similar material as follows.

- (1) The stabilizing materials utilized shall be machine or hand-placed on the slope.
- (2) The stabilizing material utilized shall blend with the natural appearance of the lot or parcel and its surrounding terrain.

- (3) Unless otherwise approved by the Administrator, vegetation retention and re-vegetation shall be used in conjunction with riprapping.

- (4) Wall Standards.

The intent of wall standards is to reduce the visual impact of screening and retaining methods used on hillside developments. Specific criteria for design includes:

- a. The maximum cumulative height of retaining walls is 36 feet. For each 6 feet of vertical height, a 6-foot horizontal offset shall be provided.
- b. Walls shall conform to the topography of the site.
- c. Walls with a change in alignment shall to the greatest practical extent incorporate the use of graduating steps rather than sharp corners.
- d. Walls shall either incorporate the use of native materials or be earth tone colors to match the native soils.

- F. Landscaping.

- (5) Landscaping within the hillside development areas shall be in accordance with the "Coyote Springs Design Standards", approved as a part of each tentative PUD plan.

- (6) Subdivision of Land.

Lots and parcels, approved in a final PUD plan, that are subsequently subdivided within hillside development areas shall conform to the following land subdivision standards:

- a. Double fronted lots or one row of lots along access streets may be appropriate and are encouraged to reduce the amount of site grading. These lots are subject to the Lot Development Standards outlined within this Title.
- b. Flag lots and/or wide and shallow lots along streets may be appropriate and are encouraged to reduce the amount of site

grading. These lots are subject to the Lot Development Standards outlined within this Title.

- c. Where private property abuts publicly held lands not intended for future development, increased rear yards, open fences (no solid wall), and minimal use of accessory structures is strongly encouraged.

(7) Building Standards.

Dwellings within hillside development areas shall conform to the following building construction standards:

- a. All exterior walls and roofs of structures, except solar generating equipment, shall be colored to blend with the desert environment.
- b. Reflective building materials (i.e. mirror finished glass and mirror finished doors, metal roof unless treated to eliminate glare and other polished materials that would increase the sun's reflective glare) shall not be permitted.
- c. Limited slab on grade with staggered floor elevations shall be utilized to avoid massive building forms, excessive cuts and fill, and surfaces, which contrast with the surrounding terrain.
- d. Daylight basements that open to the finished elevation at the lower end of a building are encouraged.
- e. Building height may be up to three stories including a daylight basement as long as the finished floors of the sloping lots have stepped foundations. Stepping floor elevations shall be utilized to avoid massive building forms and surfaces, which contrast with the surrounding terrain.
- f. The roof forms often become the most predominant features and need to be designed within the acknowledgement that views of the roof are often from the street or lots above.
- g. Architecture should have predominant horizontal features. Vertical features should be minimized and generally used to accentuate entryways, garages, main doors, or similar features.

- h. The maximum height of all structures should be significantly lower than the elevation of surrounding ridgelines where there could be a negative visual impact.
- i. All additional mechanical equipment shall be screened. Additionally, required vents shall be architecturally compatible with the structure.

(8) Driveways.

Driveways within hillside development areas shall conform to the following standards:

- a. Driveways in areas designated as hillside should usually be kept to one per residence. Additional driveways to include circular driveways shall be permitted provided they do not adversely disrupt the surrounding environment.
- b. The minimum driveway width is 14 feet. A single driveway may serve more than one residence, however, in no case shall a driveway exceed 20 feet in width.
- c. In special cases, driveways with a maximum length of 400 feet may serve up to four single-family lots. Driveways greater in length than 150 feet or with grades steeper than 12% must receive prior approval from the Coyote Springs Fire District. Driveways in excess of 150 feet in length and driveways which serve more than a single residence shall meet the requirements for Fire apparatus access roads. An exception to this requirement can be granted if turnarounds are provided and the driveway meets minimum width requirements of the Fire District.
- d. Driveways and parking areas shall be designed for adequate vehicle maneuvering and turn around for a Single Unit Truck (SU) as defined by the American Association of State Highway and Transportation Officials ("AASHTO").
- e. Driveway access from a public or private street must be located a minimum of 100 feet from the right-of-way line of an intersecting street and a minimum of 25 feet from the side property line except for flag lots which shall be 5 feet from the property line.

(9) Roadways.

Roadways within areas designated as hillside should be located such that impacts to the natural environment are avoided and are constructed in accordance with District standards.

## CHAPTER 4

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### MINIMUM DESIGN STANDARDS

#### SECTION

- 15-4-01: Village Design
- 15-4-02: Architectural Design
- 15-4-03: Landscape Design
- 15-4-04: Fences, Walls and Buffering Design
- 15-4-05: Sign Design
- 15-4-06: Exterior Lighting Design

**15-4-01: Village Design.**

Village design should ensure compatibility of building types regardless of use and to create a cohesive development pattern. In order to allow maximum flexibility, village design standards are not specified for the PVD district. Instead, standards compatible with the village type proposed and those uses allowed within the village shall be provided by the applicant, in accordance with the “Coyote Springs Design Standards” adopted by the Master Owners’ Association and administered by a Design Review Committee (DRC), and approved by the Board at the time of tentative PUD plan approval.

**15-4-02: Architectural Design.**

- A. Design standards relating to architectural design shall be regulated, governed, and enforced as architectural design standards by a DRC, in order to ensure compatibility of building types and to relate new buildings to the building traditions of the development. These standards shall be contained in private covenants, declarations, or restrictions of the Master Owners’ Association.
- B. Architectural design standards, established in the “Coyote Springs Design Standards” adopted by the Master Owners’ Association and administered by a DRC, shall specify the materials and configurations permitted for walls, roofs, openings, street furniture, and other elements of architectural design. These architectural design standards should encourage architectural compatibility among structures within the village; human scale design; pedestrian use of the village; relationship to the street and to surrounding buildings; and special architectural treatment for civic and other significant buildings.
- C. The Master Owners’ Association adopted architectural design standards applicable to a tentative PUD plan shall be submitted by the owner as a part of the tentative PUD plan and shall be a part of the approved tentative and final plans for the PUD.
- D. The Master Owners’ Association shall not amend their architectural design standards submitted as a part of any approved tentative or final PUD plan, without approval of the Board.

**15-4-03: Landscape Design.**

- A. Design standards relating to landscape design shall be regulated, governed, and enforced as landscape design standards by a DRC, in order to ensure compatibility of landscaping types. These standards shall be contained in private covenants, declarations, or restrictions of the Master Owners' Association.
- B. Landscape design standards, established in the "Coyote Springs Design Standards" adopted by the Master Owners' Association and administered by a DRC, shall specify the plant materials, non-plant materials, and configurations of landscape installation for various uses. These landscape design standards should encourage landscape compatibility and the conservation of resources within the village.
- C. The Master Owners' Association adopted landscape design standards applicable to a tentative PUD plan shall be submitted by the owner as a part of the tentative PUD plan and shall be a part of the approved tentative and final plans for the PUD.
- D. The Master Owners' Association shall not amend their landscape design standards submitted as a part of any approved tentative or final PUD plan, without approval of the Board.

**15-4-04: Fences, Walls and Buffering Design.**

- A. Design standards relating to fence, wall and buffer design, except for required Habitat Conservation Plan fencing, shall be regulated, governed, and enforced as fence, wall and buffer design standards by a DRC, in order to ensure compatibility of fence, wall and buffer types and to relate fence, wall and buffer design to the themes of the development. These standards shall be contained in private covenants, declarations, or restrictions of the Master Owners' Association.
- B. Fence, wall and buffer design standards, established in the "Coyote Springs Design Standards" adopted by the Master Owners' Association and administered by a DRC, shall specify the materials and configurations permitted for fences, walls, and other buffering elements. These design standards should encourage compatibility among fence, wall and buffer elements within the village.
- C. The Master Owners' Association adopted fence, wall and buffer design

standards, applicable to a tentative PUD plan, shall be submitted by the owner as a part of the tentative PUD plan and shall be a part of the approved tentative and final plans for the PUD.

- D. The Master Owners' Association shall not amend their fence, wall and buffer design standards submitted as a part of any approved tentative or final PUD plan without approval of the Board.

**15-4-05: Sign Design.**

- A. Design standards relating to sign design shall be regulated, governed, and enforced as sign design standards by a DRC, in order to ensure compatibility of sign types within a village. These standards shall be contained in private covenants, declarations, or restrictions of the Master Owners' Association.
- B. Sign design standards, established in the "Coyote Springs Design Standards" adopted by the Master Owners' Association and administered by a DRC, shall specify the size, color, number, placement, height, and configurations allowed for all signs. These sign design standards should encourage sign compatibility with other design elements within the village.
- C. The Master Owners' Association adopted sign design standards applicable to a tentative PUD plan shall be submitted by the owner as a part of the tentative PUD plan and shall be a part of the approved tentative and final plans for the PUD.
- D. The Master Owners' Association shall not amend their sign design standards submitted as a part of any approved tentative or final PUD plan, without approval of the Board.

**15-4-06: Exterior Lighting Design.**

- A. Design standards relating to exterior lighting design shall be regulated, governed, and enforced as exterior lighting design standards by a DRC, in order to ensure compatibility of exterior lighting types within a village. These standards shall be contained in private covenants, declarations, or restrictions of the Master Owners' Association.
- B. Exterior lighting design standards, established in the "Coyote Springs Design Standards" adopted by the Master Owners' Association and administered by a DRC, shall specify the type, size, color, number, height, and placement of

all exterior lighting. These exterior lighting design standards should encourage exterior lighting compatibility with other design elements within the village.

- C. The Master Owners' Association exterior lighting design standards applicable to a tentative PUD plan shall be submitted by the owner as a part of the tentative PUD plan and shall be a part of the approved tentative and final plans for the PUD.
- D. The Master Owners, Association shall not amend their exterior lighting design standards submitted as a part of any approved tentative or final PUD plan, without approval of the Board.

## CHAPTER 5

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### **PUD/VILLAGE PLAN APPROVAL PROCEDURE**

#### SECTION

- 15-5-01: Village Development Approval
- 15-5-02: Tentative Plan for PUD/Village Development
- 15-5-03: PUD Final Plan Approval
- 15-5-04: Minor Deviations from Final Plan

**15-5-01: Village Development Approval.**

Village types and locations shall be as proposed by the landowner and approved by the Board. Each village shall be approved as a single planned unit development (PUD) in accordance with NRS 278A and as described in this Chapter.

**15-5-02: Tentative Plan for PUD/Village Development.****A. Mandatory Pre-Submittal Conference.**

- (1) Application.
- (2) Prior to submittal of a tentative PUD plan application, a pre-submittal conference application must be filed, with the Administrator, by the owner and be accompanied by the pre-submittal conference fee required in Chapter 6 of this Title.
- (3) A pre-submittal conference will then be scheduled by the Administrator to be held within twenty (20) working days of the application filing.
- (4) The pre-submittal conference will be held with the owner (or an authorized representative) and Administrator, District staff, Fire District staff, and including staff from other regulatory/affected agencies or jurisdictions that may have an interest in the tentative PUD plan.
  - f. The purpose of the pre-submittal conference is to discuss the proposed tentative plan and review submittal requirements. No decisions will be rendered or actions taken. The tentative PUD plan for the proposed village development should satisfy the following expectations:
    - a. Is compatible and harmonious with adjacent surrounding development.
    - b. Protects the general prosperity, health, safety and welfare of the community.
    - c. Avoids premature or inappropriate development that could result in incompatible uses and establish undesirable precedents.

- d. Provides infrastructure, public facilities, and public services as required in the Development Agreement executed between the Master Developer and the Board for the development of the planning area.
- e. Provides for an orderly and creative arrangement of land uses, including hillside areas, compatible with the village type proposed, that may include a variety of housing types, commercial services, employment and recreational opportunities, and common open space areas for recreational purposes, or any combination thereof, designed to achieve a balanced integration of economic, housing, and recreational opportunities within the overall planning area.

#### B. Application Process.

An application for tentative PUD approval shall be submitted to the Administrator by the landowner.

#### C. Application Fee.

A non-refundable fee, in an amount established by Chapter 6 of this Title, for the review, consideration, and approval/denial or conditioning of an application for tentative PUD plan approval must be paid to the Administrator at the time of application submittal.

#### D. Form of Application

An application for tentative PUD plan approval must be in a form that discloses to the Board the following minimum information:

- (1) The name, address, and phone number of the landowner.
- (2) The nature of the landowner's interest in the land proposed to be developed.
- (3) A statement of the objectives of the PUD.
- (4) The location, size, and legal description of site.
- (5) A vicinity map at a scale not less than one inch equals two thousand feet (1" = 2,000').

- (6) The type and density of land use to be allocated to parts of the site to be developed. This allocation shall reflect the predominant use established by the village type proposed.
- (7) A hillside development plan when required by this Title.
- (8) The location and size of any common open space and the form of organization proposed to own and maintain any common open space.
- (9) A copy of the "Coyote Springs Design Standards", relating to architectural design, as adopted by the Master Owners Association, and administered by a Design Review Committee, that will be applicable to the PUD.
- (10) A copy of the "Coyote Springs Design Standards", relating to landscape design, as adopted by the Master Owners Association, and administered by a Design Review Committee, that will be applicable to the PUD.
- (11) A copy of the "Coyote Springs Design Standards", relating to fence, wall, and buffering design, as adopted by the Master Owners Association, and administered by a Design Review Committee, that will be applicable to the PUD.
- (12) A copy of the "Coyote Springs Design Standards", relating to signs, as adopted by the Master Owners Association, and administered by a Design Review Committee, that will be applicable to the PUD.
- (13) A copy of the "Coyote Springs Design Standards", relating to exterior lighting, as adopted by the Master Owners Association, and administered by a Design Review Committee, that will be applicable to the PUD.
- (14) The use and approximate height, bulk and location of buildings and other structures.
- (15) The ratio of residential to nonresidential use.
- (16) The feasibility of proposals for disposition of sanitary waste and storm water.
- (17) The substance of covenants, grants or easements or other restrictions proposed to be imposed upon the use of the land,

buildings and structures, including proposed easements or grants for public utilities.

- (18) The provisions for parking of vehicles and the location and width of proposed streets and public ways.
- (19) The required modifications, if any, in the county land use regulations otherwise applicable to the subject property.
- (20) In the case of a plan which proposes the development of a planned unit development in sections, over a period of years, a schedule of proposed times for the submittal of final plans for each section shall be provided.

E. Public Hearing Time Frame.

A public hearing shall be held by the Board within sixty (60) days of an complete application submittal for tentative PUD approval. Public notice of the hearing shall be given in the manner prescribed by law for hearings on amendments to a zoning ordinance.

F. Continuance of Public Hearing.

The Board may continue the public hearing from time to time and may refer the matter to the planning staff for further report, but the public hearing shall be concluded within sixty (60) days after the date of the first public hearing unless the landowner consents in writing to an extension of the time within which the hearings shall be concluded.

G. Minute Action Following Public Hearing.

The Board shall, following the conclusion of the public hearing, by minute action.

- (1) Grant tentative approval to the plan.
- (2) Grant tentative approval subject to specified conditions not included in the plan as submitted; or
- (3) Deny tentative approval to the plan.

H. Specification for Final Approval.

If tentative approval is granted, with regard to the plan as submitted or with regard to the plan with conditions, the Board shall, as a part of the action, specify the drawings, specifications and form of performance bond that shall accompany an application for final approval.

I. Grant or Denial of Tentative Plan Approval.

The grant or denial of tentative approval by minute action must set forth the reasons for the grant, with or without conditions, or for denial, and the minutes must set forth with particularity in what respects the plan would or would not be in the public interest, including but not limited to findings on the following:

- (1) In what respects the plan is or is not consistent with the statement of objectives of a planned unit development.
- (2) The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the property, including but not limited to density, bulk and use, and the reasons why these departures are or are not deemed in the public interest.
- (3) The ratio of residential to nonresidential use in the planned unit development.
- (4) The purpose, location and amount of the common open space in the planned unit development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
- (5) The physical design of the plan and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
- (6) The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established.
- (7) In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public, residents and owners of the planned unit development in the integrity of the plan.

J. Time Within Which Final Plan Application To Be Filed.

Unless the time is specified in an agreement entered into pursuant to NRS 278.0201, if a plan is granted tentative approval, with or without conditions, the commission shall set forth, in the minute action, the time within which an application for final approval of the plan must be filed or, in the case of a plan which provides for development over a period of years, the periods within which application for final approval of each part thereof must be filed.

K. Action by County Clerk.

Following tentative approval, with or without conditions, or denial of the proposed plan a copy of the minutes must be mailed to the landowner by the county clerk.

L. Tentative Plan Approval Qualification.

Tentative approval of a plan does not qualify a plat of the planned unit development for recording or authorize development or the issuance of any building permits. A plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner, may not be modified, revoked or otherwise impaired by action of the Board pending an application for final approval, without the consent of the landowner. Impairment by action of the Board is not stayed if an application for final approval has not been filed, or in the case of development over a period of year's applications for approval of the several parts have not been filed, within the time specified in the minutes granting tentative approval.

M. Tentative Plan Approval Revocation.

The tentative approval must be revoked and the portion of the area included in the plan for which final approval has not been given is subject to local ordinances if:

- (1) The landowner elects to abandon the plan or any part thereof, and so notifies the commission in writing; or
- (2) The landowner fails to file application for the final approval within the required time.

**15-5-03: PUD Final Plan Approval.**

- A. Application Criteria.
- B. An application for final approval may be for all the land included in the tentative plan or to the extent set forth in the tentative approval for a section thereof.
- C. Application Process.
- D. An application for final approval shall be made to the Administrator within the time specified by the minutes granting tentative approval.
- E. Application Fee.
- F. A non-refundable fee, in an amount established from time to time by Chapter 6 of this Title, for the review, consideration, and approval/denial or conditioning of an application for final plan approval must be paid to the Board or Board designee at the time of final application submittal.
- G. Application Contents.

The application must include such maps, drawings, specifications, covenants, easements, conditions and form of performance bond as were set forth in the minutes at the time of the tentative approval and a final map if required by the provisions of NRS 278.010 to 278.630, inclusive.

- H. Requirement for Public Hearing on Final Plan.
- I. A public hearing on an application for final approval of the plan, or any part thereof, is not required if the plan, or any part thereof, submitted for final approval is in substantial compliance with the plan which has been given tentative approval.
- J. Compliance with Tentative Plan Approval.
- K. The plan submitted for final approval is in substantial compliance with the plan previously given tentative approval if any modification by the landowner of the plan as tentatively approved does not:
  - (1) Vary the proposed gross residential density or intensity of use;
  - (2) Vary the proposed ratio of residential to nonresidential use;
  - (3) Involve a reduction of the area set aside for common open space or the substantial relocation of such area;

(4) Substantially increase the floor area proposed for nonresidential use; or

(5) Substantially increase the total ground areas covered by buildings or involve a substantial change in the height of buildings.

L. Modification Not Requiring a Public Hearing.

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

N. Notification to Landowner of Plan Non-Compliance.

O. If the plan, as submitted for final approval, is not in substantial compliance with the plan as given tentative approval, the commission shall, within 30 days of the date of the filing of the application for final approval, notify the landowner in writing, setting forth the particular ways in which the plan is not in substantial compliance.

P. Landowner Alternatives.

The landowner may:

(1) Treat such notification as a denial of final approval;

(2) Refile his plan in a form which is in substantial compliance with the plan as tentatively approved; or

(3) File a written request with the Board that it hold a public hearing on his application for final approval.

Q. Landowner Election of Alternatives

R. If the landowner elects the alternatives set out in paragraph (1)(2) or (3) above, he may refile his plan or file a request for a public hearing, as the case may be, on or before the last day of the time within which he was authorized by the minutes granting tentative approval to file for final approval, or 30 days from the date he receives notice of such refusal, whichever is the later.

S. Hearing Time Frame

T. Any such public hearing requested by the landowner shall be held within 30

days after request for the hearing is made by the landowner, and notice thereof shall be given and hearings shall be conducted in the manner prescribed in NRS 278A.480.

U. Action at Conclusion of Hearing

V. Within 20 days after the conclusion of the hearing, the Board shall, by minute action, either grant final approval to the plan or deny final approval to the plan. The grant or denial of final approval of the plan shall, in cases arising under this section, contain the matters required with respect to an application for tentative approval by NRS 278A.500.

W. Board Action.

X. If the Board fails to act either by grant or denial of final approval of the plan within the time prescribed, the landowner may, after 30 days' written notice to the Board, file a complaint in the district court in and for the County of Lincoln.

Y. Plan Certification.

Z. A plan which has been given final approval by the Board, must be certified without delay by the Board and filed of record in the office of the county recorder before any development occurs in accordance with that plan. The county recorder shall not file for record any final plan unless it includes:

- (1) A final map of the entire final plan or an identifiable phase of the final plan if required by the provisions of NRS 278.010 to 278.630, inclusive;
  - (2) The certifications required pursuant to NRS 116.2109; and
  - (3) The same certificates of approval as are required under NRS 278.377 or evidence that:
    - a. The approvals were requested more than 30 days before the date on which the request for filing is made; and
    - b. The Board has not refused its approval.
- (1) Except as otherwise provided in this subsection, after the plan is recorded, the zoning and subdivision regulations otherwise applicable to the land included in the plan cease to apply. If the development is completed in identifiable phases, then each phase can be recorded. The zoning and subdivision regulations cease to

apply after the recordation of each phase to the extent necessary to allow development of that phase.

- (2) Pending completion of the planned unit development, or of the part that has been finally approved, no modification of the provisions of the plan, or any part finally approved, may be made, nor may it be impaired by any act of the Board except with the consent of the landowner.
- (3) For the recording or filing of any final map, plat or plan, the county recorder shall collect a fee of \$50, and such other fees as may be authorized by NRS, for the first sheet of the map, plat or plan plus \$10, and such other fees as may be authorized by NRS, for each additional sheet. The fee must be deposited in the general fund of the county.

AA. No further development may take place on the property included in the plan until the property is re-subdivided and is reclassified by an enactment of an amendment to the zoning ordinance if:

- (1) The plan, or a section thereof, is given approval and, thereafter, the landowner abandons the plan or the section thereof as finally approved and gives written notification thereof to the city or county; or
- (2) The landowner fails to carry out the planned unit development within the specified period of time after the final approval has been granted.

BB. Any decision of the Board under this ordinance or Nevada Revised Statutes granting or denying tentative or final approval of the plan or authorizing or refusing to authorize a modification in a plan is a final administrative decision and is subject to judicial review in properly presented cases.

CC. No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of the Board unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the county clerk.

**15-5-04: Deviations from Final Plan.**

- A. The Administrator may solely grant a deviation request of less than 10 percent from the requirements for land use established within a zoning district without conducting a hearing when the applicant for such a deviation has obtained the written consent of the owner or owners of any real property that would be affected by the requested deviation.
- B. The Commission shall consider deviation requests of less than 10 percent from the requirements for land use established within a zoning district, during a public hearing, when the applicant for such a deviation is unable to obtain the written consent of the owner or owners of any real property that would be affected by the requested deviation. Following the public hearing, the Commission may approve or deny the request for a deviation.
- C. Any deviation must be in accordance with the standards approved in the submittal for tentative PUD plan approval and applied to the final PUD plan.
- D. A deviation must not:
- (1) Vary the proposed gross residential density or intensity of use;
  - (2) Vary the proposed ratio of residential to nonresidential use;
  - (3) Involve a reduction of the area set aside for common open space or the substantial relocation of such area;
  - (4) Substantially increase the floor area proposed for nonresidential use; or
  - (5) Substantially increase the total ground areas covered by buildings or involve a substantial change in the height of buildings.
- E. In granting deviations, the Administrator or Commission shall ensure that the deviation will not impair the purpose of the zoning district or any regulations adopted thereto. Any grant of a deviation must be in writing to be effective. Any deviation request that would be affected by sheriff, fire, building, health or other regulatory agency rules and regulations must be reviewed and approved by those responsible agencies before any deviation is granted by the Administrator or Commission. The Administrator or Commission may require mitigation measures to address potential impacts arising from the requested deviation.

## CHAPTER 6

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### **15-6-01 FEES**

THIS CHAPTER TO BE DEVELOPED BY LINCOLN COUNTY



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## Chapter 7

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### Definitions

1. **Purpose.** The purpose of this Appendix is to ensure precision in interpreting the provisions of this Title.
2. **Word Usage and Rules of Construction of Language.**
  - A. All provisions, terms, phrases and expressions contained in this Title shall be construed in accordance with the purposes set forth in this Title.
  - B. In the case of any difference of meaning or implication between the text of this Title and any heading, drawing, table, figure or illustration, the most restrictive text shall control.
  - C. Unless otherwise specifically indicated, lists of items or examples that use terms such as "including," "such as," or similar language are intended to provide examples and not to be exhaustive lists of all possibilities.
  - D. References to days are calendar days unless otherwise stated. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by Lincoln County, that day shall be excluded.
  - E. Whenever reference is made to a resolution, ordinance, statute, regulation or document, it shall be construed as a reference to the most recent edition or amendment of such resolution, ordinance, statute, regulation or document, unless otherwise specifically stated.
  - F. Words in the masculine gender include the feminine.
  - G. Terms not defined within this Title or the Lincoln County Building Code shall have the meaning customarily assigned to them.
  - H. All public officials, bodies and agencies to which references are made are those of Lincoln County, unless otherwise indicated.
  - I. The words "shall," "will," "must," "is not," and "is" are always mandatory. The words "may" and "should" are advisory and discretionary terms.
  - J. Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural and the plural includes the singular.
  - K. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- 1) "And" indicates that all connected items, conditions, provisions, or events apply.
- 2) "Or" indicates that one (1) or more of the connected items, conditions, provisions or events may apply.

L. Words not included herein, but defined in other Titles within the Lincoln County Code, shall be construed as defined therein.

### **3. Definition of Terms.**

The following words and phrases used in this Title shall have the meanings set forth in this Appendix:

#### **A. Definitions "A"**

##### **Access**

"Access" means a way or means of approach to provide vehicular or pedestrian physical entrance to a property.

##### **Accessory Use**

See "Use"

##### **Acre**

"Acre" includes the following meanings.

1. "Acre," "Gross Acre," or "Gross Acreage," means an area of forty-three thousand, five hundred and sixty (43,560) square feet and includes the total area within the property lines of a lot or parcel of land before public streets, flood control channels or basins, or other areas to be dedicated or reserved for a public use are deducted from such lot or parcel, including property previously dedicated.
2. "Net Acreage" means an area that excludes public streets, alleys, flood control channels or basins, or other areas to be use or reserved for a public use, including property previously dedicated, either abutting on, running through, or within, a building site.
3. "Nominal Acre" means an area based on the aliquot part of a section .

##### **Action**

"Action" means the decision made by the reviewing authority on a land use or planned unit development application, including the determination made and any conditions of approval.

##### **Adjacent**

"Adjacent" means having a common border with another property with no street or other property between.

### **Administrator**

"Administrator" means the person, persons or entities that have been delegated the authority and responsibility to perform actions or functions under this Title by the Board.

### **Adult Uses**

"Adult Uses," because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one (1) area, to prevent the infiltration of organized crime in the area, and to safeguard the youth and non-consenting adults from exposure to non-First Amendment expressions. For the purpose of regulating adult uses the following definitions shall apply; however, this definition shall not supercede any Adult Use definitions contained in any Business License & Liquor and Gaming Codes.

Adult uses are characterized by material having as a dominant theme an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined under Subsections (8) and (9) of this definition. Each of the following adult uses shall be considered a separate use, and approval of one use shall not infer the approval of any other adult use. If an adult use is approved in combination with any other adult use, interior access is required throughout the entire establishment.

1. "Adult Bookstore" means an establishment which does or will derive thirty-five percent (35%) or more of its gross sales or rentals of books, magazines, films, tapes, discs or other periodicals, either individually or in combination, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas.
2. "Adult Motion Picture Theater" means an enclosed area with a capacity of fifty (50) or more persons used for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation, by patrons therein.
3. "Adult Mini-Motion Picture Theater" means an enclosed area with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein, including closed circuit television viewings.
4. "Adult Entertainment Cabaret" means a public or private establishment which features nude or topless entertainers, bottomless entertainers, strippers, exhibitions, contests, or similar entertainment wherein T-shirts, blouses, or similar garments worn by participants are saturated with liquid so as to result in the exposure, highlighting or outlining of the participant's specified anatomical areas as defined under Subsection (9) of this Section. Typical production shows

offered by resort hotels that include topless entertainers shall not be considered an adult entertainment cabaret provided that a separation and/or barrier that prevents physical contact between performers and customers is maintained at all times during each performance.

**5. "Adult Picture Arcade Theater"** means any premises where there is maintained one or more machines or contrivances to show still or motion pictures, or television sets, designated for viewing by one (1) or more customers used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, and for which any charge, consideration or payment is required. This definition includes peep shows which exhibit motion pictures by means of coin-operated projection machine.

**6. "Sex Novelty Shop"** means an establishment selling sex articles, materials, items, or devices which are neither books, films or pictures, tapes or discs which are designed or sold for the stimulation of human genital organs or sexual gratification including, but not limited to, dildos, vibrators, marital aids and artificial vagina.

**7. "Theater - NonAdult"** See "Movie Theater"

**8. "Specified Sexual Activities"** is defined as:

**A.** Human genitals in a state of sexual stimulation or arousal.

**B.** Acts of human masturbation, sexual intercourse or acitivity sodomy.

**C.** Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**9. "Specified Anatomical Areas"** is defined as:

**A.** Less than completely and opaquely covered:

**i.** Human genitals/pubic region.

**ii.** Buttock.

**iii.** Female breast, or male breast if surgically augmented to appear as a female breast, below a point immediately above the top of the areola.

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

**10. "Motion Picture,"** includes television viewing, regardless of whether picture presentation originated with closed circuit, live broadcast or cassette or other recording.

**11. "Commercial Nude Establishment"** means any commercial business other than an adult entertainment cabaret that has persons who perform services and/or are visible to the public while displaying or failing to cover the specified anatomical areas defined under Subsection (9) of this Section.

## **Agriculture**

"Agriculture" means the tilling of the soil, the raising of crops, horticulture and gardening, including the keeping or raising of fowl and other domesticated animals, and includes

associated accessory structures such as barns and corrals, but does not include any agricultural industry or business unless approved by a special use that allows it. Included are the following.

1. "Accessory" means the cultivation of animals, food and flower crops for the enjoyment and/or consumption of the owner or occupant of the agricultural facility.
2. "Animal Care Project" means the keeping of animals in conjunction with a multi-membership animal husbandry society that provides participants with direction and guidance in the raising of animals and an opportunity to exhibit the animals at an off-site location at the end of the project.
3. "Apiary" means a place where bees are kept for the production of honey or for the pollination of plants.
4. "Aviary" means a house, large cage or enclosure for keeping and rearing of four (4) or more birds in confinement, except for chickens, turkeys, peacocks, ostriches, emus, rheas or similar domesticated birds normally raised for consumption, but does not include young birds under six (6) months of age.
5. "Commercial" means the cultivation of animals, food and/or flower crops raised to be sold to anyone other than the owner or occupant of the agricultural facility.
6. "Gardening and Greenhouse" means the cultivation of food and flower crops, but not animals.
7. "Livestock" means the raising or keeping of domesticated animals (other than household pets or exotic animals, but not including their offspring less than six months old) for recreational use or consumption which have been traditionally bred for food or transport. (See "Agriculture - Hogs/Pig " for restrictions on hogs, see "Fence - Livestock " for additional fencing requirements). Livestock, for the purpose of this Title, includes the following:
  - A. "Small" means animals whose weight at maturity does not generally exceed fifty (50) pounds, such as rabbits, peacocks, chickens, turkey, chinchillas and similar animals.
  - B. "Medium" means animals whose weight at maturity generally exceeds fifty (50) pounds, but does not normally exceed two hundred and fifty (250) pounds, such as goats, sheep, emus, rheas, and small ponies.
  - C. "Large" means animals whose weight at maturity generally exceeds two hundred and fifty (250) pounds, such as ostriches, camels, cattle, and horses.
8. "Livestock Feed/Sales Yard" means a lot or parcel of land improved with corrals, fences, buildings or improvements, and used primarily for the feeding and fattening of livestock for subsequent sale and includes the feeding of garbage for disposal.

### **Airport**

"Airport" means any landing area, runway or other facility designed, public or private, used or intended to be used, either publicly or by any person or persons, for the landing and taking off of fixed wing or rotary aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, including incidental commercial uses, and open spaces.

The following definitions apply, unless the context otherwise requires.

1. "Airport Elevations" mean the highest point of an airport's usable landing area measured in feet above mean sea level.
2. "Hazard to Air Navigation" means an obstruction determined to have a substantial adverse affect on the safe and efficient utilization of the navigable airspace.
3. "Height" For the purpose of determining the height limits in all zones set forth in this Chapter and/or shown on an Airspace Zoning Map, the datum shall be the North American Vertical Datum of 1988, and the North American Horizontal Dictum of 1983, or any subsequent revision.
4. "Obstruction" means any structure, growth or other object, including a mobile object, which exceeds a limiting height as may be established.
5. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
6. "Runway Protection Zone" means a trapezoidal area at ground level, created for the purpose of protecting the safety of approaches and keeping the area clear of the congregation of people.
7. "Structure" means an object, including a mobile object, constructed or installed by man including, but not limited to, buildings, towers, cranes, smokestacks, earth formations, signs and overhead transmission lines.
8. "Tree" means any object of natural and/or support growth.

**Alley**

"Alley" means a public way, primarily for vehicular use, of a minimum width of twenty (20) feet, which affords a secondary means of access to abutting properties. An alley is not a street for the purpose of this Title.

**Alteration**

"Alteration" means any change, addition or modification in construction, or occupancy, of an existing structure.

**Amenity**

"Amenity" means a natural or man-made, constructed, or created feature that enhances the aesthetic quality, visual appeal, or attractiveness of a particular property, place, or area including, but not limited to, open space.

**Amended Map**

"Amended Map" means a map prepared and recorded for purposes of correcting an error or omission contained in a previously recorded final map, parcel map, certificate of land division, if the correction changes or purports to change the location of any survey monument, property line or boundary line, or revise a previously recorded map. amended maps shall be processed the same as the original map type.

**Ancillary Use**

See "Use, Accessory Use"

**Animal By-Product Plant**

"Animal By-Product Plant" means a facility where animals are killed, dressed, and/or processed in preparation for consumption or where animal remains are processed for other purposes.

**Animal, Exotic**

See "Exotic Animal"

**Animal Hospital**

See "Veterinary Services"

**Antenna**

"Antenna" means any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of, any building or ground mounted. (See also "Communication Antenna".)

**Antique**

"Antique" means any old and authentic object of personal property that is not less than 60 years old which has a unique appeal and enhanced value mainly because of its age which, because of public demand, has attained value in a recognized commercial market which is in excess of its original value.

**Apiary**

See "Agriculture"

**Appliance Repair**

"Appliance Repair" means the reconditioning of inoperable household appliances, including refrigerators, washing machines, dishwashers, or similar appliances. (See "Electronic Repair")

**Approvable Form**

"Approvable Form," in relation to off-site improvement plans, means that the plans have been reviewed and that all required corrections have been made to the satisfaction of the District.

**Apartment**

"Apartment" See "Dwelling."

**Arcade**

"Arcade" means an establishment other than a resort hotel which maintains five (5) or more coin-operated amusement machines, excluding coin-operated gaming devices, jukeboxes, darts, pool tables and other table-like games.

**Architectural Enclosures**

"Architectural Enclosure" means any part of a building, such as second story room overhang, fireplace, bay window, and other similar architectural feature, which may extend out from any wall of a building and which encloses space within the building. Except for second story room overhangs, the enclosure may be supported by a foundation or support columns.

**Architectural Intrusion**

"Architectural Intrusion" means any part of a building or structure, such as awnings, eaves, cornices, canopies, sills, belt courses, stairs, balconies, patios, columns, rooflines, parapet walls, wall and projecting signs, and other similar architectural features which may extend out from, or above, any wall of a building or structure. The intrusion may be supported by a foundation, but may not enclose space (below ceiling height) within a building. (See also "Patio Cover")

**Art Gallery**

"Art Gallery" means an establishment that conducts the display and/or retail sale of artwork and may include studio facilities for creation of artistic works.

**Art Studio**

"Art Studio" means an artist's workroom and is limited to the creation of artistic works, but not including the use of a blast furnace or kiln larger than one hundred and twenty (120) volts. An art studio does not include on-site sale of artwork.

**Artist**

A person who creates works of art including, but not limited to, painting, sculptures, ceramics, blown glass or handicraft, any of which shall not be considered a manufacturing use provided the use is in conformance with the conditions for home occupations.

**As Built Drawings**

"As Built Drawings" means drawings or plans which show and delineate any and all changes from the approved plans which occurred during the construction and installation of the subdivision improvements.

**Asphalt Manufacturing Plant**

See "Batch Plant"

**Assisted/Independent Living Facilities**

"Assisted and Independent Living Facilities" means any commercial building or building complex used or maintained to provide living quarters, and which may also provide nursing, dietary and other personal services, to handicapped or elderly persons who, without the assistance of any other person, may be physically or mentally capable of moving himself/herself from the room in which he/she sleeps to outside the facility in four (4) minutes or less.

**Attic**

"Attic" means the non-habitable space between the ceiling of the highest story in a building and the roof of the building, where no floor is installed.

**Atrium**

"Atrium" means an open or enclosed patio around which a building is constructed, or a many-storied court within a building, which is not designed for use as leasable space and which may not be converted to leasable space unless approved in accordance with this Title.

**Auction**

"Auction" means an establishment wherein merchandise is routinely sold more than twice in any calendar month, or more than one consecutive month, for the highest price in a competitive bidding process. Not to include auctions to liquidate inventory when going out of business.

**Automobile**

"Automobile" means a motor vehicle designed for passenger or light cargo transportation, including sedans, pick-up trucks, vans, motorcycles, and sport utility vehicles, but not including vehicles over eight thousand, five hundred (8,500) pounds gross unloaded weight. (See "Commercial Vehicle.")

**Automobile Detailing**

"Automobile Detailing" means a building or premises used for the following:

1. "Wash Related." Shampooing of carpets, hand washing, cleaning, polishing (may not include minor touch up paint).
2. "Accessories Related." Addition of special parts or equipment such as window tint, running boards, bicycle racks, exterior lights, appliques, sound systems or similar treatments.

**Automobile Dismantling Yard**

"Automobile Dismantling Yard" means any premises used for the dismantling or wrecking of motor vehicles and trailers required to be registered under the motor vehicle

laws of the State of Nevada, including premises used in the storing, keeping, buying, selling, or dealing in dismantled wrecked, inoperative or disabled vehicles or integral parts of component materials thereof, and the storage, sale or dumping of dismantled, partially dismantled or wrecked inoperative vehicles and trailers, or parts thereof. Automobile dismantling shall not include the incidental storage of inoperative or disabled vehicles in connection with the legal operation of an automobile repair garage or automobile body and fender repair shop while waiting for repair.

### **Automobile Maintenance**

"Automobile Maintenance" means any commercial establishment designed or used for the maintenance of automobiles only. Maintenance shall be limited to tune-ups, oil changes, lubrication, smog check, brake and muffler repair and maintenance, the sale and repair of tires, or other similar routine maintenance functions. Automobile maintenance does not include brake, muffler, and/or tire repair as principal uses.

### **Automobile Paint/Body Shop**

"Automobile Paint/Body Shop" means a facility for collision repair services including body, frame or fender straightening or repair, and painting of vehicles in an appropriate paint booth. See also "Minor Auto Paint/Body Shop."

### **Automobile Rental**

"Automobile Rental" means a facility where the rental or short-term lease of automobiles is conducted.

### **Automobile Repair Shop**

"Automobile Repair Shop" means a location designed or used for the repair of automobiles, including mechanical repair, maintenance, engine or transmission replacement or overhaul, and upholstery, but not paint nor body work. Automobile repair (not including engine or transmission repair) may be performed by the owner of one (1) automobile only at the residence (not to be parked within a street) when the vehicle, parts and equipment are enclosed, or screened from the view of any street with a weatherproof cover while repair is not being performed.

### **Automobile Service Station**

See "Service Station"

### **Aviary**

See "Agriculture - Aviary"

### **Avigation Easement**

"Avigation Easement" means a signed, acknowledged recognition of the right of overflight from any airport, including the right to make the noise necessary to operate the aircraft operating from such an airport.

**Awning**

"Awning" means a roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is an architectural feature of the building.

**B. Definitions "B"****Bakery**

See "Food Processing"

**Bank**

See "Financial Service"

**Banquet Facility**

"Banquet Facility" means an establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities.

**Bar**

See "Tavern/Bar/Lounge"

**Barn**

"Barn" means an enclosed building for the housing of livestock.

**Basement**

"Basement" means a story of a building which is partly or completely underground.

**Batch Plant**

"Batch Plant" means a manufacturing facility for the production of concrete or asphalt.

**Bathhouse**

"Bathhouse" means any place, including a private club or organization, wherein any person engages in, conducts or carries on, or permits to be engaged in, conducted or carried on, the business of giving or furnishing baths of any kind or type whatever, where an attendant is or may be present within the bathing area including, but not limited to, Russian, Turkish, Swedish, hot air, vapor, electric cabinet, steam, mineral, sweat, salt,

Japanese, sauna, fomentation or electric baths. This use is not to be confused with a gym or fitness center or health club for athletic training and exercise.

**Beauty Parlor**

"Beauty Parlor" means a facility which offers personal service and hygienic treatment including massage, manicure, hair styling, facials and other day spa activities. See also "Personal Services."

**Bedroom**

"Bedroom" means an habitable room in a dwelling unit planned and intended for sleeping, separable from other rooms by a doorway. For the purpose of calculating required parking, the term shall include all rooms within the dwelling unit except for kitchens, bathrooms, the room from which the main exterior access to the dwelling unit is taken, or any other room having less than ninety (90) square feet of floor area.

**Bed and Breakfast**

"Bed and Breakfast" means an establishment located within a single-family detached dwelling, having a maximum of four (4) guestrooms, which provides transient guests with overnight accommodations and a morning meal.

**Beer and Wine Sales**

"Beer and Wine Sales" refer to establishments that sell packaged beer and wine. Packaged beer and wine may not be consumed on premise in these establishments.

**Beverage Plant**

"Beverage Plant" means a facility in which nonalcoholic beverages are bottled and distributed to retailers or wholesalers for resale on or off the premises, including the mechanized assembly line production of such goods. The term does not include a brewery or any other facility for the bottling of alcoholic beverages.

**Block**

"Block" means a parcel or parcels of land bounded by streets, or by streets and a natural or artificial barrier.

**Block Wall**

See "Wall, Perimeter"

**Board**

"Board" means the Board of County Commissioners, the governing body of Lincoln County, State of Nevada.

**Boarding House**

"Boarding House" is a house that may provides meals and non-transient lodging, including a homeless shelter and lodging house.

**Boarding Stables, Commercial**

See "Horse Riding/ Rental Stable"

**Boarding Stables, Residential**

See "Horse Riding/ Rental Stable"

**Boarding Stall**

"Boarding Stall" means a pen, building or structure for the enclosure or confinement of boarded horses.

**Boat Sales**

See "Marine Sales"

**Bottling Plant**

See "Beverage Plant"

**Boundary Line Adjustment**

"Boundary Line Adjustment" means a record of survey for the adjustment of the property line between two (2) existing legal parcels, which does not result in the creation of additional parcels.

**Brewery**

A "Brewery" is an establishment that produces and/or bottles any alcoholic beverage - excluding a "Brew Pub." Tasting may be allowed, however packaged alcoholic beverages may not be consumed on premise in these establishments.

**Brew Pub**

"Brew Pub" means an establishment which manufactures malt beverages, including beer, ale, porter, stout, or other similar fermented beverages brewed or produced from malt, and sells those malt beverages at retail for either on- or off-premises consumption or to a distributor to be resold, providing production shall not exceed the allowable limit as established by NRS 597.230.

**Buffer**

"Buffer" means a perimeter area around a lot or parcel which, through landscape planting, distance or structures, is designed to ameliorate nuisances between development which is designed to mitigate impacts between adjacent land uses or between a land use and a street.

## **Building**

"Building" means any structure, other than a tent, having a single or common roof supported by columns or walls.

1. "Accessory Building" means a non-habitable subordinate building clearly incidental to, and located upon, the same lot occupied by the main building and which does not have interior access to the main building. (See, Accessory Uses and Structures.)
2. "Building Area" or "Buildable Area" means that portion of a building site, exclusive of the required setback areas, in which a structure or building improvements may be erected.
3. "Building, Detached" means one (1) building on one (1) building lot surrounded by yards or open space, or buildings in a building group that are physically detached one (1) from the other.
4. "Building Elevation" means the view of any building or other structure from any one (1) of four (4) sides showing features such as construction materials, design, height, dimensions, windows, doors, other architectural features, and the relationship of grade to floor level.
5. "Building Face" means any exterior wall of a building which is four (4) feet or more in length. Walls off-set by four (4) feet from each other shall each count as a separate face.
6. "Building Height" means the vertical distance from the average grade to the highest point of the building. (See "Grade")
7. "Building Mass" means the combined height, width and depth of a building.
8. "Building Separation" means the distance from one (1) building to another, measured from the closest point of each building, exclusive of architectural intrusions.
9. "Building Setback." See "Setback"
10. "Principal Building" means the main building or one (1) of the main buildings upon a lot, or a building housing a principal use.
11. "Public Building" means a building owned and operated, or owned and intended to be operated, by a public agency of the United States of America, of the State of Nevada, or any of their subdivisions.

## **Building Material**

"Building Material" means substances used in construction including such as lime, gypsum, brick, block, cement, concrete, tile, terra cotta, stone and plaster.

**Building Material, Sales and Services**

See "Home Improvement Center"

**Building Official**

"Building Official" is the person designated by the Board to manage all building related activities in the County, including the administration and enforcement of adopted Building Codes.

**Building Permit**

"Building Permit" means an official authorization by the Building Official to commence specific phases of work on a construction project.

**Bus Depot**

See "Passenger Terminal"

**C. Definitions "C"****Campground**

"Campground" means an area or tract of land on which accommodations for temporary occupancy, is not intended to be used for permanent lodging including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character, but which is not a recreational vehicle park. (See Recreational Vehicle Park)

**Canopy**

"Canopy" means a freestanding unenclosed roof, which often cover gasoline pumps.

**Car Wash**

"Car Wash" means a building or area that provides facilities for washing, cleaning, waxing and/or detailing of motor vehicles, either by mechanical means or by hand, either as a service provided by others or self-service, and does not include the washing of commercial vehicles, but which may include accessory retail uses. (See "Truck Wash", "Accessory Commercial", and Auto Wash Detailing)

**Carnival/Circus**

"Carnival/Circus" means a temporary outdoor amusement activity at which amusement systems are placed in addition to food and other entertainment.

**Casino**

"Casino" means any place where gaming is operated or maintained, except that "casino" shall not be construed to include any place devoted to the use of fifteen (15) or fewer slot machines only as permitted by NRS 463.161.

**Caterer**

"Caterer" means a business that provides for the preparation, storage and delivery of food and food utensils for off-premises consumption.

**Cellular Tower**

See "Communication Tower"

**Cemetery**

"Cemetery" means any land used or intended to be used for the burial of the human dead and may include crematoriums, funeral homes, mausoleums and mortuaries when operated in conjunction with, and within the boundary of, such cemetery

**Certificate of Amendment**

"Certificate of Amendment" means a document which corrects an error or omission in, or to amend any recorded subdivision plat, record of survey, parcel map, division of land into large parcels, or reversionary map if the correction or amendment does not change, or purport to change the physical location of any survey monument, property line or boundary line.

**Check Cashing Service**

"Check cashing service" means any person engaged in the business of cashing checks for a fee, service charge or other consideration, including deferred deposit (post dated checks), except a person:

1. Doing business pursuant to the authority of any law of this state or of the United States relating to banks, savings banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, mortgage companies, thrift companies, pawnbrokers or insurance companies.
2. Licensed to make installment loans pursuant to chapter 675 of NRS.
3. Who is primarily engaged in the retail sale of goods or services who:
  - A. As an incident to or independently of a retail sale or service from time to time cashes checks for a fee or other consideration of not more than \$2; and
  - B. Does not hold himself out as a check-cashing service.
4. While performing any act authorized by a license issued pursuant to chapter 671 of NRS.

5. Who holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS while performing any act in the course of that licensed operation.

**Chemical Storage**

See "Hazardous Materials Storage", "Hazardous Occupancy", and "Hazardous Material or Waste".

**Child Care**

See "Day Care," "Family Home" or "Child Care Institution"

**Child Care Institution**

"Child Care Institution" means a facility where care is provided during the day and night and where developmental guidance is provided to children who do not routinely return to the homes of their parents or guardians, otherwise known as an orphanage.

**Church**

See "Place Of Worship"

**Circus**

See "Carnival," or "Recreational Facility"

**Clinic**

See "Office"

**Club**

"Club" means an institution used or intended to be used for an association of persons, whether incorporated or unincorporated, for some common purpose, such as Lions, Elks, Rotary, or Shriners, but not including adult uses, or a group organized solely or primarily to render a service customarily carried on as a commercial enterprise, or only administrative offices supporting the club.

**Co-Generation Plant**

See "Electric Generating Station"

**College or University**

"College or University" means a school beyond the high school level whose service area extends beyond that of the local school district and which grants degrees, offers courses in a variety of different fields or professions, and draws students from a regional, intrastate and/or interstate and international student population.

**Commence**

"Commence" means any of the following: 1) the actual placing of construction materials in their permanent position fastened in a permanent manner, 2) basement excavation, 3) demolition or removal of an existing building or structure preparatory to rebuilding, or 4) grading of the site, or 5) the recording of a final map, or 6) in the case where a building permit or business license is not required, the actual start of an approved use, providing in all of the above cases that actual construction work be diligently carried on until the completion of the building or structure involved.

**Commerce**

"Commerce" means the purchase, rental, sale or other transaction involving the handling, or disposition, of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreational or amusement enterprises, motels, garages, hotels, outdoor and outdoor structures, or shops conducted for the sale of personal services and other similar enterprises of the same class.

**Commercial Boarding Stable**

See "Horse Stable"

**Commercial Complex**

"Commercial Complex" means a, commercial or industrial development, with more than one (1) user and which share common parking and/or vehicular access.

**Commercial Development**

See "Development"

**Commercial Nude Establishment**

See "Adult Uses"

**Commercial Use**

See "Use"

**Commercial Vehicle**

"Commercial Vehicle" means every vehicle designed, maintained or used primarily for the transportation of property or passengers in furtherance of commercial enterprise, or any vehicle of over eight thousand, five hundred (8,500) pounds gross unloaded weight, but not including any manufactured home or recreational vehicle. Storage of a commercial vehicle or vehicles constitutes a commercial use of land, but this provision shall not be interpreted to prohibit the parking of a single commercially licensed automobile at a residence. (See "Automobile")

**Commission**

"Commission" means the Lincoln County Planning Commission.

**Common Open Space**

"Common Open Space" means a parcel or parcels of land or an area of water or a combination of land and water or easements, licenses or equitable servitudes within the site designated for a planned unit development which is designed and intended for the use or enjoyment of the residents or owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the development.

**Communication Antenna**

"Communication Antenna" means a structure intended for use in the wireless transmission or relaying of any portion of the electromagnetic spectrum, including television, radio, telephonic, or any other type of communicative transmission which is to be affixed to another building or structure, including the equipment necessary for its use, but not including structures for signal reception only. (See "Antenna")

**Communication Provider**

"Communication Provider" means any person which provides a communicative service via transmission lines within easements established for such a purpose or by electronic transmission via wireless service, such as radio, television, microwave, or any other means of communicative transmission.

**Communication Tower**

"Communication Tower" means a freestanding structure designed to accommodate one (1) or more communication antennas. Communication towers shall be considered to mean the tower plus the antenna(s) to be affixed to the tower.

**Compelling Justification**

"Compelling Justification" means the satisfaction of the following criteria for proposed nonconforming land use zone boundary amendments:

1. A change in law, policies, trends, or facts after the adoption of the land use plan that have substantially changed the character or condition of the area, or the circumstances surrounding the property, which makes the proposed nonconforming zone boundary amendment appropriate; and
2. The density and intensity of the uses allowed by the nonconforming zoning is compatible with the existing and planned land uses in the surrounding area; and
3. There will not be a substantial adverse effect on public facilities and services, such as roads, access, schools, parks, fire and police facilities, and stormwater and drainage facilities, as a result of the uses allowed by the nonconforming zoning; and

4. The proposed nonconforming zoning conforms to other applicable adopted plans, goals, and policies; and
5. The proposed nonconforming zoning does not establish an undesirable precedent.

### **Conditional Use**

See "Use"

### **Condominium**

"Condominium" means a common-interest community in which portions of the real estate are designated for separate ownership and the remainder of the real estate is designated for common ownership solely by the owners of those portions. A common-interest community is not a condominium unless the undivided interests in the common elements are vested in the units' owners.

### **Condominium Hotel**

"Condominium Hotel" means an establishment meeting the criteria for a "Hotel" as set forth in this Title, but subdivided into individual rooms or suites for separate ownership or time-share and which may contain limited cooking facilities otherwise prohibited in hotel units. A "Condominium Hotel" is a commercial condominium development and may not be used for continuous or unlimited residency by a single individual group or family as required and enforced by the covenants, conditions and restrictions of the commercial condominium development.

### **Condominium Motel**

"Condominium Motel" means an establishment meeting the criteria for a motel as set forth in this Title, but subdivided into individual rooms or suites for separate ownership. A "condominium motel" is a commercial condominium and may not be used for continuous or unlimited residency by a single individual group or family as required and enforced by the covenants, conditions and restrictions of the commercial condominium development.

### **Congregate Care Facility**

"Congregate Care Facility" means any commercial building or building complex used or maintained to provide continuous nursing, dietary and other personal services to handicapped or elderly persons who, without the assistance of any other person, are not physically or mentally capable of moving himself/herself from the room in which he/she sleeps to outside the facility in four (4) minutes or less, but excluding cases of contagious or communicable diseases, group homes and surgery or primary treatments such as those customarily provided in sanitariums and hospitals and as otherwise provided for by federal, state, and local regulations. (See Nursing Home/Rest Home)

### **Construction Activities, Temporary**

"Construction Activities, Temporary" means the general on-site activities and operations required to construct and protect a specific development site, including but not limited to

temporary structures, tents, fences, and storage areas, to be ceased and/or removed when the development is completed.

### **Construction Storage**

See "Outside Storage"

### **Construction Storage, Temporary**

"Construction Storage, Temporary" means an off-site facility for the storage of construction materials for a specific development to be removed when the development is completed.

### **Contiguous**

"Contiguous" means any parcel which abuts, shares any common property line other than a corner or is separated only by a public right-of-way dedicated by fee or grant of easement having a width of less than sixty (60) feet except as specified in this Title. For the purpose of land use application acceptance, lots are considered contiguous which 1) are within a subdivision under the same ownership, 2) are separated by a dedicated public right-of-way of one hundred (100) feet or less, 3) share a common property line or corner, or 4) are within the area of an approved major project.

### **Contiguous Tract**

"Contiguous Tract" means any parcel which abuts, shares any common property line other than a corner or is separated only by a public right-of-way dedicated by fee or grant of easement and having a width of less than sixty (60) feet. In the case of "noncontiguous" parcels resulting from the foregoing definition, as it relates to public right-of-way created by grant of easement and in the event of a subsequent abandonment of all or a portion of such easement by the governing body, limits of reversion shall refer to the centerline or line of reference of the original grant of easement.

### **Convalescent Home**

See "Congregate Care Facility"

### **Convenience Store**

"Convenience Store" means a facility, limited in size and scope, for the retail sale of general merchandise (such as food, prepackaged food products, food products, sundries, household and similar consumer items) to the public.

### **Copy Center**

"Copy Center" means a facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, but not including off-set printing. (See Copy Center/Print Shop)

**Corner Lot**

See "Lot"

**Corral**

"Corral" means a pen, building or structure for the enclosure or confinement of animals.

**County**

"County" means that portion of Lincoln County, Nevada outside the incorporated cities, both within and without the unincorporated towns.

**County Engineer**

"County Engineer" means a Nevada registered professional engineer appointed or contracted for by the Board to hold the position of County Engineer.

**County Surveyor**

"County Surveyor" is a Nevada professional land surveyor appointed or contracted for by the Board to hold the position of County Surveyor.

**Coverage**

See "Lot, Coverage"

**Covered Patio**

See "Patio Cover"

**Cul-De-Sac**

"Cul-De-Sac" means a minor street, with only one (1) outlet, which provides for an adequate turning area for vehicular traffic at its terminus, including those designed with a radius, hammerhead, or any other approved design.

**D. Definitions "D"**

**Day**

"Day" means a calendar day consisting of 24-hours.

**Day Care**

"Day Care" means any facility where intermittent care, protection, and supervision is provided, for a fee, at least twice a week to more than six (6) children or adults at one (1) time, providing the use does not meet the definition of "Family" or "Rest Home" as contained herein.

**Daytime Hours**

"Daytime hours means from 6:00 a.m. to 10:00 p.m.

**Dedication**

"Dedication" means the transfer of land in fee simple or by easements, as required by the County, District or by the owner, for the use of the public, and accepted by the District for such use by, or on behalf of, the public.

**Deed Restrictions**

See "Restrictive Covenants Running with the Land"

**Density**

"Density" means the number of residential dwelling units occupying a given land area, expressed in terms of dwelling units per gross acre of land.

**Design**

"Design" means the design elements of a development site, including the planning and engineering of alignments, grades and widths of streets, drainage, sanitary facilities and utilities, and location, size and configuration of easements, rights-of-way, lots, traffic access, grading, building location, landscaping, open space, buffering and other specific physical requirements.

**Development**

"Development" means the division of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure or site improvement; property for which an unexpired land use application which approved a use; property for which a building permit is active for an appropriate use; any mining, excavation, landfill, grading, modification of the natural landscape, and/or any use or extension of the use of land, including the addition of impervious surfaces which retard or prevent the infiltration of water into the soil mantle, or which change the characteristics of water flow.

1. "Commercial Development" means established development in which the uses conducted are listed as conditional or permitted in the village.
2. "Industrial Development" means established development in which the uses conducted are listed as conditional or permitted in the industrial/commercial villages.
3. "Less Intensive Development" means development permitted within a village which is more restrictive than the village type.
4. "Mixed Use Development" means the combination of commercial and residential development on a single lot or within a single integrated development on multiple lots.

5. "Non-Residential Development" means any development which has a principal use other than a dwelling, including the lot upon which the development is located.

6. "Residential Development" means established habitable development, or a final map area in which at least one home has been constructed, in which the uses conducted are listed as conditional or permitted in the residential districts in Appendix B, regardless of the village type in which it is located.

7. "Special Development" means established development permitted as a special use within the various districts which is not permitted or conditional use within any of the various districts, other than special districts such as congregate care, assisted and independent living, major schools, hospitals, cemeteries, libraries, day care, child care, museums, and places of worship, except as otherwise noted in the definition of other types of development.

### **Development Agreement**

"Development Agreement" means a written agreement, adopted pursuant to state statutes, for a specified period of time between the County and any person having a legal or equitable interest in real property for the purpose of developing such property in accordance with specified laws, ordinances, codes, resolutions, rules, regulations and plans adopted by the Board and in effect at the time such agreement is executed, in return for additional development requirements that may include, but are not limited to, design standards, and on- and off-site infrastructure and other improvements, and which shall be approved by the Board and/or other reciprocal obligations from the County.

### **Developer**

"Developer" means the individual or entity responsible for a development.

### **Disabled**

"Disabled" means with respect to a person, a physical or mental impairment that substantially limits one (1) or more of such person's major life activities, having a record of such an impairment, and/or being regarded as having such an impairment. This term does not include current illegal use of or addiction to a controlled substance.

### **Distribution Center**

"Distribution Center" means a warehouse, or a complex of warehouses, with each building containing a minimum of 72,000 square feet, having a minimum overhead clearance of twenty-four feet within the building, with dock high loading doors either in a depressed dock well or at a flat truck apron, and with no drop ceiling constructed within the building outside of accessory office area.

### **District**

"District," means the Coyote Springs General Improvement District.

### **Disturbed Area**

"Disturbed Area" means an area which has been graded, leveled, cleared, or otherwise stripped of vegetation and natural groundcover. It does not include incidental vehicular traffic over unpaved surfaces for recreational purposes.

**Dog Pound**

See "Kennel"

**Dormitory**

"Dormitory" means any building or portion thereof used and maintained to provide sleeping accommodations for a group other than a family, whether for compensation or not, but not including hotels, motels, lodging houses, boarding houses, hospitals or other approved institutions or similar uses.

**Drive Aisle**

"Drive Aisle" means the principal means of vehicular access, other than a street, into and within the development or to lots within the development.

**Driveway**

"Driveway" is the means of ingress and egress from a "drive aisle", street or access easement to a garage or entry of a residence.

**Drugstore**

See "Pharmacy"

**Dry Cleaner**

"Dry Cleaner" means a facility where fabrics are cleaned with substantially nonaqueous organic solvents and where the floor area utilized for dry-cleaning equipment or dry-cleaning processes shall not exceed one thousand eight hundred (1,800) square feet. The one thousand eight hundred (1,800) square foot limitation shall not include public areas, office space or space devoted to clothing storage racks and devices.

**Dry Cleaning Plant**

"Dry Cleaning Plant" means an industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents or by conventional washing. Also, where fabric may be dyed.

**Dump**

See "Sanitary Landfill"

**Duplex**

See "Dwelling, Two-Family"

## Dwelling

"Dwelling" means a building or portion thereof designed or used exclusively for residential occupancy and within which there is interior access to all habitable rooms. Dwellings including factory-built homes, manufactured homes, one-family, two-family and multiple-family dwellings, but do not include any other building wherein human beings may be housed.

1. "Dwelling Unit" means a building or portion of a building having a minimum of three rooms, which must contain a living room, kitchen, bedroom, and bathroom, that is designed as a unit for occupancy by not more than one (1) family for living or sleeping purposes, and does not have more than one (1) kitchen or set of fixed cooking facilities, whether or not designed for use of occupants such as janitors, caretakers, servants or guests.
2. "Two-Family Dwelling" means any building containing only two (2) dwelling units.
3. "Multiple-Family Dwelling Unit" also known as an apartment, means a dwelling unit within a building containing three (3) or more dwelling units.
4. "Multiple-Family Dwelling Group" means one (1) or more buildings containing dwelling units arranged around two (2) or more sides of a court. (See "Apartment")
5. "Single-Family Attached Dwelling," also known as a one-family dwelling, or residence, means any single-family building which are permanently attached to another single-family dwelling.
6. "Single-Family Detached Dwelling," also known as a one-family dwelling, or residence, means any detached building, including manufactured homes, containing only one (1) dwelling unit on its own individual lot.
7. "Single Room Occupancy Unit," also known as an efficiency unit, means one or two rooms used for living, cooking, sanitation and sleeping, and which does not meet the definition of "dwelling unit" above regarding the number of rooms. A single room occupancy unit is considered a dwelling unit for one family for all other purposes, including density.
8. "Temporary Living Quarters" means a building, attached or detached with a kitchen, that is used for a limited period of time to house a family member such as a mother-in-law and is not intended to be used for remuneration nor extended stay which may result in the degradation of a neighborhood.
9. "Temporary Dwelling" means a dwelling, including a manufactured home or recreational vehicle, for temporary use during the construction of a dwelling or the reconstruction of a damaged or destroyed dwelling.

## E. Definitions "E"

### Easement

"Easement" means the grant to a person, government entity, or public utility a limited right of use or interest of a property given by the property owner for a specific purpose, or a prescriptive right as determined by a court of law. Easements granted to the public, which are accepted by the District, shall be used by, or on behalf of, the public.

**Egress**

"Egress" means an exit.

**Electric Generating, Distributed**

"Electric Generating Distributed" is a small scale (with output of five megawatts or less) power generating unit established as an accessory use designed to provide necessary power for the principal use, but not including emergency backup generators. Such technologies include, but are not limited to: reciprocating engines, microturbines, industrial combustion turbines, fuel cells, photovoltaics and wind turbines. (See Electric Generating Station or Electric Generation, Emergency.)

**Electric Generation, Emergency**

"Electric Generation Emergency" is power generating unit established as an accessory use designed to provide necessary power for the principal use intermittently only when power is interrupted. (See Electric Generating Station or Electric Generation, Distributed.)

**Electric Generating Station**

"Electric Generating Station" means a facility that generates electricity produced by waste, heat, solar, wind, gas, coal, hydroelectric power sources, or nuclear fission when the capacity of power generated exceeds five megawatts or when established as the principal use of the property (See Electric Generation, Distributed or Electric Generation, Emergency).

**Electrical Substation**

"Electrical Substation" means a subsidiary station in which electric current is transformed for distribution to individual customers.

**Electronic Repair**

"Electronic Repair" means the repair of electronic equipment such as televisions, radios, computers or similar devices (see "Appliance Repair"). (See Appliance/Electronic - Sales, Service, and Rental).

**Elevation**

"Elevation" means a vertical distance above or below a fixed reference datum based on the North American Vertical Datum of 1988.

**Emergency Care Facility**

"Emergency Care Facility" means medical or dental offices which provide professional services more than eighty-four (84) hours per week, or which have designated facilities for providing emergency medical care to the general public without appointment. An "Emergency Care Facility," in contrast to a "Hospital," does not provide overnight care or boarding of patients.

### **Employee Housing**

Housing for employees in conjunction with agricultural use. (See "Dwelling")

### **Equipment Rental**

"Equipment Rental" means the rental of cleaning, landscaping, construction or similar equipment such as riding lawnmowers or tillers, but not including earth moving equipment, such as front end loaders, dump trucks or other more intense commercial vehicles which are required to comply with the Nevada Department of Motor Vehicle (DMV) regulations for licensing purposes. (Also see "Equipment Sales/Rental/Service - Construction or Heavy Equipment")

### **Equipment Sales/Rental/Service - Construction or Heavy**

"Equipment Sales/Rental/Service - Construction or Heavy" means the sale, rental and/or service of intense equipment such as front end loaders, dump trucks and other commercial vehicles.

### **Escort Bureau**

"Escort Bureau" means a person who, for a fee, commission, profit, payment, or other monetary consideration, furnishes, refers or offers to furnish or refer escorts, or provides or offers to introduce patrons to escorts in accordance with the restrictions that may be listed in the (Liquor and Gaming License and Regulations) of the Lincoln County Code and is considered a "Privileged" License by State of Nevada.

### **Explosives**

"Explosives" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses other than electric circuit breakers, detonators and other detonating agents, smokeless powders, other explosive or incendiary devices and any chemical compound, mechanical mixture or device that contains any oxidizing or combustible units, or other ingredients, in such proportions, quantities or packing that ignition by fire, friction, concussion, percussion or detonation of the compound, mixture, device or any part thereof may cause an explosion. For the purpose of this Title, an explosive does not include ammunition for small arms, or any component thereof, black powder commercially manufactured in quantities that do not exceed fifty (50) pounds, explosives used for mining activities, and percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers that are intended to be used solely for sporting, recreation or cultural purposes.

### **Extension of Time Application**

"Extension of Time Application" means a request filed with the "Extension of Time Application" means a request filed with the Administrator to extend the time on any land use application, either for commencement, completion or review, or as the circumstances warrant as permitted by the County.

## **F. Definitions "F"**

### **Family**

"Family" means one or more people living as a single housekeeping unit within a dwelling unit.

### **Family Home**

"Family Home" means any facility where care, protection and supervision are provided without the presence of parents to not more than six (6) people at one time. A family home is a permitted accessory use within any dwelling.

### **Farmer's Market**

"Farmer's Market" means a building or open area in which stalls or sales areas are set aside, rented, or otherwise provided for use by individuals, tenants, or businesses engaged in the sale of vegetables, fruits, or other agricultural products.

### **Feed Store**

"Feed Store" means a retail sales facility where grain and other foodstuffs for animals and livestock is sold, including other implements and goods related to agricultural processes, but not including farm machinery. (See Feed & Tack).

### **Fence**

"Fence" means any artificially constructed barrier of any material or combination of materials erected which is greater than thirty-six (36) inches in height within a required setback to enclose or screen areas of land.

### **Final Map**

"Final Map" means a map prepared in accordance with NRS 278A and this Title, which is to be placed on record in the Office of the County Recorder as the approved map for a Planned Unit Development or a part thereof.

### **Financial Service**

"Financial Service" means any business whose primary service is the exchange of currency, including banks, credit unions, but excluding retail sales and offices. (See Bank, Credit Union, Check Cashing Services, Finance Company, etc)

### **Fire District**

"Fire District" means the Coyote Springs Fire District.

**Firearms**

"Firearms" means any pistol, rifle, shotgun or other similar weapon permitted to be sold under state and federal law.

**Flea Market**

See "Swap Meet"

**Floor Area**

"Floor Area" means the total area enclosed within the several floors of a building as measured from the exterior faces of the walls, excluding any space where the floor to ceiling height is less than six (6) feet. Floor area requirements shall be construed to be based on the gross floor area unless specified as leasable floor area. "Gross Floor Area" means the total area enclosed and when referring to a use includes all floor area with interior access to the use.

**Food Processing**

"Food Processing" means a facility in which food for human consumption is produced in its final form, such as candy, baked goods, dairy products and/or ice cream, and the food is distributed to retailers or wholesalers for resale on or off the premises. The term does not include beverage processing which uses any mechanized assembly line production, the killing or processing of animals and animal waste, nor a restaurant preparing food for consumption by patrons on the premises or for takeout or delivery.

**Fraternal Organization**

See "Club"

**Freight Terminal**

"Freight Terminal" means an area and building(s) where cargo is stored and where railroad cars, aircraft, and/or trucks, (including tractors and trailer units), load and unload cargo for transshipment or distribution on a regular basis, and which may include facilities for the temporary storage of loads prior to shipment and facilities for the maintenance of transport vehicles.

**Front Lot Line**

See "Lot"

**Front Yard**

See "Yard"

**Frontage**

"Frontage" means all the property aligned on one (1) side of a street.

**Fuel Storage Yard**

"Fuel Storage Yard" means a place for the storage of petroleum products in mass quantities for wholesale sales or distribution. This does not include incidental fueling facilities serving a primary use or in conjunction with a service station or truck stop.

**Future Street Width**

"Future Street Width" means lines established adjacent to highways or streets for the purpose of defining limits within which no structure nor any part thereof shall be erected or maintained in order to ensure the future acquisition of these limits as public rights-of-way.

**G. Definitions "G"****Gaming**

"Gaming" means and includes all games of chance or devices and any slot or video poker machines played for money, or for checks or tokens redeemable in money except, for the purpose of this Title only, "Gaming" shall not be construed to include slot or video poker machines, when fifteen (15) or less, such machines are operated incidental or accessory to the conduct of a business permitted under the provisions of this Title.

**Garage**

"Garage" means a detached accessory building or a portion of a main building designed or used for the parking or temporary storage of automobiles owned and used by the occupants of the premises or their guests or patrons, or as a principal use as permitted within this Title.

**Garage Sale**

"Garage Sale" means the selling of used articles on the property of the homeowner.

**Government Building**

See "Building, Public"

**Government Entity**

"Government entity" means any political subdivision of the Federal or State government, or any regulatory agency or any utility governed by elected officials.)

**Grade**

"Grade" includes the following meanings.

1. The average level of the finished ground level at the center of all walls of the building.

2. The finished grade for the purpose of determining the height of fences, walls, and/or hedges shall be the top-of-curb grade for fences, walls and hedges along a street. Where the finished grade line of a lot is above or below the finished grade line of an abutting lot, the finished grade shall be the point on the high side.

**Grading**

"Grading" means any excavation, filling, clearing vegetation, rough grading, stockpiling, or altering the natural ground surface or its elevation.

**Grand Opening**

"Grand Opening" means a one (1) time promotional activity used by newly established businesses, within two (2) months after occupancy, to inform the public of their location and service available to the community, any outdoor activity of which is permitted only with a temporary commercial permit and subject to the restrictions listed for such a permit.

**Grocery Store**

"Grocery Store" means a business located in a building or in a portion of a building which is segregated physically or spatially from the rest of the building or other retail sales departments, which sells or displays food and other goods for retail sales and has over six thousand (6,000) square feet of floor space, exclusive of warehouse, restrooms, and office areas. (See Grocery/Food Products)

**Gross Acre/Acreage**

See "Acre"

**Gross Floor Area**

See "Floor Area"

**Group Home**

"Group home" means a dwelling unit in which more than two disabled adults (unless the disabled adults are related within the third degree of consanguinity) reside, which may include house parents or guardians and persons related to the house parents or guardians within the third degree of consanguinity, who need not be related to any of the disabled adults (see "Disabled").

**Guest House**

"Guest House" means a segregated portion of a dwelling or a separate dwelling structure located on a lot with a dwelling and used for the housing of guests or servants of the occupant of the premises.

**Guest Ranch**

"Guest Ranch" means a facility where transient guests are boarded in an agricultural setting, and where such guests may be instructed in agricultural and/or animal husbandry practices. (See Transient Lodging or Time Share Programs)

**Guest Room**

"Guest Room" means any room in a hotel, dormitory, bed and breakfast, boarding house, used and maintained to primarily provide sleeping accommodations for not more than two (2) persons.

**Gym**

"Gym" means the same as a fitness center or health club. See also "Recreation Facility".

**H. Definitions "H"****Handicap**

See "Disabled".

**Hardware Store**

See "Home Improvement Center" (See Hardware/Tools)

**Hazard to Air Navigation**

See "Airport Definitions"

**Hazardous Material or Waste**

"Hazardous Material or Waste" means products or waste products which have the potential to be dangerous, extremely noxious, or cause substantial environmental impacts on or beyond the boundaries of the property on which the products are used or stored and includes, but is not limited to, the materials specified in the Nevada Revised Statutes and/or the Nevada Administrative Code when present in the quantities listed and/or the materials regulated by the Coyote Springs Fire District, State Fire Marshal and Building codes. See also "Hazardous Materials Storage" and "Hazardous Occupancy".

**Hazardous Materials Storage**

"Hazardous Materials Storage" means the storage of chemicals, explosives, or other hazardous materials for commercial or industrial uses, or hazardous waste, and includes the wholesale distribution of chemical products but not the incidental storage of chemicals for personal use and/or in conjunction with other uses. Chemical and/or hazardous materials storage is limited by type and quantity per the Nevada Revised Statutes and/or the Nevada Administrative Code and by the Coyote Springs Fire District, State Fire Marshal and Building Codes. A hazardous occupancy is required per the Clark County Building Code. (See also "Hazardous Material or Waste", Hazardous Occupancy", "Outside Storage/Outside Display, and "Personal Use")

**Hazardous Occupancy**

"Hazardous Occupancy" means the use of buildings or structures, or portions thereof, for the purpose of manufacturing, processing, generation, or storing of hazardous chemicals, explosives, waste, or other materials in amounts smaller than those specified in the Nevada Revised Statutes and/or the Nevada Administrative Code, that constitute a high fire, explosive, or health hazard and require a hazardous occupancy as determined by the Lincoln County Building Department. See also "Hazardous Material or Waste" and "Hazardous Materials Storage".

**Height**

See "Building" or, with respect to airports, see "Airport Definitions."

**Heliport**

"Heliport" means any area used or to be used for the landing or take-off of helicopters, hot air balloons, or other steep gradient aircraft capable of hovering and shall include any, and all, of the area or buildings which are appropriate to accomplish these functions.

**Hillside**

"Hillside" means a part of a hill between the summit and the foot with slopes of twelve percent (12%) or more, the contiguous extent of which exceeds two and one-half acres.

**Hog/Pig Farm**

See "Agriculture - Hogs/Pigs"

**Home Improvement Center**

"Home Improvement Center" means a facility for the sale of home, lawn and garden supplies, tools, and construction materials such as brick, lumber and other similar materials (See Building Supplies and Materials), and includes small equipment rental (see "Equipment Rental" definition).

**Home Occupation**

"Home Occupation" means any commercial use conducted entirely within a dwelling unit and carried on by family members residing in that dwelling unit, the use of which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not alter the exterior or affect the residential character of the neighborhood and, in connection with which, there is no display, nor stock in trade. Any commercial use conducted as a home occupation shall not involve the use of any accessory building or yard space, nor involve any activities not normally associated with residential use outside of the main building.

**Horse Stable**

"Horse Stable" means a location where horses are kept, including the following:

1. "Commercial Boarding Stables" means the keeping or housing and/or riding and training of horses only but prohibiting rental of animals, open for service to the general public. A horse kept on the land for the purpose of training shall be considered to be a boarded horse. Young animals less than six (6) months of age shall not count toward the allowable limit.
2. "Private Stable" means a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale. (See "Agriculture Livestock - Large")
3. "Residential Boarding Stables" means the keeping or housing and/or riding and training of horses only for the purpose of monetary gain, and including the owner/proprietor's personal horses, but prohibiting rental of animals, open for service to the general public. A horse kept on the land for the purpose of training shall be considered to be a boarded horse. Young animals less than six (6) months of age shall not count toward the allowable limit.
4. "Riding/Rental Stables" means the keeping or housing and/or riding and training of horses, which exceed a total number of ten (10) animals per 40,000 square feet, for the purpose of monetary gain, including the rental of animals and instruction in the art of horseback riding, open for service to the general public. A horse kept on the land for the purpose of training shall be considered to be a boarded horse. Young animals less than six (6) months of age shall not count toward the allowable limit. (See Boarding Stables).

### **Hospice**

"Hospice" means a facility for the treatment and care of the terminally ill which is a hospital for the purpose of this Title. (See Hospitals)

### **Hospital**

"Hospital" means any building, or portion thereof, used for the accommodation and medical and/or psychological care of persons who are sick, injured or infirm. This includes sanitariums, institutions for the cure of chronic drug addicts and mental patients, hospices, and alcoholic sanitariums.

### **Hot Air Balloon**

See "Heliport".

### **Hotel**

"Hotel" means any building or group of buildings, other than a spa/retreat, in which there are five (5) or more guest rooms used, designed or intended to be used, let or hired out for the purpose of offering to the general public lodging on a day-to-day basis not to exceed thirty (30) consecutive calendar days, where the primary entrance is through a lobby or foyer and also, that in which there are no provisions for cooking in any individual room or suite unless specifically permitted by the Commission or Board.

### **Household Pets**

"Household Pets" means animals or birds ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, birds, pot-bellied pigs, ferrets, hamsters, parakeets, non-venomous reptiles and amphibians not more than six feet in length but not including their young less than three (3) months old. Any domesticated farm animal permitted under "Agriculture - Livestock" which are normally raised for consumption shall not be considered to be a household pet. See "Agriculture-Aviary," "Agriculture - Livestock," and "Exotic Animals."

### **Hypnotist**

See "Psychic Arts"

## **I. Definitions "I"**

### **Improvements**

"Improvements" means public or private facilities that may include, but are not limited to, fire hydrants, sidewalks, curbs, gutters, pavement, gravel, aggregate base, streetlights, street name signs, traffic signals and signs, pavement markings, other applicable traffic control devices, survey monuments, sewers, utilities, flood control and drainage facilities, overpasses and underpasses for vehicular and pedestrian uses.

### **Ingress**

"Ingress" means access or entry.

### **Intensity of Use**

"Intensity of Use" means the uses which are less or more intense based on the allowable uses within the zoning district, with less restrictive zoning districts allowing a greater intensity of use.

### **Interior Lot**

See "Lot"

## **J. Definitions "J"**

### **Jewelry Store**

"Jewelry Store" means an establishment which primarily sells new and used jewelry, or reconstitutes precious metals into jewelry forms which are sold at retail on the premises.

### **Junkyard**

See "Salvage Yard" or "Automobile Dismantling Yard"

## **K. Definitions "K"**

### **Kennel**

"Kennel" means any lot, building, structure or premises on which four (4) or more household pets are kept for an indefinite period of time. (See "Household Pet" and "Pet Fancier").

### **Kiosk, Information**

"Kiosk, Information" means a freestanding structure upon which temporary information regarding community activities and/or posters, notices, and announcements are posted.

### **Kitchen**

"Kitchen" means any room principally used, intended or designed to be used for cooking or the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven, shall normally be considered as establishing a kitchen.

## **L. Definitions "L"**

### **Laboratory, Experimental**

"Laboratory Experimental" means a facility for scientific research or the testing of materials.

### **Land Disturbance Permit**

"Land Disturbance Permit" means any permit required prior to the disturbance of land including but not limited to Building Permits and Grading Permits.

### **Land Sales Presentation Unit Broker Office**

"Land Sales Presentation Unit Broker Office" means a location where the business engages in making solicitations to prospective customers to attend land sales presentations, or any person who engages in the business of selling land who employs other persons to make solicitations to prospective customers to attend land sales presentations.

### **Land Use Application**

"Land Use Application" means any application, administrative or otherwise, filed with the Administrator, for design review, variance, special use permit, zone change, or other application required by the Lincoln County Code to approve the use of land, the design of proposed improvements to the land, the exception to requirements of the requirements of this Title, or for extensions of time for the same. The term does not include applications or procedures for tentative or final PUD plans.

### **Land Use Zone Boundary Amendment Application**

"Land Use Zone Boundary Amendment Application," (also known as a "Land Use Zone Change,") means a request filed with the Administrator to amend a land use zone as

shown on the final plan for a planned unit development by reclassifying property from one (1) land use zoning district to another and which includes the following types of amendments:

1. "Conforming Amendment" means a proposed land use zone boundary amendment within the range of residential densities and/or non-residential intensities indicated on the final plan for a village, including amendments to the CS-P-F zone for community-serving infrastructure, such as schools, parks and water reservoirs, etc.;
2. "Nonconforming Amendment" means a proposed land use zone boundary amendment not within the range of residential densities and/or non-residential intensities indicated on the final plan for a village to which the exceptions listed in Subsection 1 above do not apply.

### **Landfill**

See "Sanitary Landfill"

### **Landscaping**

"Landscaping" means the combination of natural elements such as trees, shrubs, groundcovers, vines, and other living organic and inorganic material which are installed for purposes of creating an attractive and pleasing environment, screening unsightly views, reducing environmental heat, filtering particulate matter from the air, and boosting oxygen levels. Public art, water features, plazas, patios, decorative courtyards and lighting may also be considered landscape elements.

### **Large Scale Retail Business**

"Large scale retail business" means a business that exceeds 115,000 gross square feet excluding outside sales or storage, restrooms and other non-public areas.

### **Live Entertainment**

"Live Entertainment" means the provision of any amusement or attention engaging activity by an animal or human performing in person including, but not limited to, the performance of acts, music, speech, dance, acrobatics, disc jockeys, karaoke, or display, but not including adult uses or the indoor performance of one or two individuals that is inaudible from the exterior of the building. (See "Adult Uses")

### **Livery Stable**

See "Horse Stable" (See Boarding Stables).

### **Livestock Feed/Sales Yard**

See "Agriculture - Livestock Feed/Sales Yard" (See Livestock Sales)

### **Loading Space**

"Loading Space" means an off-street space or berth for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

### **Lodge**

See "Club"

### **Lot**

"Lot" means a parcel of land, or a space within an approved manufactured home park or recreational vehicle park, occupied, or to be occupied by, a building or group of buildings, together with such yards, open spaces, lot width and lot area as may be required by this Title, having frontage upon a street or other legally approved right-of-way. All lots shall have legal access.

1. "Corner Lot" means a lot abutting two (2) intersecting streets, where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees.
2. "Double Frontage Lot" means a lot, other than a corner lot, with frontage on more than one street.
3. "Flag Lot/Key Lot" means a lot having access to a public or private street by a narrow, private right-of-way or portion of a lot.
4. "Front Lot Line" means the line considered to front on that street on which typically the greatest number of buildings are erected.
5. "Interior Lot" means a lot other than a corner lot.
6. "Lot Area" means the total horizontal area within the lot.
7. "Lot Coverage" means the total area of the lot covered by the roof of any enclosed or unenclosed building, including eaves and overhangs.
8. "Lot of Record" means a lot in separate ownership which was created in accordance with the State Law and County Code in effect at the time the parcel was created.
9. "Minimum Area" means the smallest lot area permissible in a particular zoning district on which a use or structure may be located.
10. "Rear Lot Line" means a lot line opposite and most distant from the front line, and in the case of an irregular, triangular or gore-shaped lot, a line ten feet in length within the lot most nearly parallel to and at the maximum distance from the front lot line.
11. "Side Lot Line" means any lot boundary other than a front or rear lot line.
12. "Substandard Lot" means a parcel of land which has less than the minimum area required in the district in which the lot is located.
13. "Through Lot" means a residential lot, other than a corner lot, abutting more than one street, and having vehicular access to more than one (1) street.

14. "Zero Lot Line Lot," also known as a patio home, means a lot designed for a one-family dwelling unit or a one-family attached dwelling unit with one (1) side yard reduced or eliminated.

### **Lounge**

See "Tavern/Bar/Lounge"

### **Lumber Yard**

See "Home Improvement Center"

## **M. Definitions "M"**

### **Manager's Residence**

"Manager's Residence" means a dwelling incidental and accessory to a business. A manager's apartment does not constitute a residential use of property.

### **Manufactured Home**

"Manufactured Home" means a structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet (width of the coach body) or more in width or forty (40) feet (length of the coach body) or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under Federal Standards of Housing and Urban Development. Each manufactured home, together with any cabana additions, shall contain only one (1) kitchen or cooking facility. No alteration of the structure is allowed, nor will a state seal be issued for occupancy, according to State Division of Manufactured Housing. See "Cabana" for additions.

### **Manufacturing**

"Manufacturing" means the following:

1. "Light" means the storage and/or utilization of the following materials to fabricate and/or assemble products with added value: bones, building products/materials, clay, cork, feathers, gases, glass, glue, hair, horn, leather, metal, paint and similar surfacing materials and solvents, paper, plastics, rubber, seeds, shell, stone, straw, textiles, wax, and wood. Cosmetic manufacturing, electric plating and glass blowing shall also be included. The incidental storage and utilization of materials within residential, commercial, special, or industrial development which are permitted only in more intense manufacturing districts does not constitute a more intense use, unless the quantity of such materials meets the definition of hazardous materials (see "Hazardous Materials").

2. "Medium" means the creation of the following materials: building products/materials, glass (other than glass blowing) glue, textiles, and wax, as well as the commercial manufacturing of small arms ammunition if no more than fifty (50) pounds of gunpowder is stored at anytime. The incidental storage and utilization of materials within residential, commercial, special, or industrial development which are permitted only in more intense manufacturing districts does not constitute a more intense use, unless the quantity of such materials meets the definition of hazardous materials (see "Hazardous Materials").

3. "Heavy" means the creation of the following materials: chemicals, gases, leather or other tanned goods, metal and smelting of metal, paint and similar surfacing materials and solvents, paper, plastics and rubber. The incidental storage and utilization of materials within residential, commercial, special, or industrial development which are permitted only in intense manufacturing districts does not constitute a more intense use, unless the quantity of such materials meets the definition of hazardous materials (see "Hazardous Materials").

### **Marine Sales/Rental**

"Marine Sales/Rental" means display and sale or rental of new or used boats, jet skis, waverunners or other marine vessels and trailers, and incidental uses to marine activities. (See Boat/Watercraft Sales and Service).

### **Massage**

"Massage" means the physical or mechanical manipulation of soft tissue of the body for purpose of enhancing muscle relaxation, reducing stress, improving circulation, or instilling a greater sense of well-being and may include the use of lubricants. Massage therapy may only be performed by a massage therapist, in accordance with any County Business License regulation, for consideration or gratuity.

### **Massage Therapist (Independent)**

"Massage Therapist (Independent) " means any person, whether male or female, who performs massage, and meets all of the requirements of any County Business License regulation.

### **Medical Use**

"Medical Use" means to administer advice related to the suggested treatment of and diagnosis of diseases which may include "Oriental Medicine", Acupuncture and other forms of drugless practices. For non-medical uses see "Acupressure/Massage Therapy".

### **Micro-Brewery**

See "Brew Pub"

### **Mining**

"Mining" means the extraction and/or processing of metals, ores, or other materials.

**Mini-Warehouse**

"Mini-Warehouse" means storage units for rent or sale to the public for the storage of articles where all stored items are located within an enclosed building, there is no on-site sale of the stored items, separate businesses in the units are not established, and automobile repair or the sale of automobiles, recreational vehicles or other like vehicles and uses are not permitted.

**Minor Paint/Body Shop**

"Minor Paint/Body Shop" means a facility designed and used for the restoration or refurbishing of automobiles for small dents and body work including but not limited to airbrush touch up, surface scratch, color sanding and buffing, small spot repair, bumper repair, paintless dent repair, and upholstery work. This does not include structural repair, nor repair where damage exceeds more than 10% of the surface area of the automobile. See also "Automobile Paint/Body Shop"

**Mixed-Use**

"Mixed-Use" or "Mixed-Use Development Mixed".

**Mobile Business**

See "Development - Commercial, Industrial"

**Mobile Home**

See "Manufactured Home"

**Mobile Service**

"Mobile Service" means an incidental service to a licensed home occupation or a business licensed in a commercial or industrial location.

**Mobility Impaired**

See "Handicap"

**Model Home**

"Model Home" means a residential home in a subdivision for display to potential customers.

**Monastery**

See "Place of Worship"

**Mortuary**

"Mortuary" means a facility in which dead human bodies are prepared for burial or cremation, and where funeral services may be conducted.

**Mosque**

See "Place of Worship"

**Motel**

"Motel" means a building or a group of two (2) or more detached or semi-detached buildings, other than a spa/retreat containing five (5) or more individual dwelling or sleeping units, each with a separate exterior entrance, with or without cooking facilities, designed for, or used temporarily by, automobile tourists or transients for rent on a day-to-day basis not intended to exceed thirty (30) consecutive calendar days. Each rentable room shall constitute one (1) unit.

**Motion Picture Production/Studio**

"Motion Picture Production/Studio" means the producing, directing, editing, filming, recording, or taping of a production, including the use or transmission via the internet or computer, regardless of whether picture presentation originates with closed circuit, live broadcast, or cassette, or other recording, at an established or fixed place of business in the County. (See Motion Picture/Film/Television/Video/Audio Production Companies)

**Motor Vehicle Pawnshop**

See "Pawnshops"

**Movie Theater**

"Movie Theater" means an open air or enclosed establishment with a seating capacity of more than twenty-five (25) persons, or parking capacity of more than twenty-five (25) vehicles, used regularly and routinely for presenting material which is not relating to specified sexual activities or specified anatomical areas for observation by patrons therein (non-adult theater).

**MSHCP Mitigation Fee**

"MSHCP Mitigation Fee" means the fee imposed pursuant to the Multiple Species Habitat Conservation Plan approved for the Planning Area.

**Multifamily or Multiple-Family Dwelling**

See "Dwelling, Multiple-Family"

**Multiple Species Habitat Conservation Plan**

"Multiple Species Habitat Conservation Plan" means the Coyote Springs Multiple Species Habitat Conservation Plan.

**Museum**

"Museum" means a facility or area for the acquisition, preservation, study, and exhibition of works of artistic, historic or scientific value.

**N. Definitions "N"**

**Net Acreage**

See "Acre"

**Nonprofit Organization**

**Non-Residential Development**

See "Development"

**Non-Residential Use**

See "Use"

**Notice of Administrative Decision**

"Notice of Administrative Decision" means a written verification of action on an administratively approved application.

**NRS**

"NRS" means Nevada Revised Statutes including any subsequent amendments to the statute.

**Nude Establishment, Commercial**

See "Adult Uses"

**Nunnery/Convent**

See "Place of Worship"

**Nursing Home**

See "Congregate Care"

**O. Definitions "O"**

**Obstruction**

See "Airport Definitions"

**Odor Easement**

"Odor Easement" means an agreement between a property owner and his/her heirs in interest, or any subsequent property owner, and the District, wherein the property owner agrees to indemnify the District against losses resulting from the operation of the District's sanitary sewer facilities or similar facilities, operated by any other local jurisdiction or private entity.

**Office**

"Office" means the business of administrative, professional or clerical operations, including administrative governmental functions or mortgage companies, but does not include an office for an escort bureau or outcall entertainment referral service. Uses incidental, such as medical and dental testing and diagnostic services, are permitted in conjunction with medical and dental offices.

**Off-Site Parking**

See "On-Site Parking"

**One-Family Dwelling**

See "Dwelling"

**On-Site Parking**

"On-Site Parking" means parking provided for a specific use located on the same lot. All other parking is "Off-Site."

**Open Space, See "Common Open Space"**

**Operator**

"Operator" includes manager, owner, caretaker, agent and/or employee and means the person who is in continuous, responsible charge of a recreational vehicle park or or any other residential, commercial, or industrial facility.

**Orphanage**

See "Child Care Institution"

**Outcall Entertainment Referral Service**

"Outcall entertainment referral service" means a person who, for a fee, sends or refers an entertainer to a location other than the property at which the business license has been issued.

**Outdoor**

"Outdoor" means not enclosed by walls and a ceiling.

**Outdoor Dining, Drinking and Cooking**

"Outdoor Dining, Drinking and Cooking" the seating, eating/drinking and/or preparation of food only for patrons outside the area enclosed within a dining establishment.

**Outside Display**

"Outside Display" means the showing of goods, material and/or merchandise for sale not within an enclosed building. (See Outside Storage/Outside Display)

**Outside Storage**

"Outside Storage" means the keeping of any goods, material, merchandise, or equipment not within an enclosed building, including incidental maintenance and repair of the material which is being stored. (See Outside Storage/Outside Display)

**Owner**

See "Property Owner"

**P. Definitions "P"****Package Wastewater Treatment Plant**

"Package Wastewater Treatment Plant" means a private sewerage treatment system whose capacity is 5,000 gallons or greater such as septic tanks, lagoon, biological, mechanical plants or any other type of system for the treatment of sewerage. Also referred to as Package Plants.

**Paddock**

"Paddock" means a fenced enclosure used for the keeping of animals which has a covered portion no greater than 50% of the area of the entire enclosure and a roofed area no greater than 1,000 square feet, with no portion of any structure higher than eight feet (8') and with all sides at least 90% open.

**Parcel**

See "Lot"

**Park**

See "Public Facility"

**Parking Garage**

See "Garage"

**Parking Space**

"Parking Space" means space within a building, lot or parking lot, but not on a street, for the parking or storage of one (1) automobile.

**Particulate Matter**

"Particulate Matter" means air pollutants, including smoke, dust, soot, salts, organic material, carbon, sulfates, nitrates, and heavy metals, consisting of fine particles, ten microns in diameter or smaller (about 1/7 the size of a human hair).

**Passenger Terminal**

"Passenger Terminal" means an area and building(s) where facilities for the staging and transportation of passengers is conducted, including bus and rail depots, and air terminals.

**Pawnshops and Motor Vehicle Pawnshops**

"Pawnshops and Motor Vehicle Pawnshops" means any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property. This does not include federal/state licensed lending institutions.

**Permanent Make-Up**

"Permanent Make-Up" means a business where a permanent design or mark is made on the skin by pricking it and ingraining in it an indelible pigment for masking discolorations on the body or cosmetically enhancing facial features only. This does not include tattoo. (see also "tattoo")

**Permitted Use**

See "Use"

**Person**

"Person" means an individual, firm, partnership, corporation, company, association, joint stock association, or similar organization, and includes a trustee, a receiver, an assignee, or a similar representative of any of them. A person does not include a governmental entity.

**Personal Services**

"Personal Services" means a business providing specialized service specific to an individual which include barbershop, beauty parlor or day spa, dressmaker, nail salon, tailor, and similar uses. (See Barbershops, Body Piercing, Cosmetology Establishment; Personal Services, Tailor/Seamstress and Tanning Salon, etc.)

**Personal Use**

"Personal Use" means, for the purpose of regulating the storage of hazardous materials and chemicals, the use by employees or other persons at public or private facilities of foods, drugs, cosmetics, or other personal items containing toxic chemicals, including supplies of such products within the facilities (for example, a facility-operated cafeteria, store, or infirmary), and also including home use of such products. Examples of personal use items also include chemical product items used for facility and motor vehicle maintenance, janitorial cleaning supplies, fertilizers, and pesticides that are similar in type, quantity, and concentration to consumer products.

**Pet Fancier**

"Pet Fancier" means someone licensed to keep up to six (6) dogs over one (1) year of age and/or twelve cats over eight (8) months of age (see "Household Pets" or "Kennel")

**Pet Shop**

"Pet Shop" means a retail establishment offering household pets for sale and where all such creatures are housed within the building.

**Pharmacy**

"Pharmacy" means the business of apothecary, druggist, or pharmacy where drugs or medicines are compounded or dispensed by state-licensed pharmacists and which may include grill and fountain services and retail sales of sundries such as stationery, magazines, cosmetic, and health items.

**Place of Worship**

"Place of Worship" , also known as "church", means a building or portion of a building that people regularly attend to participate in or hold religious services, meetings, and other activities including a place of residence on the premises for the religious leader and family assigned to the location, or a community of religious persons living apart from the general community.

**Planned Unit Development**

"Planned Unit Development" means an area of land controlled by a landowner, which is to be developed as a single entity for one or more planned unit residential developments, one or more public, quasi-public, commercial or industrial areas, or both. Unless otherwise stated, "planned unit development" includes the term "planned unit residential development".

**Planning Commission**

See "Commission"

**Plant Nursery**

"Plant Nursery" means an establishment for the growth, display and/or sale of plants, shrubs, or trees, and which may also include the accessory sale of materials and tools such as decorative rock, and riding lawn mowers, used in indoor or outdoor planting, conducted within or without an enclosed building.

**Primary Structure**

"Primary Structure" means that structure which constitutes the largest portion of the total square footage of the development.

**Principal Building**

See "Building, Principal"

**Principal Use**

See "Use"

**Print Shop**

"Print Shop" means a facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including lithography and/or off-set printing. (see "Copy Center")

**Prison**

"Prison" means a building or structure and related facilities used for the housing or detention of persons who have been charged with or have been convicted of felonies or misdemeanors.

**Private Recreational Facility**

See "Recreational Facility"

**Private Street**

See "Street"

**Prohibited Use**

See "Use"

**Property**

"Property" means a lot, parcel, or tract of land together with any building and structure. See "Real Property."

**Property Owner**

"Property Owner" means:

1. Any individual, firm, governmental entity, association, syndicate, partnership or corporation, or its authorized agent, having sufficient proprietary interest in real property other than a leaseholder.
2. For the purpose of seeking development, the term shall include any person when accompanied by a letter from the governmental entity owning the property indicating that the entity is aware of the application and does not object to it.
3. For the purpose of seeking a special use permit, variance, waiver of standards, or any administrative application, the term shall include a leaseholder.

**Protective Covenants**

See "Restrictive Covenants Running with the Land"

**Psychic Arts**

"Psychic Arts" means any person who practices, teaches, or professes to practice the business of astrology, hypnotism, or the psychic arts and sciences for a fee, gift, donation, or otherwise. Psychic arts and sciences may include, but are not limited to, palmistry, phrenology, life reading, fortune telling, cartomancy, clairvoyance, clairaudience, crystal gazing, mediumship, prophecy, augury, divination, magic or necromancy.

**Public Building**

See "Building"

**Public Facility**

"Public Facility" means any public school, government building or facility, park, airport, playground, fairground, swimming pool, reservoir, flood control basin, golf course, athletic field, street, traffic signal, street light, or similar facility or structure, or land approved for such, owned, leased, operated and/or controlled by a local, state, or federal governmental entity. This term may include private entities performing government functions.

**Public Hearing**

"Public Hearing" means a meeting, announced and advertised in advance and open to the public, in which members of the public have an opportunity to participate.

**Public Improvement**

See "Improvements"

**Public Notice**

"Public Notice" means the advertisement of a public hearing as required, either in a paper of general circulation, through the mail, by electronic means, and/or the posting of a sign on property, each designed to indicate the time, date, place, and nature of a public hearing.

**Public Right-Of-Way**

See "Right-Of-Way"

**Public Utility**

"Public Utility" means water, sanitary or storm sewers, telecommunications, traffic signal and street lighting systems, petrochemical pipelines, electric power, gas, cable television systems or facilities, irrigation water company systems, or other facilities permitted to be within District rights-of-way or the companies operating such facilities, and including the meaning ascribed under Section 704.020 of the Nevada Revised Statutes ("Public Utility" or "Utility" defined.), but not including the offices for such which shall be considered an "Office."

**R. Definitions "R"****Racetrack**

"Racetrack" means a course designed for contests of speed, including car, motorcycle, bicycle, dog, horse, or similar races.

**Radio Tower**

See "Communication Tower"

**Real Estate Office**

"Real Estate Office" means any building or room, maintained by a real estate broker licensed pursuant to Chapter 645 of the Nevada Revised Statutes (Real Estate Brokers and Salesmen; Qualified Intermediaries) but shall not include a land sales presentation unit broker office, notwithstanding the fact that a licensed real estate broker manages or is employed by the same.

**Real Property**

"Real Property" means:

1. All permanently attached houses, buildings, fences, ditches, structures, erections, railroads, toll roads and bridges, or other improvement built or erected upon any land, whether such land is private or public property.

2. Any manufactured home or factory-built housing which meets the requirements of NRS 361.244 (Classification of Mobile Homes and Factory-built Housing as Real Property).
3. The ownership of, claim to, possession of, or right of possession to any lands within this State.
4. The claim by or the possession of any person to any land.

**Rear Lot Line**

See "Lot"

**Rear Yard**

See "Yard"

**Reclaimed Wastewater**

"Reclaimed Wastewater" means used water that has been treated by physical, chemical and/or biological processes so that it meets the criteria for reuse as approved by the Nevada Division of Environmental Protection, as appropriate. Such water has received at least Secondary Wastewater Treatment as defined by NRS 445A, and is reused after flowing out of a wastewater treatment facility. It may also mean water discharged by one unit and used by other units in the same plant. Also referred to as Reuse, Recycled, Treated Effluent or Recirculated Water and Wastewater Reclamation.

**Recording Studio**

"Recording Studio" means a facility used to electronically copy sound to any electronic device (including dubbing) including, but not limited to, record, tape, and/or compact disc, when acoustically designed to prevent the emanation of noise from the interior of the facility.

**Recreation Facility**

"Recreation Facility" means a facility or area for sport, entertainment, games of skill, or recreation to the general public for a fee, or when not in conjunction with a principal use. Examples include, but are not limited to, bowling alleys, roller and ice skating rinks, game courts, swimming pools, amusement/theme parks (located at a specific location for generally more than a year), golf courses, driving ranges, miniature golf, interactive entertainment, shooting ranges, private convention and reception facilities, and go-cart tracks, but does not include adult uses, movie theaters, health clubs, or arcades.

**Recreational Open Space**

See "Open Space and Recreational Open Space"

**Recreational Park Trailer**

See "Recreational Vehicle/Travel Trailer/Recreational Park Trailer".

**Recreational Vehicle/Travel Trailer**

a. "Recreational Vehicle" means a vehicle designed and/or used for living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and including pick-up coaches (campers), motorized homes, boats, travel trailers and camping trailers, none of which meet the specifications required for a manufactured home.

b. "Travel Trailer" means a portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses. When factory equipped for the road, it shall have a body width of not more than eight (8) feet and a body length of not more than thirty- two (32) feet.

**Recreational Vehicle Park**

"Recreational Vehicle Park" means any lot or parcel of land used or intended to be used for the accommodation of two (2) or more recreational vehicles for temporary use not to exceed more than 9 months, or not to exceed 180 days if located within a flood zone per Federal Emergency Management Agency (FEMA) regulations.

**Recreational Vehicle Space**

"Recreational Vehicle Site" or "Recreational Vehicle Space" means a plot of land in a recreational vehicle park used, or intended to be used, for the accommodation of not more than one (1) recreational vehicle and one (1) tow motor vehicle which is not a recreational vehicle.

**Recyclable Material**

"Recyclable Material" means those materials in or out of the solid waste stream that still have useful physical, chemical or biological properties after serving their original purpose and that can therefore be reused for the same or other purposes, including bottles, cans, paper, plastics, rags and similar materials, but not petroleum products, hazardous materials, the containers for such materials, appliances, scrap metal, cars, refuse, garbage for use as food for animals, and/or restaurant grease.

**Recyclable Collection**

"Recyclable Collection" means a site where recyclable materials may be taken by persons and deposited into designated containers, but where no processing activities are conducted except for the manual crushing of cans .

**Recycling Center**

"Recycling Center" means a building in which recyclable material only is collected, processed, and/or baled in preparation for shipment to others who will use those materials to manufacture new products.

**Refuse**

"Refuse" means discarded or abandoned materials that have no useful physical, chemical, or biological properties after serving their original purpose and which cannot, therefore, be reused or recycled for the same or other purpose.

**Refuse Transfer Station**

"Refuse Transfer Station" means a facility to which refuse is transported for temporary storage, and compaction in preparation for shipment to a sanitary landfill.

**Remuneration**

"Remuneration" means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property, personal property or services.

**Rental Store**

"Rental Store" means a facility for the rental of general merchandise to the general public and not specifically listed as a different use elsewhere. Typical general merchandise includes clothing and other apparel, electronics, videos, gardening tools (excluding power tools and commercial vehicles - see "Equipment Rental" or "Equipment Sales/Rental/Service - Construction or Heavy"), furniture and other household appliances, special occasion or seasonal items and similar consumer goods.

**Residential Boarding Stable**

See "Horse Stable"

**Residential Development**

See "Development"

**Residential Use**

See "Use"

**Resort Hotel**

See "Hotel, Resort"

**Resort Hotel Condominium**

"Resort Hotel Condominium" means a commercial condominium development located upon the premises of a resort hotel, or upon property immediately adjacent and with access to the resort hotel, that can be subdivided into individual rooms or suites for separate ownership or time share, and that may include cooking facilities. A resort hotel condominium may be used for continuous, unlimited residency by a single individual, group or family and may also be offered to the general public on a day-to-day basis, as required and enforced by the covenants, conditions and restrictions of the commercial condominiums development.

**Rest Home**

See "Congregate Care Facility"

**Restaurant**

"Restaurant" means an establishment that sells prepared food and/or non-alcoholic beverages, such as a juice or oxygen bar, from a building, for on-premises consumption, but not including the incidental sale of prepared food when operated in conjunction with a convenience market or grocery store.

**Restrictive Covenant Running with the Land**

"Restrictive Covenant Running with the Land" also known as "Deed Restrictions" for the purposes of this Title shall mean:

1. A list of restrictions and covenant properly recorded in the County Recorder's Office which run with the land, binding all property owners, their successors and assigns for any improvements to said property deferred for construction until such time as said deferred improvements may be called upon to be installed in the future by the District.
2. Restrictions on the development of land recorded to create lots which do not have adequate ground water sources available and for which a water commitment from the local water purveyor has not been obtained, but which will at a future date provide water from the municipal water purveyor, if available; or
3. Restrictions recorded in conjunction with development imposing private restrictions on the use and development of property. Such restrictions shall not be enforced by Lincoln County.

**Retail Sales and Service**

"Retail Sales and Service" means the sale, service and on-premises incidental production or assembly of general merchandise to the general public for direct use or consumption, but not including the sale to another business for resale purposes. The incidental sale of food within any retail store shall not be construed to allow incidental gaming and/or smoking within the store as is permitted within grocery stores.

**Riding Academies**

See "Horse Stable"

**Riding Stables**

See "Horse Stable"

**Right-Of-Way**

"Right-Of-Way" means a public property acquired by dedication, easement, prescription or condemnation and intended to be occupied by a street, sidewalk, trail, water line, sanitary sewer and/or other public utility or facility.

**Right-Of-Way Permit**

"Right-Of-Way Permit" means a permit issued by the District authorizing work within public right-of-way and private streets and drainage easements.

**Road**

See "Street"

**Roadway**

See "Street"

**Roof**

"Roof" means the materials and structural support for those materials which cover the top of a building.

**Runway**

See "Airport Definitions"

**Runway Protection Zone**

See "Airport Definitions"

**S. Definitions "S"**

**Salvage Yard**

"Salvage Yard" means a facility or area for storing, or processing scrap or discarded material or equipment which is not considered as another use under this Title. Scrap or discarded material includes, but is not limited to, metal, paper, rags, tires, glass, motor vehicle parts, machinery, structural steel, equipment and appliances. The term includes facilities for separating trash and debris from recoverable resources and other products which can be returned to a condition in which they may again be used for production.

**Sanctuary**

See "Place of Worship"

**Sanitarium**

"Sanitarium" means a building or institution for the recuperation and treatment of persons with physical or mental disorders, which is considered a hospital for the purposes of this Title.

**Sanitary Landfill**

"Sanitary Landfill" means a permanent disposal site employing an engineering method of disposing of refuse in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day and which may, as an incidental use, operate a salvage yard.

### **School**

"School" means any institution of learning which offers instruction in the several branches of learning either as a public or private vocational, or a vocational institution, but does not include instruction incidental to the operation of a business or organization.

1. "Individual Instruction School" means teaching or tutoring of not more than one (1) individual at a time, arriving at separate times.
2. "Major School" means the instruction of more than thirty (30) students at the same time, or where instruction requires the operation of machinery (not including automobiles), power equipment or tools, or teaching of construction techniques. This does not include colleges or universities.
3. "Minor School" means the instruction of less than thirty (30) students at the same time, but not including the teaching of operation of machinery , power equipment or tools, or construction techniques.

### **Seasonal Sales**

"Seasonal Sales" means the temporary outdoor sale and display of holiday goods during the following nationally recognized holidays: Christmas, Halloween, Independence Day, Valentine's Day, and Mother's Day.

### **Section 10(a) Permit**

"Section 10(a) Permit" means a permit issued by the Secretary of Interior pursuant to Section 10(a) of the Federal Endangered Species Act of 1973, 16 U.S.C. Section 1539 which allows the incidental taking of Threatened or Endangered Species in the course of otherwise lawful activities.

### **Senior Housing**

"Senior Housing" means a multiple family dwelling or dwelling group intended for, and solely occupied by, persons fifty-five (55) years of age or older. In determining whether housing qualifies as senior housing under this provision the following factors shall be considered:

1. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons.
2. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years of age or older.

**Separation**

A separation required between uses, unless otherwise specified, is the distance from the space occupied by a particular use to the property line of another use. See also "Building".

**Service Bar**

"Service Bar" means the incidental retail sale and service of alcoholic beverages by the drink at dining tables or booths within a restaurant, only in conjunction with meals.

**Service Station**

"Service Station" means any commercial building or structure, premises or other place used to supply motor fuels for automobiles (including alternative fuels such as natural gas or hydrogen) and which may provide lubricants, tires, batteries and other small accessories to motor vehicles, and where repair work is not done. Automobile maintenance is permitted in conjunction with a service station.

**Setback**

"Setback" means the required minimum horizontal distance between the property line or future street line to the buildable area.

**Sewage Treatment Plant.**

"Sewage Treatment Plant" means a facility designed to receive the wastewater from domestic sources and to remove materials that damage water quality and threaten public health and safety when discharged into receiving streams or bodies of water. The substances removed may contain greases and fats, solids from human waste and other sources, dissolved pollutants from human waste and decomposition products, or dangerous microorganisms.

**Sewerage**

"Sewerage" means the entire system of sewage collection, treatment and disposal.

**Sex Club**

"Sex Club," including but not limited to any club, party, group, center, establishment, business or parlor for swingers, adult encounters, partner-swapping, wife-swapping, or similar alternative lifestyle, means an establishment or business operated or maintained for the purpose of providing patrons the opportunity to voluntarily engage in and/or view live consensual sexual activity and which collects remuneration of any kind, including entrance fees, facility use fees, gratuities, fees for goods provided far in excess of their value, and/or donations. A sex club is a public nuisance per se. This definition shall not be construed as applying to licensed and regulated erotic dance establishments, including but not limited to adult cabarets, or to the non-obscene presentation, showing, or performance of any play, drama, ballet, concert, or similar performance in any theater, concert hall, fine arts academy, school, institution of higher education, or similar establishment as a form of expression of opinion or communication of ideas or

information as differentiated from the promotion or exploitation sex for the purpose of advancing the economic welfare of a commercial or business enterprise.

**Sex Novelty Shop**

See "Adult Uses"

**Shed**

"Shed" means an accessory building which is: 1) no larger than two hundred and forty (240) square feet and not higher than eight (8) feet maximum; 2) used for the storage of personal property, other than flammable products; and 3) not built upon a permanent foundation.

**Shopping Center**

"Shopping Center" means any group of five (5) or more retail businesses, which may include restaurants and taverns, upon a single lot or parcel of land, or upon contiguous parcels of land which have common vehicular access, excluding accessory retail uses.

**Shrine**

See "Place of Worship"

**Side Lot Line**

See "Lot"

**Side Street**

See "Street"

**Side Yard**

See "Yard"

**Sight Zone**

"Sight Zone" means the area adjacent to intersections of streets and driveways required to be open and unobstructed so as to ensure pedestrians and motorists have an unimpeded view of oncoming traffic.

**Sign**

"Sign" means any writing, printing, lettering, painting, display, emblem, drawing or other attention-gaining device used to advertise products, goods, services or events, or to make anything known.

**Sign Manufacturing**

"Sign Manufacturing" means the manufacturing of signs by the blowing of glass or fabrication of metal, or which contains electronic or electrical components, or which is larger than one hundred and twenty-eight (128) square feet. The creation of other signs shall be considered accessory to an office use.

**Similar Use**

See "Use"

**Slaughterhouse**

See "Animal By-Products Plant"

**Spa/Retreat**

Spa/Retreat " means a facility used primarily for relaxation, rejuvenation or spiritual healing where sleeping accommodations for patrons may be provided. Physical activities sessions may be part of the overall program for stay which may include hiking, biking, swimming, ball field activities, meditation and yoga, and other similar uses. Accessory commercial uses may be provided in conjunction with the establishment including, but not limited to shops, snack bars, lounges and restaurants, incidental retailing, personal services (massage, manicures, mud baths) and centralized dining facilities, however no cooking facilities may be provided in sleeping units.

**Special Use**

See "Use"

**Special Use Permit Application**

"Special Use Permit Application" means a request filed with Administrator to consider a specific use at a specific location not "permitted by right" in any land use zone (s).

**Specified Anatomical Areas**

See "Adult Uses"

**Specified Sexual Activities**

See "Adult Uses"

**Sporting Goods Sales/Rental**

"Sporting Goods Sales/Rental" means the sale or rental of clothing or equipment designed for sports/recreational purposes, but not to include firearms.

**Sporting Goods Sales/Rental, with Firearms**

"Sporting Goods Sales/Rental, with Firearms" means the sale or rental of clothing or equipment designed for sports/ recreational purposes, including firearms

**Stable, Private**

See "Horse Stable"

**Stacking Lane**

"Stacking Lane" means an area for temporary queuing of motor vehicles which serves a particular business or development.

**Standard Conditions**

"Standard Conditions" means the conditions which have been approved by the Board in conjunction with the land use application process and which are designed to be imposed as a matter of course, where applicable, on the approval of all same application types.

**Storage**

See "Outside Storage"

**Stormwater Run-Off**

See "Urban Run-Off"

**Story**

"Story" means a space within a building included between the surface of any floor and the surface of the ceiling above.

**Street**

"Street" means a public or private thoroughfare, including all improvements within the right-of-way or easement, to be used for passage or travel by motor vehicles, bicycles and/or pedestrians whether designated a street, road, avenue, trail or otherwise or, a thoroughfare made public by right of use which affords the principal means of access to abutting properties.

**Street Name Change Application**

"Street Name Change Application" means a request filed with the District to change the legally established name of an existing street alignment.

**Street Naming Application**

"Street Naming Application" means a request filed with the District to establish a street name on a previously unnamed street alignment or previously named alignment which there is no occupied structure on the street proposed to be changed, all property abutting the street is under common ownership.

**Structure**

"Structure" means, except when the definition of structure listed under "Airport Definitions" applies, any fence, tower, edifice, or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which requires location on the ground or is attached to something having a location on the ground which extends more than thirty-six (36) inches above grade, but not air conditioning units, propane tanks or utility equipment incidental to a permitted use, providing such equipment is screened when required.

**Substandard Lot**

See "Lot"

**Substantial Completion**

See "Completion"

**Supper Club**

"Supper Club" means a restaurant with a tavern/bar where the restaurant operation is a principle business and food sales is no less than fifty-five percent (55%) gross revenue of the total sales of food and alcoholic liquor.

**Swale**

"Swale" means a depressed portion of land which is constructed in such a way to carry run-off water from one point to another. Such depressions may be used to prevent water run-off from landscaped or non-permeable surface areas onto sidewalks or streets.

**Swap Meet**

"Swap Meet," also known as a flea market, means a building or open area in which stalls or sales areas are set aside, rented or otherwise provided for use by individuals, tenants or businesses engaged in retail trade. The sale of merchandise may include secondhand items, specialty items, hand crafted items and home grown products.

**Swimming Pool**

"Swimming Pool" means a permanently or temporary body of water in excess of eighteen (18) inches in depth, which includes all equipment necessary for its operation and use, used for swimming or recreational bathing including spas, hot tubs and above ground pools.

**Synagogue**

See "Place of Worship"

**30.08 Definitions T****Tandem Parking**

"Tandem Parking" means parking spaces designed without the minimum required aisle necessary to back a vehicle out of the parking space without backing through another space.

**Tattoo**

"Tattoo" means a business where a permanent design or mark is made on the skin by pricking it and ingraining in it an indelible pigment, or by raising scars on it. (See "Permanent Make-Up")

**Tavern/Bar/Lounge**

"Tavern/Bar/Lounge" means a place where the sale and service of alcoholic beverages are sold by the drink, where meals are not required.

**Television Tower**

See "Communication Tower"

**Temple**

See "Place of Worship"

**Temporary Living Quarters**

See "Dwelling"

**Temporary Government Facility**

"Temporary Government Facility" means a temporary facility or structure initiated and funded by a federal, state or local governmental entity for the construction of a public project or to remediate an environmental hazard, including fences required to restrict access to properties in order to control dust.

**Temporary Outdoor Commercial Event**

"Temporary Outdoor Commercial Event" means a use to conduct a temporary outdoor promotional activity or grand opening of a new business as provided by the provisions of this Title, such as automobile sales, sidewalk sales, recreational vehicle sales. One day residential celebrations, uses within public facilities or recreational facilities, or motion picture and television production, which meet all Fire District requirements are not considered temporary outdoor commercial events.

**Temporary Use**

See "Use, Temporary"

**Tenant**

"Tenant" means a person, persons, or business, other than the owner who holds or occupies a dwelling, lot, or commercial/industrial location.

**Tent**

"Tent" means an air-in-flated, air-supported, cable or frame-covered structure, including temporary membrane structure as defined by Section 221-T of the Uniform Fire Code.

**Tentative Plan Application**

"Tentative Plan Application" means an application filed with the Board in accordance with Chapter 4 of this Title.

**Through Lot**

See "Lot"

**Theme Park**

See "Amusement/Theme Park"

**Time-Share**

"Time-Share" means an ownership or leasehold estate in property devoted to a time-share fee (tenants in common, time span ownership, interval ownership, or other form of ownership) or a time-share lease or estate. Vending machines, reservation, notary, copy, fax, computer services, postal stamp sales, and postal package drop off and pick up shall be considered incidental to time-share and do not require a special use permit provided the use is intended to serve the residents and guests only, is located within a building or floor of a building, that is used for recreational purposes or as property management offices and is limited to a maximum of one thousand two hundred(1,200) square feet. Exterior and lighting for time-share apartments in excess of what exists for residential developments shall not be permitted.

**Tourist Club**

"Tourist Club" means an establishment whose primary purpose is the provision of entertainment, food, and alcoholic beverages to the tourism market.

**Townhouse**

"Townhouse" means an arrangement of single-family dwellings joined by common walls on not more than two (2) opposite sides with the uppermost stories being a portion of the same dwelling located directly beneath at the grade or first floor level and having exclusive individual ownership and occupant rights of each dwelling unit including, but not limited to, the land area directly beneath the dwelling.

**Toxic Substances**

See "Hazardous Material or Waste"

**Trailer**

"Trailer" means a cargo carrying container designed to be pulled by motor vehicles.

**Trailer Rental**

"Trailer Rental" means the display and offering for rent of trailers designed to be towed by automobiles.

**Trailer, Travel/Recreational**

See "Recreational Vehicle/Travel Trailer"

**Transient**

"Transient" means a person who utilizes accommodations for a price or as a benefit of employment, with or without meals, for a period of thirty (30) consecutive calendar days or less.

**Transient Commercial Use of Residential Development**

"Transient Commercial Use of Residential Development" means the commercial use, by any person, of any residential development, for bed and breakfast, hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where any individual transient guest occupies the property thirty (30) consecutive calendar days or less.

**Transportation Service**

"Transportation Service" means a business for the delivery of passengers or goods such as taxis, limousines, couriers, or other similar uses, excluding freight or passenger terminals, but may include Tour Guide services.

**Transportation Terminal**

See "Passenger Terminal"

**Trash Enclosure**

"Trash Enclosure" means a screen around a trash container or recyclable container to block views and to contain trash for pick-up. The enclosure must be designed to prevent birds from accessing the trash. Trash containers which are not otherwise screened by building, walls, and other fences, must be enclosed by a six (6) foot high fence (plus or minus eight (8) inches), constructed of masonry, cement or concrete block and with screened gates. The floor of the trash enclosure shall be a concrete pad which shall extend five feet beyond the opening of the trash enclosure.

**Truck**

See "Commercial Vehicle"

**Truck Maintenance**

"Truck Maintenance" means any commercial establishment designed or used for the maintenance of trucks (see "Commercial Vehicle"). Maintenance shall be limited to tune-

ups, oil changes, lubrication, smog check, wheel alignments, detailing and minor warranty work, minimal waste disposal, brake repair (but not as a principal use), or other similar routine maintenance functions.

**Truck Stop**

"Truck Stop" means a service station for commercial vehicles.

**Truck Terminal**

See "Freight Terminal"

**Truck Wash**

"Truck Wash" means a facility for washing commercial vehicles.

**Two-Family Dwelling**

See "Dwelling"

**Urban Run-Off**

"Urban Run-off" means water run-off from streets, gutters, parking lots, roof tops, construction sites, landscape areas, agricultural lands, and other diffused sources that usually contains litter, pesticides, organic and bacterial waste.

**Use**

"Use" means the purpose for which land or buildings are designed, occupied, maintained, or planned, including uses within another political subdivision (See also "Development"). Types of uses include the following:

1. "Accessory Use" means a use incidental to the principal use of the property, located on the same lot or parcel of land. The following are applicable to residential development.

**A.** Nothing in this Title shall be construed to prohibit constitutionally protected activities including the use of the home for noncommercial gatherings of family and friends, discussion groups, religious or political gatherings, or neighborhood meetings.

**B.** The storage of two (2) unlicensed but operable automobiles only is permitted and the vehicles shall not be parked within the public right-of-way.

2. "Commercial Use" means an existing commercial development or property designated for commercial uses in any adopted land use guide/plan, unless an approved use allows a noncommercial use.

3. "Conditional Use" means a use permitted within a land use zone provided that it conforms to the standards for permitted uses in Appendix "A" and in addition conforms to the standard listed under the specific use.

4. "Industrial Use" means an existing industrial development, or property designated for industrial uses in any approved final PUD plan, unless an approved use allows a non-industrial use.
5. "Less Intensive Use" means a use which is classified in a more restrictive zoning district than other uses listed in a less restrictive zoning district. This term is used when describing the land use category.
6. "Mixed Use" means the combination of commercial and residential development on a single lot OR within a single integrated development on multiple lots OR on property designated for mixed uses in an approved final PUD plan.
7. "Permitted Use" means any use allowed in a land use zone providing that:
  - A. Buildings, structures and land shall be used, erected, maintained, altered or enlarged only for the purposes listed as permitted in the land use zone in which such building or land is located and then only after applying for and securing all permits and licenses required.
  - B. When a use is not specifically listed as permitted or is expressly prohibited , it shall be assumed that such uses are prohibited and are detrimental to the general prosperity, health, safety and welfare. Where the Board determines it is similar to another use it shall be a "Permitted Use."
8. "Principal Use" means the primary use of land or structures, as distinguished from an accessory use.
9. "Residential Use" means an existing habitable residential development, dwelling, or property designated for residential uses in any approved tentative or final PUD plan.
10. "Similar Use" means a use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele.
11. "Special Use" means a use that, due to a special characteristic of its operation or installation, is permitted only in a specific land use zone but is permitted with discretion subject to review by the Commission or Board to ensure compatibility with existing or planned surrounding uses and characteristics of development.
12. "Temporary Use" means a use established for a specified period of time with the intent to discontinue the use at the end of the designated time period.

### **Utility**

See "Public Utility"

## **V. Definitions "V"**

### **Vacation and Abandonment**

"Vacation and Abandonment" means the relinquishment of any interest of any dedicated public road, improvement or public easement of interest to the District, in conformance with NRS 278.480.

**Variance Application**

"Variance Application" means an application requesting relief from the requirements of the Code for reasons to be demonstrated by the applicant.

**Vehicle, Junked**

"Vehicle, Junked" means any motor vehicle whose condition is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded. A motor vehicle is presumed to be abandoned or discarded if it has remained in one place for a period of at least several days and is unlicensed and unregistered by the State of Nevada. The storage of junked vehicles is permitted only in conjunction with an automobile dismantling yard.

**Veterinary Clinic and Service**

"Veterinary Clinic and Service" means an establishment, not including outside pens, where animals are admitted for examination, medical or surgical treatment, overnight care, and/or observation.

**W. Definitions "W"**

**Waiver of Condition Application**

"Waiver of Condition Application" means an application filed with the Administrator to modify a condition imposed by the Board on an approved land use application.

**Waiver of Standard Application**

"Waiver of Standard Application" means an application filed with the Administrator to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

**Wall Height**

See "Fence Height"

**Warehouse**

"Warehouse" means an enclosed structure for the storage of goods for distribution or transfer to another location.

**Wastewater**

"Wastewater" means a combination of liquid and water-carried pollutants from homes, businesses, industries, or farms; a mixture of water and dissolved or suspended solids.

**Wedding Chapel**

"Wedding Chapel" means a facility which is made available to be rented principally for wedding ceremonies and may include a chapel, dressing rooms, offices, reception facilities and gardens.

**Wholesale Sales**

See "Sales, Wholesale"

**Work**

"Work" means, with respect to work performed in a right-of-way, to construct, cut break, alter, excavate, install, remove, relocate, repair, or replace improvements.

**Working Day**

"Working Day" means a day during which the Offices of Lincoln County are open to the public.

**X. Definitions "X"**

None

**Y. Definitions "Y"**

**Yard**

"Yard" means an open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, extending across the width or depth of the lot except for permissible accessory buildings and structures, required roadway improvements, utility equipment, architectural intrusions, and additional side yard setbacks.

1. "Front Yard" means that area between the front of the building (all front faces) and the street or future street width line, extending to the side property line.
2. "Rear Yard" means that area between the rear of the building and the rear lot line, extending to the side property line.
3. "Side Yard" means an area between the side of the building and the side lot line.

**Yard Sale**

See "Garage Sale"

**Z. Definitions "Z"**

**Zero Lot Line Lot**

See "Lot"