



# CITY OF ELKO

## Planning Department

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1751 College Avenue · Elko, Nevada 89801 · (775) 777-7160 · Fax (775) 777-7219

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### PUBLIC MEETING NOTICE

The City of Elko Planning Commission will meet in a regular session on Tuesday, April 6, 2021 beginning at 5:30 P.M., P.D.S.T. utilizing GoToMeeting.com: <https://global.gotomeeting.com/join/987251989>.

Attached with this notice is the agenda for said meeting of the Commission. In accordance with NRS 241.020, the public notice and agenda were posted on the City of Elko Website at <http://www.elkocitynv.gov/>, the State of Nevada's Public Notice Website at <https://notice.nv.gov>, and in the following locations:

ELKO CITY HALL – 1751 College Avenue, Elko, NV 89801

Date/Time Posted: March 31, 2021 2:00 p.m.

Posted by: <u>Kim Wilkinson, Administrative Assistant</u>	<u><i>Kim Wilkinson</i></u>
Name	Title Signature

The public may contact Shelby Knopp by phone at (775) 777-7160 or by email at [sknopp@elkocitynv.gov](mailto:sknopp@elkocitynv.gov) to request supporting material for the meeting described herein. The agenda and supporting material is also available at Elko City Hall, 1751 College Avenue, Elko, NV, or on the City website at <http://www.elkocity.com>.

The public can view or participate in the virtual meeting on a computer, laptop, tablet or smart phone at: <https://global.gotomeeting.com/join/987251989>. You can also dial in using your phone at +1 (571) 317-3122. The **Access Code** for this meeting is **987-251-989**. Members of the public that do not wish to use GoToMeeting may call in at **(775)777-0590**. Comments can also be emailed to [cityclerk@elkocitynv.gov](mailto:cityclerk@elkocitynv.gov).

Dated this 31<sup>st</sup> day of March, 2021.

### NOTICE TO PERSONS WITH DISABILITIES

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the City of Elko Planning Department, 1751 College Avenue, Elko, Nevada, 89801 or by calling (775) 777-7160.

*Cathy Laughlin*  
Cathy Laughlin, City Planner

**CITY OF ELKO**  
**PLANNING COMMISSION**  
**REGULAR MEETING AGENDA**  
**5:30 P.M., P.D.S.T., TUESDAY, APRIL 6, 2021**  
**ELKO CITY HALL, COUNCIL CHAMBERS,**  
**1751 COLLEGE AVENUE, ELKO, NEVADA**  
**<https://global.gotomeeting.com/join/987251989>**

**CALL TO ORDER**

The Agenda for this meeting of the Elko City Planning Commission has been properly posted for this date and time in accordance with NRS requirements.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**COMMENTS BY THE GENERAL PUBLIC**

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

**APPROVAL OF MINUTES**

March 2, 2021 – Regular Meeting **FOR POSSIBLE ACTION**

**I. NEW BUSINESS**

**A. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS**

1. Review, consideration, and possible action to initiate an amendment to the City Zoning Ordinance, specifically Sections 3-2-4 Establishment of Zoning Districts, 3-2-19 Nonconforming Uses and 3-2-21 Amendments, and matters related thereto. **FOR POSSIBLE ACTION**
  
2. Review, consideration, and possible action to initiate an amendment to the City Zoning Ordinance, specifically Sections 3-2-2 Definitions, 3-2-5 Residential Zoning Districts, 3-2-6 RB Residential Business District, and 3-5-4 Uses Permitted and Minimum Standards in coordination with an amendment to the City Building Ordinance, specifically Sections 2-1-2 Applicability, 2-1-4 Permits, and matters related thereto. **FOR POSSIBLE ACTION**

**II. REPORTS**

- A. Summary of City Council Actions.

B. Summary of Redevelopment Agency Actions.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Miscellaneous Elko County

E. Training


### **COMMENTS BY THE GENERAL PUBLIC**

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**NOTE:** The Chairman or Vice Chairman reserves the right to change the order of the agenda and if the agenda is not completed, to recess the meeting and continue on another specified date and time. Additionally, the Planning Commission reserves the right to combine two or more agenda items, and/or remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

### **ADJOURNMENT**

Respectfully submitted,

  
Cathy Laughlin  
City Planner

**CITY OF ELKO**  
**PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**5:30 P.M., P.S.T., TUESDAY, MARCH 2, 2021**  
**ELKO CITY HALL, COUNCIL CHAMBERS,**  
**1751 COLLEGE AVENUE, ELKO, NEVADA**  
**<https://global.gotomeeting.com/join/144050125>**

**NOTE: The order of the minutes reflects the order business was conducted.**

**CALL TO ORDER**

Jeff Dalling, Chairman of the City of Elko Planning Commission, called the meeting to order at 5:30 p.m.

**ROLL CALL**

**Present:**     **Jeff Dalling**  
                  **Giovanni Puccinelli**  
                  **Stefan Beck**  
                  **Mercedes Mendive**

**Absent:**       **Tera Hooiman**  
                  **John Anderson**  
                  **Gratton Miller**

**City Staff Present:**   **Cathy Laughlin, City Planner**  
                              **Michele Rambo, Development Manager**  
                              **Bob Thibault, Civil Engineer**  
                              **Jamie Winrod, Fire Marshal**  
                              **Shelby Knopp, Planning Technician**

**PLEDGE OF ALLEGIANCE**

**COMMENTS BY THE GENERAL PUBLIC**

*There were no public comments made at this time.*

**APPROVAL OF MINUTES**

February 2, 2021 – Regular Meeting **FOR POSSIBLE ACTION**

**\*\*\*Motion: Approve the minutes from February 2, 2021 as presented.**

**Made by Giovanni Puccinelli, seconded by Stefan Beck.**

*\*Motion passed unanimously. (4-0)*

## I. NEW BUSINESS

### A. PUBLIC HEARING

2. Review, consideration, and possible action on Variance No. 1-21, filed by Real Estate Pro, LLC on behalf of Elevate Properties LLC., to allow required off street parking to be located within the interior side yard setback to within 3 ½' of the property line in an R (Single-Family and Multi-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast side of Walnut Street, approximately 166' northeast of 4<sup>th</sup> Street. (452 Walnut Street - APN 001-025-003)

Cathy Laughlin, City Planner, went through the City of Elko Staff Report dated February 11, 2021. Staff recommended conditional approval with the findings and conditions listed in the Staff Report.

Michele Rambo, Development Manager, stated that she had no comments or conditions.

Bob Thibault, Civil Engineer, recommended approval with no other concerns.

Jamie Winrod, Fire Marshal, stated that she had no additional comments and recommended approval.

Ms. Laughlin reported that the City Manager's Office recommended approval as presented by staff.

**\*\*\*Motion: Conditionally Approve Variance No. 1-21 subject to the conditions in the City of Elko Staff Report dated February 11, 2021, listed as follows:**

1. **Variance 1-21 from Elko City Code section 3-2-17(D)(2)(a) is for approval of required off street parking in interior side yard setback with access from the alley.**
2. **Commencement within one year and completion within eighteen (18) months.**
3. **Conformance to plans approved as a part of the variance.**
4. **Subject to review in two (2) years if determined necessary by the planning commission.**

**Commissioner Puccinelli's findings to support the recommendation were the proposed variance is in conformance with the Land Use Component of the Master Plan is consistent with existing land uses in the immediate vicinity. The proposed variance is consistent with the Transportation Component of the Master Plan. The property is not located within the Redevelopment Area and consideration of the plan is not required. The proposed variance is consistent with City of Elko Wellhead Protection Plan. The proposed development as a single family residence conforms to Section 3-2-4 of City Code. A single lot or parcel of land of record in the office of the county recorder as of the effective date of the city subdivision ordinance (December 9, 1975), and which does not meet minimum requirements for lot area, lot width, or lot depth shall be considered a buildable lot for one single-family dwelling. Therefore, the minimum lot width of 60' and lot area of 5,000 sq. ft.**

is not required based on this exception. The proposed development is in conformance with Elko City Code 3-2-5(G) for the principal permitted use of a single family residence. The proposed development does not conform to Section 3-2-17 of City Code. A variance for the parking in the interior side yard setback would be required to be approved for the proposed development to be in conformance. In accordance with Section 3-2-22, the applicant has demonstrated that the hardship is the narrow lots created by File #3502 and the required width of 18' for the 2 off street parking. In accordance with Section 3-2-22, the applicant has demonstrated that the property has unique circumstances based on the fact that the lots are narrow and the width of 25' minus the 18' parking required is less than the required interior side yard setbacks. Granting of the variance will not result in material damage or prejudice to other properties in the vicinity. This finding is based on other similar properties within City of Elko which were built within the last 15 years. Granting of the variance will not substantially impair the intent or purpose of the zoning ordinance. Single Family is listed as a principal use in the underlying zone. Granting of the variance will not impair natural resources. The parcel is not located within a designated Special Flood Hazard Area.

Made by Giovanni Puccinelli, seconded by Mercedes Mendive.

*\*Motion passed unanimously (4-0)*

## **B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS**

1. Review, consideration and possible approval of Final Map No. 10-20, filed by Bailey & Associates, LLC, for the development of a subdivision entitled Ruby Mountain Peaks involving the proposed division of approximately 10 acres of property into 45 lots for residential development and 1 remainder lot within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located on the east side of Jennings Way between Mountain City Highway and Bluffs Avenue. (APN 001-01A-014)

Nitin Bhakta, Summit Engineering, and Sheldon Hetzel, Bailey Homes, were both available to answer any questions.

Ms. Rambo went over the City of Elko Staff Report dated January 14, 2021. Staff recommended conditional approval subject to the findings and conditions listed in the Staff Report.

Ms. Laughlin and the City Manager's Office recommended conditional approval as presented.

Mr. Thibault went over the Engineering conditions listed in the Staff Report, and recommended conditional approval.

Ms. Winrod mentioned the Fire Department condition listed in the Staff Report, and recommended approval.

**\*\*\*Motion: Recommend that the City Council accept, on behalf of the public, the parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication; that the final map substantially complies with the tentative map; that the City Council approve the agreement to install improvements in accordance with the approved construction plans that satisfies the requirements of Title 2, Chapter 3, and conditionally approve Final Map 10-20 with conditions listed in the Staff Report dated January 14, 2021, listed as follows:**

**Community Development:**

- 1. The Developer shall execute a Performance and Maintenance Agreement in accordance with Section 3-3-21 of City code. The Performance Agreement shall be secured in accordance with Section 3-3-22 of City code. In conformance with Section 3-3-21 of City code, the public improvements shall be completed within a time of no later than two (2) years of the date of Final Map approval by the City Council unless extended as stipulated in City code.**
- 2. The Performance and Maintenance Agreement shall be approved by the City Council.**
- 3. The Developer shall enter into the Performance and Maintenance Agreement within 30 days of approval of the Final Map by the City Council.**
- 4. The Final Map for Ruby Mountain Peaks is approved for 41 residential lots and 1 remainder lot.**
- 5. The Utility Department will issue a Will Serve Letter for the subdivision upon approval of the Final Map by the City Council.**
- 6. Site disturbance shall not commence prior to approval of the project's construction plans by the Nevada Department of Environmental Protection.**
- 7. Site disturbance, including clearing and grubbing, shall not commence prior to the issuance of a grading permit by the City of Elko.**
- 8. Construction shall not commence prior to Final Map approval by the City Council and issuance of a will-serve letter by the City of Elko.**
- 9. Conformance with the conditions of approval of the Tentative Map is required.**
- 10. The Owner/Developer is to provide the appropriate contact information for the qualified engineer and engineering firm contracted to oversee the project along with the required inspection and testing necessary to produce an As-Built for submittal to the City of Elko. The Engineer of Record is to ensure all materials meet the latest edition of the Standard Specifications for Public Works. The Engineer of Record is to certify that the project was completed in conformance with the approved plans and specifications.**

**Engineering:**

- 1. Update the year on the first page to 2021 for various signatures.**
- 2. Update the street name for the dedication offer in the owner's certificate.**
- 3. After the transfer of ownership to the Baileys, verify that the name in the owner's certificate matches the name used to take title.**
- 4. Update note 5 with correct Lot numbers. Confirm location of gang box easement. Civil plans show a different location.**
- 5. Correct delta symbols that show as question marks.**
- 6. In note 2, add mention of the easement along all street frontages.**

**Public Works:**

1. All public improvements at time of development per Elko city code.

**Utilities:**

1. Public utility improvements at time of development per approved plans and City code.

**Fire:**

1. Fire hydrants to be spaced per IFC 2018 Appendix C Table C192.1.

Commissioner Puccinelli's findings to support the recommendation were the Final Map for Ruby Mountain Peaks has been presented before expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City Code. The Final Map is in conformance with the Tentative Map. The proposed subdivision is in conformance with the Land Use and Transportation Components of the Master Plan. The proposed development conforms with Sections 3-3-9 through 3-3-16 (inclusive). The Subdivider shall be responsible for all required improvements in conformance with Section 3-3-17 of City Code. The Subdivider has submitted construction plans in conformance with Section 3-3-18 of City Code. The Subdivider has submitted construction plans which, having been found to be in conformance with Section 3-3-20 of City Code, have been approved by City staff. The Subdivider will be required to enter into a Performance Agreement to conform to Section 3-3-21 of City Code. The Subdivider will be required to provide a Performance and Maintenance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-22 of City Code. The proposed development conforms to Sections 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G), 3-2-17, and 3-8 of City Code.

Made by Giovanni Puccinelli, seconded by Mercedes Mendive.

*\*Motion passed unanimously (4-0)*

**A. PUBLIC HEARING**

1. Review, consideration, and possible action on Conditional Use Permit No. 1-21, filed by Elite Storage and RV, LLC, which would allow for commercial storage units, RV Storage and U-Haul services within a C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located on the northeast corner of the intersection of S. 12<sup>th</sup> Street and Opal Drive. (1500 Opal Drive - APN 001-630-056)

Dave Mitton said that the project was successful. They were 80% leased up and they were moving into Phase 2. By default they ended up with U-Hauls at their property. He stated that he spoke with Ms. Laughlin about it. They don't really like the U-Haul business, but in Elko it goes hand in hand with the storage facility business and the community really needs it. The only problem they are having is when people drop them off they are parking them on the street, but the employees are doing their best to keep them off the street. They were here to add U-Hauls to their Conditional Use Permit.



Ms. Laughlin went over the City of Elko Staff Report dated February 11, 2021. Staff recommended conditional approval with the findings and conditions listed in the Staff Report. She mentioned that she spoke to Mr. Mitton about people dropping off the U-Hauls. She suggested that they park them in the required parking spaces in front of the office, until staff comes in in the morning and moves them to a designated area inside the facility.

Chairman Jeff Dalling asked for clarification on where the parking was located.

Ms. Laughlin went over where the parking was located on the Site Plan that was included in the packet.

Chairman Dalling said that parking them in front of the office, if they were dropped off overnight, made sense, because the designated U-Haul parking was located behind the gate into the facility. As long as they were moved first thing in the morning into the U-Haul parking area.

Ms. Laughlin pointed out that the parking stalls that were located in front of the office were the required parking for the office space, so during business hours they would need to be available for the office. She thought there were solutions to the problem. Staff certainly wasn't recommending denial, they were recommending conditional approval. Staff would love to see Mr. Mitton expand his business and be able to provide a service for the community. We just want to make sure that all of the U-hauls aren't being parking in the City right-of-way.

Chairman Dalling asked Mr. Mitton if that sounded agreeable.

Mr. Mitton said yes. That was exactly what they had in mind. The problem is every once in a while there is a massive influx of drop-offs, but most of the time it is workable.

Ms. Rambo recommended approval with the conditions as presented.

Mr. Thibault recommended approval as presented by staff.

Ms. Winrod had no comments and recommended approval.

Ms. Laughlin reported that the City Manager's Office recommended approval as presented.

Commissioner Giovanni Puccinelli wanted to add that people don't always care where they are parking these U-Hauls when they are returning them. But it would create a sense of urgency to get the U-hauls moved so the storage customers would have access to their units.

**\*\*\*Motion: Conditionally approve Conditional Use Permit No. 1-21 subject to the conditions in the City of Elko Staff Report dated February 11, 2021, listed as follows:**

- 1. The conditional use permit is granted to the property owner allowing for the development of U-Haul rentals along with the approved commercial storage units and RV storage.**
- 2. The permit shall be personal to the property owner and applicable only to the specific use and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another**

owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.

3. The conditional use permit shall automatically lapse and be of no effect one year from the date of its issue unless the permit holder is actively engaged in developing the specific property in use for which the permit was issued.
4. Conformance with conditions listed in approved CUP 3-17 & CUP 3-19.
5. The Conditional Use Permit is to be recorded with the Elko County Recorder within 90 days after the approval of the conditional use permit.
6. Parking for the U-haul rental trucks/trailers to be within the property and not allowed to be on the street nor allowed to be in the required off street parking stalls required for the office. Rental trucks/trailers are not to block any access to the existing storage units, fire lane or access to the property.
7. If washing trucks on-site, no water may enter the public right-of-way.

Commissioner Puccinelli's findings to support the recommendation were the proposed development is in conformance with the Land Use Component of the Master Plan. The proposed development is in conformance with the existing transportation infrastructure and the Transportation Component of the Master plan. The site is suitable for the proposed use. The proposed development is in conformance with the City Wellhead Protection Program. The proposed use is consistent with surrounding land uses. The proposed use is in conformance with City Code 3-2-10 (B) General Commercial within the approval of the Conditional Use Permit. The proposed development is in conformance with 3-2-3, 3-2-4, 3-2-17, 3-8, and 3-2-18 of the Elko City Code.

Made by Giovanni Puccinelli, seconded by Stefan Beck.

*\*Motion passed unanimously (4-0)*

## II. REPORTS

### A. Summary of City Council Actions.

*Ms. Laughlin reported at the City Council Meeting on February 11<sup>th</sup> they approved an agreement to rescind the offer of the City of Elko selling some property that was previously referred to as Well No. 16. The Planning Department handles land sales, purchases, and leases. There was an error found when this sale went to title. There was a small portion of the property that the City of Elko didn't own. That offer was rescinded and the Council approved to get a new appraisal on the property. The City Council approved the annual report for the Planning Commission. They also approved a resolution to authorize an expenditure for the RDA for the Block End Project. On the 23<sup>rd</sup> the City Council approved a third amendment to the WANRack Revocable Permit. They also approved Resolution 9-21 for the Rezone for Jordanelle Third Mortgage, as well as the Tentative Map for Zephyr Heights.*

B. Summary of Redevelopment Agency Actions.

*Ms. Laughlin reported that there was a Redevelopment Agency meeting on the 23<sup>rd</sup>. They approved their annual report, an extension for the Braemar Storefront Improvement Grant, and revisions to the Guidelines and Agreement for the Storefront Improvement Grant. They also awarded the bid of the Block Ends Project to MKD Construction. Staff was recommending that they rebid the project. There were six bids received for that project, five of which were all over budget. The one bid that was within budget was considered non-responsive, as it was missing a required form. By missing that form it was \$103,000 difference between the lowest bid and the next bid up. The Redevelopment Agency, instead of going out to bid again, went ahead and spent that extra \$103,000 and awarded the bid to MKD. That construction will begin this month.*

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Miscellaneous Elko County

E. Training

*Ms. Laughlin reported that she wasn't sure if the April meeting would be a Gotomeeting again. They are going to start having the City Council meetings in the Council Chambers, but staff will not be able to attend. They will have to be on GoToMeeting in order to allow the public to attend. With only five Council members it is easier to spread them out. Ms. Laughlin said she would try her hardest to get the April Planning Commission in the Council Chambers, but she wasn't sure if administration would allow it. Ipads have been ordered, but have not yet arrived. The new Agenda Management program is not up and running yet, so it might be a few months before you get the Ipads.*

**COMMENTS BY THE GENERAL PUBLIC**

*There were no public comments made at this time.*

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**ADJOURNMENT**

There being no further business, the meeting was adjourned.

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Jeff Dalling, Chairman

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Tera Hooiman, Secretary

**Elko City Planning Commission  
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to initiate an amendment to the City Zoning Ordinance, specifically Sections 3-2-4 Establishment of Zoning Districts, 3-2-19 Nonconforming Uses and 3-2-21 Amendments, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 6, 2021**
3. Agenda Category: **MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS**
4. Time Required: **10 Minutes**
5. Background Information:
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information:
8. Recommended Motion: **Move to initiate an amendment to the City Zoning Ordinance, specifically Sections 3-2-4 Establishment of Zoning Districts, 3-2-19 Nonconforming Uses and 3-2-21 Amendments and direct staff to bring the item back as a public hearing.**
9. Prepared By: **Cathy Laughlin, City Planner**
10. Agenda Distribution:

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

The entire City is hereby divided into zoning districts, within which zoning districts all property use shall hereafter conform to the requirements specified in this chapter, and which zoning districts are hereby classified as follows: ~~(Ord. 547, 12-12-2000)~~

#### A. Types of Districts:

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

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

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

C. Annexation ~~Of of~~ Territory ~~To to~~ City: Proceedings for annexation of territory to the city shall be in accordance with Nevada Revised Statutes sections 268.610 through ~~268.670~~268.671, inclusive. A petition for annexation, in writing, shall be presented to the city council. The city council shall consider said petition and may refer the matter to the planning commission for further consideration. The petitioner shall, prior to the consideration of the petition by the planning commission, pay a filing fee to the city in an amount established by resolution of the city council.

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

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

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

G. Official Zoning District Map:

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

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

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

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

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

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

a. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, and centerlines of streets, alleys and rights of way, unless otherwise fixed by dimensions shown on the city zoning map.

b. In subdivided property, or where a zoning district boundary divides a lot, the exact location of such boundary shall be indicated by dimensions shown on the city zoning map.

c. If, after application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary, the city council shall determine and fix the location of such boundary in accordance with the purpose and intent of this chapter.

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

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

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

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

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

C. Nuisance Declared: It shall be unlawful for any person to continue a nonconforming use of any kind in any zoning district established by this chapter more than one (1) year after its passage when such nonconforming use has been declared to constitute a nuisance or to be detrimental to public health, safety or welfare by a majority vote of the City Council. The



City Council shall have written notice served on the person last known to be the owner of the property on which such nonconforming use exists or which constitutes a nonconforming use. The written notice shall order the nonconforming use to be discontinued within one (1) year thereafter. If the owner does not reside in the City at the time, the notice may be mailed to the person by registered mail at the last known address. This subsection shall not be construed as limiting the right of the City of any person to abate a nuisance under any existing laws or ordinances.

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

a. Failure to maintain regular business hours that are, typical or normal for the use;

b. Failure to maintain equipment, supplies or stock-in-trade that ~~would be would~~ typically be ~~used present in the building or on the land~~ for the active operation of the use;

c. Failure to maintain utilities that ~~would be would~~ typically be ~~used~~required for the active operation of the use;

d. Failure to pay taxes, including but not limited to sales tax, workers' compensation taxes or, ~~corporate business~~ taxes that would be required for the active operation of the use;

e. Failure to maintain required local, state or federal licenses or other approvals, to include business licenses, that would be required for the active operation of the use; and/or

f. Failure to maintain applicable business license(s); and Other indicia of abandonment, such as the presence of a nuisance.

g. Other relevant evidence.

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

The city council may, ~~from time to time as the public necessity, convenience, general welfare, or good zoning practice requires,~~ change the ~~district~~ boundaries ~~or amend, change, repeal or supplement the regulations herein established of any zoning district by ordinance.~~ Such The change ~~or amendment~~ may be initiated by the city council or the planning commission on ~~its the own~~ motion of either body, or by application ~~of by~~ one or more owners of real property within the area proposed to be changed.

A. Application for Change of District Boundaries To Be Filed:

1. An Applications for a change of district boundaries or amendment of regulations shall be filed with the planning department submitted by an owner of real property within

the area proposed to be changed. ~~Such application~~ shall be filed with the planning department on a form provided for ~~the that~~ purpose. Any such form will shall be rejected if not and shall be complete. The application shall contain the following information: a map of the area depicting the area to be changed with a statement of the proposed zone change, as follows: area to be changed from "x" to "xy"; (LI to R, for example); a plot plan depicting existing conditions that have been surveyed by a properly licensed surveyor, and any proposed improvements (which must be designed by a properly licensed design professional), to include: property lines, existing and proposed buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other existing or proposed constructions or improvements on the subject property; a complete legal description of the boundary, including area to the center line of street(s), of the proposed zone change, as well as a map depicting the area to be changed with a statement of the proposed zone change, as follows: area to be changed from "x" to "x"; (LI to R, for example); and a statement of the existing and proposed zoning of the property, including a brief summary of the intent of the proposed zone change.

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

43. Except as provided below, at the time the application is filed, the applicant shall pay Payment of a filing fee in an amount established by a schedule adopted by resolution of the city council and filed in the office of the city clerk.

24. No part of the filing fee shall be returnablerefunded once paid. Payment of filing fee shall be waived when the change or amendment is initiated by the city council or the planning commission or when the petitioner is the city, county, state or federal government.

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

B. Planning Commission Stage: Planning Commission Public Hearing:

1. Notice Of of Hearing:

a. The ~~planning department~~ City Council or, if authorized by the City Council, the planning commission or planning department, ~~commission~~ shall set a date for a public hearing of the petition by the planning commission on any application to change district boundaries within forty-five (45) calendar days of the date the application is filed. Such hearing shall be held only after a public nIn addition to any applicable notice requirements contained in Chapter 241 of the Nevada Revised Statutes, notice of the time, date and place of such the hearing has been shall be published at least once in a newspaper of general circulation in the city at least ten (10) calendar days prior to such the hearing date, and the requirements of Nevada Revised Statutes chapter 241 have been complied with. Such The notice shall include a legal description, and and a physical description of, or a map, detailing of the property proposed to be rezoned, and a statement of the existing and proposed zoning of the property, including a brief summary of the intent of the proposed zone change, and a general description of any regulations proposed to be amended.

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

(1) The applicant;

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

(3) ~~Each property~~The owners, as listed on the county assessor's records, of at least thirty (30) parcels nearest to the exterior boundary of the property being considered for the zone change, ~~to the extent that notification required pursuant to subsection B1a(2) of this section is not duplicated~~;

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

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

2. Hearing Before the Planning Commission: ~~The planning commission shall hold its~~At the public hearing on the application, the planning commission at which it shall review all the proposed changes and amendments to the district boundaries; and shall hear all evidence offered by the ~~petitioner applicant~~ and ~~parties in interest~~persons having an interest in the change, if any. Such hearing shall be held within forty five (45) calendar days from date of application filing.

3. Planning Commission Action: ~~Within fifteen (15) calendar days~~After the conclusion of the public hearing on the application but prior to consideration by the city council, the planning commission shall file a written report with the city council ~~that recommending either that~~ the application should be granted as requested, granted subject to specific conditions, or denied. The planning commission's ~~recommendation written report~~ shall be transmitted to the city clerk and a copy mailed to the applicant. Failure by the planning commission to file a report with the city council in accordance with this subsection shall be deemed ~~approval by a recommendation by~~ the planning commission to grant the application without conditions.

#### CC. City Council Public Hearing Stage:

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

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

a. Approve the proposed zoning ordinance;

b. Place conditions on the proposed zoning ordinance;

c. Modify the proposed zoning ordinance; or

~~\_\_\_\_\_ d. Disapprove the proposed zoning ordinance in its entirety. The public hearing before the city council shall be conducted in accordance with subject to the same publication and notification requirements contained in subsection B1 of this section that are applicable to public hearings before the planning commission as set forth in this section.~~

~~32. Hearing Before the City Council and City Council Action Second Reading:~~

~~\_\_\_\_\_ a. If the city council approves any or all of the proposed zoning ordinance at the first reading, with or without modifications or conditions, the proposed ordinance shall proceed to a second reading. The second reading shall be a public hearing that satisfies the requirements of NRS 278.260, including notice requirements, and that complies with Section 2.110(2) of the City Charter. Consideration of Planning Commission Recommendation: The city council shall at such At the public hearing on the application, the city council shall consider the planning commission's recommendation, and hear all evidence offered by the applicant and parties in interest persons interested in the change, if any.~~

~~\_\_\_\_\_ 3. Approve Or Deny Petition b. Approval, Conditional Approval or Denial of Application:~~

~~\_\_\_\_\_ a. At the conclusion of the public hearing second reading, or within fifteen (15) calendar days thereafter, the city council shall either grant the application as requested, grant the application subject to conditions, or deny the application approve approve of the zoning ordinance as approved at the first reading (subject to minor technical or nonsubstantive revisions, or the removal of conditions that have been satisfied) or shall disapprove of the zoning ordinance in its entirety approve or deny the petition. If the city council's decision is to approve an amendment grant the application to change zoning district boundaries, with or without conditions, or subject to conditions agreed to by the petitioner, the amendment change of zoning district boundaries shall be adopted made by enactment of resolution of the city council and shall become effective as provided by law an ordinance. Such resolution shall contain containing a description and map of the subject property, together with a list of any conditions required by the city council. approved for zone change and any conditions agreed to by the petitioner.~~

~~\_\_\_\_\_ b. If the city council's decision is to approve an amendment to change, repeal or supplement regulations contained within the city zoning ordinance, the amendment shall be adopted by passage of an ordinance by the city council, pursuant to sections 2.100 and 2.110 of the city charter.~~

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

~~\_\_\_\_\_ d. The city council may enact a zoning ordinance even if the applicant has not satisfied conditions in the proposed zoning ordinance adopted at the first reading. Alternatively, In no event shall the city council approve a zoning ordinance with future conditions that are to be satisfied after enactment. However, the the city council may table the second reading to the next meeting, and to subsequent meetings thereafter, for the purpose of allowing an applicant to satisfy conditions.—~~

~~\_\_\_\_\_ e. The city council may rescind approval of any zoning change for any reason permitted by law, to include the failure of an applicant to satisfy conditions bearing a~~

substantial relationship to the future use of the land, so long as no person has acquired a vested right in reliance on the zoning change; provided, any such rescission shall promote the public health, safety, morals or general welfare, and shall encourage the most appropriate use of the land.

443. ~~Limitation on~~ Reconsideration ~~Of of~~ Denied ~~Amendment~~Application: In the event that an application ~~for an amendment to change district boundaries~~ is denied by the city council, ~~or is withdrawn after the planning commission hearing, the planning commission or the~~ city council shall not reconsider ~~the an~~ application ~~or any other application for the same amendment of this chapter as it applies to to change~~ the same ~~property described in the original application~~ district boundaries, or any part thereof, within a period of one (1) year from the date of ~~such denial action~~ the city council's decision.

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

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

**Elko City Planning Commission  
Agenda Action Sheet**

1. **Title: Review, consideration, and possible action to initiate an amendment to the City Zoning Ordinance, specifically Sections 3-2-2 Definitions, 3-2-5 Residential Zoning Districts, 3-2-6 RB Residential Business District, and 3-5-4 Uses Permitted and Minimum Standards in coordination with an amendment to the City Building Ordinance, specifically Sections 2-1-2 Applicability, 2-1-4 Permits, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 6, 2021**
3. Agenda Category: *MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS*
4. Time Required: **10 Minutes**
5. Background Information:
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information:
8. Recommended Motion: **Move to initiate an amendment to the City Zoning Ordinance, specifically Sections 3-2-2 Definitions, 3-2-5 Residential Zoning Districts, 3-2-6 RB Residential Business District, and 3-5-4 Uses Permitted and Minimum Standards in coordination with an amendment to the City Building Ordinance, specifically Sections 2-1-2 Applicability, 2-1-4 Permits and direct staff to bring the item back as a public hearing.**
9. Prepared By: **Michele Rambo, AICP, Development Manager**
10. Agenda Distribution:

**2-1-2: APPLICABILITY:**

A. General:

1. In the event of a conflict between any provision contained in a technical code, and any other provision of this Code, or State or Federal law, the other provision of this Code, or State or Federal law, shall prevail over the conflicting provision in the technical code. Where model codes adopted by reference in the technical codes conflict with this chapter, the provisions of this chapter shall control. There is a presumption that any matter regulated by this chapter is not regulated by a corresponding provision in a model code adopted by reference in this title.
2. In the event any provision of this Code is held to be illegal or void by a court of competent jurisdiction, all other provisions in this Code not thereby rendered illegal or void shall remain in full force and effect.
3. In the event different sections of this title contain conflicting requirements for the use of materials, methods of construction or other requirements, the most restrictive requirement shall control.
4. In the event of a conflict between a general requirement and a specific requirement, the specific requirement shall control.
5. The building official may consider manufacturer's instructions, specifications and recommendations in interpreting and applying the requirements of this title.
6. The context in which defined terms are used in this Code shall not affect their defined meanings, nor shall the listing of defined terms with overlapping meanings reduce the scope of or otherwise affect the defined meanings of those listed terms.

B. Emergency Provisions: In the event of the declaration of a national, State, or local emergency by a governmental entity with such authority, the building official may waive or augment the provisions of this title during the period of emergency to the extent needed to protect public safety.

C. Definitions: For purposes of this title, certain words, terms and phrases are defined as follows:

APPLICANT: A person who submits an application to the building official.

APPLICATION: A written request for a permit on a form approved by the City.

APPROVED INSPECTION AGENCY: A properly licensed person or business regularly engaged in conducting tests or furnishing inspection services in relation to one (1) or more aspects of work regulated by this chapter that has been approved to perform such tests or inspection services by the building official.

BUILDING: Any structure, regardless of whether it is affixed to real property that is used or intended for supporting or sheltering any human use or occupancy.

BUILDING, ACCESSORY: A detached, subordinate building on the same lot with a principal building or use, the use of which is customarily accessory and incidental to the main use of the principal building or use.

BUILDING, ACCESSORY, NON-PERMANENT: A detached building occupying an area of less than 200 square feet that is not attached to or set upon a permanent foundation, such as a small greenhouse, garden shed, storage shed, or other building designed to store garden tools, bicycles, holiday decorations, or similar items and that is usually purchased at a retail establishment.

BUILDING, ACCESSORY, PERMANENT: A detached building of any size attached to or set upon a permanent foundation and/or connected to utilities, such as a large greenhouse, pole barn, garage, or other building designed to store household items and/or vehicles and that is usually built on-site.

**BUILDING OFFICIAL:** The officer or other designed authority charged with the administration and enforcement of this title, or a duly authorized representative. The term "building official" is synonymous with the terms "administrative authority", "responsible official", "Director", "chief inspector" and "authority having jurisdiction" as those terms are used in the model codes adopted by the technical codes.

**BUILDING SERVICE EQUIPMENT SYSTEMS:** Fuel-fired appliances and heating systems, emergency and standby power systems, electrical systems and equipment, mechanical refrigeration systems, elevators, stationary storage battery systems and commercial kitchen equipment incorporated into, connected to and/or affixed to buildings and structures.

**CERTIFICATE OF COMPLETION:** A document issued by the building official upon completion of any work for which a permit is required certifying that the completed work complies with the applicable provisions of this title. A Certificate of Completion does not authorize use or occupancy of a building or structure.

**CERTIFICATE OF OCCUPANCY:** A document issued by the building official certifying that work performed by a permittee is in compliance with this title and is in a condition suitable for the indicated use or occupancy.

**CODE:** The Elko City Code.

**CONTRACTOR CONTACT LIST:** A form provided by the building official that must be submitted with an application. The form requests the address where the work will be performed; the permit number; and the names of the design professional in responsible charge, owner/developer, architect, structural engineer, civil engineer, general contractor, electrical contractor, mechanical contractor and plumbing contractor, together with corresponding contact and licensing information.

**DEFERRED SUBMITTAL:** One (1) or more portions of the submittal documents that are not submitted at the time of the application, but which must be submitted to the building official between the time the permit is issued and the work described in those portions of the submittal documents commences.



**DESIGN PROFESSIONAL:** Unless specifically provided otherwise, a person who holds a professional license or certificate issued pursuant to chapter 623, 623A or 625 of the Nevada Revised Statutes, or a person primarily engaged in the practice of professional engineering, land surveying, architecture or landscape architecture.

**DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE:** A person who holds a professional license or certificate issued pursuant to chapter 623, 623A or 625 of the Nevada Revised Statutes or a person primarily engaged in the practice of professional engineering, land surveying, architecture or landscape architecture who is responsible for reviewing and coordinating submittal documents prepared by others, including deferred submittal items, to ensure compatibility with the design of the building or structure and compliance with this title.

**DWELLING, MULTIFAMILY:** A building that contains three (3) or more dwelling units.

**DWELLING, ONE-FAMILY:** A building that consists solely of one (1) dwelling unit.

**DWELLING, TWO-FAMILY:** A building that consists solely of two (2) dwelling units.

**DWELLING UNIT:** A single unit providing complete and independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, cooking and sanitation.

**EMERGENCY WORK:** Work that must be performed immediately for the protection of the health or safety of people, or for the prevention of imminent harm to property, before a permit can reasonably be issued by the City.

**FOUNDATION:** A structure that supports a building or structure from underneath, typically made of stone or concrete.

**GARAGE:** A covered or enclosed outbuilding or part of a building designed for housing motor vehicles, boats, or trailers.

**IMMINENT DANGER OR IMMINENTLY DANGEROUS:** Any condition or practice within or in the vicinity of any building or structure or other real property creating a danger which could reasonably be expected to cause a health hazard, death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Code. The following conditions must be met before a danger becomes an imminent danger: 1) there must be a threat of death or serious physical harm, meaning that a part of the body is damaged so severely that it cannot be used or cannot be used very well; or 2) there must be a health hazard such that there is a reasonable expectation that toxic substances or other health hazards are present and exposure to them will shorten life or cause substantial reduction in physical or mental efficiency; provided, the harm caused by the health hazard does not have to happen immediately. To constitute an imminent danger, the threat must be immediate or imminent, meaning that the building official has determined that death or serious physical harm could occur within a short time, for example before City employees or other governmental officials could investigate the problem.

**MANMADE EARTHEN FEATURES:** Improvements to real property not constituting buildings or structures that are created through the movement, installation, removal, compaction or emplacement of soil, gravel, rock or other natural materials, to include ditches, levees, dams, impoundments, slopes, artificial rock outcrops or gravity retaining walls.

**MODEL CODE:** A Building Code or other code that is developed and maintained by a standards organization independent of the City pertaining to the design, construction, installation, demolition or modification of any improvement to a building, structure, building service equipment system, pool, spa, or other real property or improvement to real property.

**ORDINARY REPAIRS:** Repairs to buildings and structures caused by day-to-day wear and tear that are required to maintain the functionality of the building or structure. Ordinary repairs do not increase the value of capital assets, but merely preserve utility and/or value.

**PERMIT:** An official document or certificate issued by the City which authorizes performance of specific work.

**PERMIT FEE:** An amount of money charged by the City in connection with the issuance, renewal, modification or amendment of a permit, or any work performed by City personnel in connection with a permit, such as the review of submittal documents.

**PERMITTEE:** A person who has been issued a permit.

**PHASE:** A portion of the work that must be completed, inspected and approved before additional work may be performed by a permittee.

**PLOT PLAN:** A site plan.

**PROJECT VALUE:** The total cost to perform work authorized by a permit, including overhead and profit, but not to include the cost of real property, as determined by resolution of the City Council.

**RESEARCH REPORTS:** Documents prepared by experts, academic institutions, professional associations or others with generally- recognized credentials in the relevant field which explain or describe the requested alternative and which support the use of the alternative in lieu of the requirement contained in the Code.

**SITE PLAN:** An architecture, engineering, and/or landscape architecture plan drawn to scale showing the physical layout of the site, including the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades, the proposed finished grades and, as applicable, flood hazard areas, floodways, design flood elevations, and any other information pertaining to the physical layout of the site required by the building official.

**STOP WORK ORDER:** A directive issued by the building official requiring a person or his or her contractors or agents to immediately suspend work. A stop work order may be issued to a permittee or other person performing work in violation of or without a permit.

**STORAGE RACK:** A structure composed of two (2) or more upright frames, beams, and connectors for supporting materials in storage.

**STRUCTURAL CALCULATION:** An accurate numeric determination of the amount of force that occur at specific locations of a structure, which are dependent upon the type of material, the amount of material and the number of members in a structure, and which are used, in part, to make the structure design safer and/or more efficient.

**STRUCTURE:** Something built or constructed that may be placed upon or affixed to real property for a purpose, such as storage or protection from the elements. The term "structure" includes, without limitation, a building, a non-permanentized mobile home or an unattached shed placed on skids.

**SUBMITTAL DOCUMENTS:** All documents specifically describing or pertaining to the work that must be submitted to the City pursuant to this title in order to obtain a permit, to include all documents listed on the applicable submittal requirement checklist.

**SUBMITTAL REQUIREMENTS CHECKLIST:** A form prepared by the City identifying documents or categories of documents that pertain to a particular type of work. Documents identified on a submittal requirement checklist may include civil, architectural, structural, electrical, plumbing and mechanical drawings; plans; specifications; maps; site drawings; construction documents, statements of special inspection and geotechnical reports relating to technical aspects of the construction, demolition or other activity that must be permitted pursuant to this title.

**TECHNICAL CODES:** Those City of Elko and model codes adopted in this title. Technical codes currently subject to this chapter include the City of Elko Building Code, Residential Code, Mechanical Code, Plumbing Code, Electrical Code, Energy Conservation Code, and Swimming Pool and Spa Code, together with all model codes therein adopted.

**TESTS:** Technical operations or procedures that determine one (1) or more characteristics of a given material, design, method of construction or of a piece of equipment according to a specified procedure that complies with industry standards.

**TRUSS CALCULATION:** An accurate numeric determination of the amounts of force that occur at specific locations of a truss design, which are dependent upon the type of material, the amount of material and the number of members in a truss, and which are used, in part, to make a building or structure design safer and/or more efficient.

**UNSAFE CONDITION:** A circumstance in which a building or structure, or any part thereof is structurally unsound, fails to provide adequate means of egress, creates a fire hazard, reduces fire resistance below that which is required by this title, causes a building service equipment system to become overloaded or exceed its rated capacity, creates a health hazard, or otherwise creates an unreasonable risk of harm to human life and safety.

**WORK:** The construction, erection, installation, production, activity, manufacture, labor or operation that goes into the making of any improvement to or alteration of real property, to include buildings, structures and building service equipment systems. (Ord. 820, 7-11-2017)

## 2-1-4: PERMITS:

### A. General Permit Requirements, Emergency Work aAnd Temporary Permits:

1. General Permit Requirements: Except as otherwise specifically exempted in this chapter, any person who performs work, to include any person who constructs, enlarges, alters, repairs, moves, demolishes or changes the occupancy capacity of a building or structure, or who erects, installs, enlarges, alters, repairs, removes, converts or replaces any building service equipment system, or who causes any such work to be done, shall first make application to the building official and obtain the required permit.
2. Work Performed Without Permit, Increased Fee: If work on any activity regulated by this title is commenced before the required permit has been issued and obtained, the person must immediately, upon notice by the building official, cease all work until the required permit has been issued and obtained. In the event a person commences work without the required permit and is ordered to cease work as a result, the person shall thereafter pay an amount equal to two (2) times the fee for the required permit before the permit may be issued.

### B. Violations of Code nNot Authorized by Permit; Authorities Not Waived: In no event shall the issuance of a permit constitute consent or authorization to violate any provision of this Code, nor shall the issuance of a permit constitute a waiver of any enforcement, regulatory or other authority held by a governmental entity.

### C. Expiration of Permit; Extensions:

1. Permit Expiration: Except as otherwise specifically provided herein, every permit issued by the building official pursuant to this chapter shall automatically expire if the work authorized by the permit is not commenced within one hundred eighty (180) days from the date of issuance. The failure of a permittee to request an inspection from the date of the last inspection requested by the permittee or, if no inspection has been requested, one hundred eighty (180) days from the date the permit was issued, shall be deemed an abandonment of the work, whereupon the permit shall automatically expire.
2. Permit Extensions: The building official may, on a case-by- case basis, grant one (1) or more extensions of time to complete the work authorized by a permit; provided, only a single extension may be granted if, after the date the permit was issued, there have been any amendments to those portions of the technical codes that are applicable to the proposed work. Each extension shall be for a period of not more than one hundred eighty (180) days. To apply for an extension, the permittee must submit a permit extension request on a form supplied by the City prior to the expiration of the permit then in effect containing an explanation of why an extension is needed, describing the diligent efforts the permittee has made to complete the work prior to the expiration of the permit and verifying that no changes have been made to the work that was approved by the permit.

### D. Suspension or Revocation: The building official may suspend work through the issuance of a stop work order or may revoke a permit: 1) if the permit was issued in error on the basis of

false, misleading, incorrect, inaccurate or incomplete information; 2) if the work authorized by the permit is being conducted in an unsafe manner so as to create an unreasonable risk of imminent harm to people; or 3) if the work authorized by the permit fails to comply with applicable Federal laws, State laws, to include all licensing requirements set forth in chapter 624 of the Nevada Revised Statutes, or this Code.

- E. Placement of Permit: The permit or a copy of the permit shall be kept at the site of the work until completion of the work.
- F. Persons To Whom Permits May Be Issued, Waivers, Penalties: A permit may be issued to a contractor or homeowner performing work, provided the following corresponding criteria are satisfied:
  - 1. Permit Issued To Contractor: A permit may be issued to a contractor who performs the work, provided the contractor holds an appropriate State contractor's license with the correct classification and, if applicable, sub-classification, and a City business license.
  - 2. Permit Issued To Homeowner: A permit may be issued to a homeowner for work on a single-family dwelling used exclusively by the homeowner for his or her occupancy, provided:
    - a. The homeowner has been granted an exemption to State contractor licensing requirements pursuant to Nevada Revised Statutes 624.031(4);
    - b. The homeowner is the owner of the real property on which the building or structure is to be built or improved;
    - c. The homeowner applies for and obtains the required permits for the installation of any equipment affixed to the building or structure;
    - d. The homeowner signs the application and the "owner/builder" statement pursuant to Nevada Revised Statutes 278.573 acknowledging the homeowner's responsibilities as the applicant to supervise the work and to comply with all applicable laws, ordinances, building codes and zoning regulations; and
    - e. The homeowner agrees, in writing, that the residential building or structure will not be leased or sold within one (1) year after the issuance of the Certificate of Occupancy or Certificate of Completion, whichever is later.
  - 3. Partial Work Waiver: Prior to the issuance of a permit by the building official, the City Manager may, upon submission of a request for a partial work waiver by a person proposing to perform work requiring a permit under this title, issue a partial work waiver allowing the commencement of the work. The application for partial work waiver shall describe the reason(s) why a partial work waiver is needed prior to issuance of the applicable permit, state the scope of work to be performed, state that the applicant has or will immediately apply for the permit required under this title and confirm that the applicant will, within ten (10) business days, correct any work performed under the partial work waiver that is determined by the building official to be in violation of this title or any approved plans. A

partial work waiver issued under this section will specify the work that may be performed prior to the issuance of the required permit and will automatically expire within a specified number of business days from the date of issuance. If the person who is issued the partial work waiver fails to apply for a required permit or correct work as required by the building official to comply with the partial work waiver, the fee for the required permit shall automatically increase to an amount equal to two (2) times the fee for the required permit before the permit may be issued, together with any additional fees or penalties associated therewith.

4. Correction Of Non-Permitted Work: In the event any work is performed without a permit that was, at the time the work was performed, required by this title, the building official may at any time thereafter issue a notice of correction to the owner of the property describing the violation, stating any conditions that must be satisfied prior to the issuance of the required permit, listing any documents that must be submitted and stating the deadline for correction of the non-permitted work. The foregoing notice of correction shall be served on the owner of the property without regard to whether the owner actually performed the work. The requirement to correct noncompliant work shall apply to the present owner of the property upon which the work was performed without regard to whether the violation existed at the time the owner acquired the property or whether the work was performed by a contractor or other third party.
- G. Permit Exemptions: The following buildings, structures and other improvements to property are exempt from any permit requirements contained in this title:

1. Buildings ~~a~~And Structures: Except as otherwise provided in this subsection, no permit shall be required for the construction or installation of any of the following:
  - a. A single one-story ~~detached accessory structure~~ non-permanentized accessory building used as a ~~tool or small greenhouse, garden shed,~~ storage shed, ~~playhouse or similar use or other building designed to store garden tools, bicycles, holiday decorations, or a patio cover, carport, garage~~ or similar ~~use items,~~ provided so long as the floor area does not exceed two hundred (200) square feet and ~~further provided the structure~~ building is not occupied as a dwelling unit, except as follows:

(1) Permits are required for the following:

- (A) ~~Additional detached accessory buildings or structures of any size when built in conjunction with a building or structure that is classified as a Group R, Division 3 one-family or two-family dwelling~~ Any building or structure not in conformance with Section G.1.a above; or
- (B) Any one-story detached accessory ~~structure~~ building located on any parcel used or zoned for any purpose other than single-family residential.

Notwithstanding the foregoing exceptions, all accessory ~~structures~~ buildings shall meet ~~all the minimum~~ setback requirements set forth in ~~the~~ City Code Title 3, Chapter 2 (General Zoning Code Ordinance).

- b. Temporary storage sheds and offices for specific construction projects, including construction trailers on active construction projects.
- c. ~~Any fences~~ not over six feet six inches (6'6") in height ~~constructed of wood, vinyl or composite that are not part of a pool barrier.~~
- d. Fences not over four feet (4') in height measured from the bottom of the footing to the top of the fence constructed of block, brick, stone, rock or similar materials.
- e. Fences supported by a retaining wall (see subsection G1f of this section) when the overall height is less than six feet six inches (6'6") from the bottom of the retaining wall footing to the top of the fence.
- f. Retaining walls not over four feet (4') in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or tiered system, or impounding Class I, II or IIIA liquids.
- g. Oil derricks.
- h. Water tanks supported directly on grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two to one (2:1).
- i. Platforms, decks and similar structures not more than thirty inches (30") measured vertically to the grade below at any point within thirty six inches (36") horizontally from any open edge and not permanently attached to any other structure. This applies only when built in conjunction with a structure that is classified as a Group R, Division 3 one-family or two-family dwelling.
- j. Walks and driveways located not more than thirty inches (30") above grade, not over any basement or story below and not part of an accessible route or means of egress.
- k. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
- l. Temporary structures, booths, sets, and scenery used for producing motion pictures, television shows, theater shows, stage shows and special events. These temporary uses may require permits under other codes, such as the International Fire Code or other adopted regulations or ordinances.
- m. On-ground storable pools (as defined in the Swimming Pool and Spa Code) which are accessory to a single-family dwelling and in which the pool walls are entirely above the adjacent grade. Electrical and plumbing permits are required when any pool is permanently attached to electrical or plumbing services.
- n. Portable spas that are accessory to a single-family dwelling if all heating and circulating equipment is integral to the manufactured product.

- o. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- p. Window awnings in Group R-3 and U occupancies, if supported by an exterior wall that does not project more than fifty four inches (54") from the exterior wall and do not require additional support. Awnings shall meet all setback requirements stated in the Zoning Code.
- q. Non-fixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches (5'9") in height and not containing electrical branch circuits.

Notwithstanding the foregoing exemptions, permits are required for the following:

- (1) Storage racks over five feet nine inches (5'9") in height.
  - (2) Storage racks over eight feet (8') in height. As a condition precedent to the issuance of a permit, structural calculations shall be provided for all such storage racks.
  - (3) Storage racks over twelve feet (12') in height measured to the top of any materials placed on the storage racks. As a condition precedent to the issuance of a permit, structural calculations shall be provided and a Fire Department "high piled" permit shall be issued for the storage racks.
  - (4) Storage racks over six feet (6') in height which contain high hazard commodities require a Fire Department "high piled" permit, including, but not limited to, storage racks, storage pallet racks, movable shelf racks and stacker racks in commercial and industrial buildings.
- r. Construction directly relating to the delivery of a utility service, built by a public utility company regulated by the Public Utilities Commission of Nevada or another State agency, or operating pursuant to a franchise or other agreement with the City. This exemption applies only to buildings, structures, or building service equipment systems directly used in utility generation or distribution and installed on recorded utility easements belonging to gas, power, telephone or other utility companies. This exemption does not apply to office buildings, grading, occupied support buildings or general site development.
  - s. Construction work on property owned by any governmental entity to the extent State law specifically prohibits the City from requiring a permit.
  - t. Improvements, such as traffic lights, streets, curbs, gutters, sidewalks, drainage facilities and bus stops, constructed on public property or in a public easement or right-of-way.
  - u. Minor repairs of interior or exterior lath or drywall, provided:
    - (1) No framing needs replacement or repair;



- (2) The repaired area of lath or drywall does not exceed thirty (30) square feet in area; and
  - (3) The area of repair is not a fire-resistance-rated assembly comprised of more than one (1) layer of wall board on each side or any special material(s) necessary to maintain the required fire-resistance rating of the assembly (i.e., fire-stopping of penetrations).
- v. Replacement of exterior or interior doors, hinges, hardware or decorative trim, provided the following conditions are met:
- (1) The replacement door is of the same size and type;
  - (2) The replacement door does not require any modification to existing wall framing;
  - (3) The existing door is not a component of a fire-resistive rated construction element; and
  - (4) The existing door is not a required means of egress.
- w. Replacement of exterior or interior window glazing, provided the following conditions are met:
- (1) The replacement window glazing is of the same size, type and thickness;
  - (2) The replacement glazing does not require any modification to existing wall framing or window frames;
  - (3) The existing glazing is not a component of a fire-resistive rated construction element; and
  - (4) The existing glazing is not required to be safety-glazed.
- x. Repair of less than thirty two (32) square feet of stone or brick veneer if the damage is less than six feet (6') above the adjacent grade.
- y. Work required to render a building or structure stable following damage from fire, wind, water, vehicle impact, or other causes and to clear the site of damaged materials to allow inspection to ascertain the scope of required repairs, when authorized by the building official.
- z. Replacement of roof covering materials and re-roofing materials, other than tile roofing, so long as no structural components are repaired and no more than sixty four (64) square feet of roof covering material is replaced.
2. Signs: No permit shall be required for any of the following work with respect to signs:

- a. One (1) painted or printed non-illuminated sign per street address, placed on the exterior wall of a structure, not projecting out more than three inches (3") and not exceeding three (3) square feet in area.
  - b. Real estate signs, provided: 1) the signs are removed within seven (7) days of the sale, rental or lease of the property upon which the signs are placed; 2) the signs do not exceed thirty two (32) square feet in area; 3) the signs are not higher than eight feet (8') above the adjacent grade; 4) the signs are not illuminated; and 5) the signs are set back at least ten feet (10') from all property lines.
  - c. Government-owned signs for traffic control, direction to public facilities, regulatory notice, warning or any other public purpose.
  - d. The changing of movable parts of a sign that is designed to be changed in that manner.
  - e. The following maintenance activities: repainting, repositioning or recovering of display matter; exact or functionally equivalent replacement of flashers, lamps, bulbs, ballasts, neon tubing, starters, neon transformers, wires or computer components; and cleaning or changing a part, so long as there is no structural change to the sign.
  - f. Construction signs having an area forty eight (48) square feet or less, or a height eight feet (8') or less above the adjacent grade, provided such signs are erected no more than sixty (60) days prior to construction, are confined to the site of construction, and are removed not more than thirty (30) days after the suspension or abandonment of work or completion of construction and prior to occupancy.
  - g. Political signs; provided, nothing herein shall be interpreted as a limitation on any requirement to remove a political sign under Federal, State or local law.
3. Mechanical: No permit shall be required for the following mechanical work:
- a. Portable heating appliances.
  - b. Portable ventilation appliances.
  - c. Portable cooling unit.
  - d. Portable evaporative cooler.
  - e. A closed system of steam, hot, or chilled water piping within heating or cooling equipment regulated by this Code.
  - f. Replacement of any component part or assembly of an appliance that does not alter its original approval and complies with other applicable requirements of this Code.
  - g. Refrigerating equipment that is part of the equipment for which a permit has been previously issued pursuant to this Code.

- h. A unit refrigerating system as defined in the Mechanical Code.
  - i. Replacement of compressors of the same rating.
4. Plumbing: No permit shall be required for the following plumbing work:
- a. The stopping of leaks in drains, soil pipes, waste pipes, or vent pipes.
  - b. The clearing of stoppages, including the removal and reinstallation of water closets.
  - c. The repairing of leaks in pipes, valves, or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
  - d. Work pertaining to fuel tanks, either buried or above ground that is regulated by the Fire Code or the State of Nevada.
  - e. Work pertaining to landscape water sprinkler systems, except for the backflow prevention device at the point of connection to any potable water supply.
  - f. Installation or replacement of water softeners where pre-plumbing for the softener has already been installed.
  - g. Replacement of plumbing fixtures in the same location with a similar fixture and materials, provided no work is done other than the replacement of the fixture, the tail piece and/or the trap, and further provided the work does not penetrate the fire-resistive rated construction, including a fire-resistive rated concrete slab.
5. Electrical: No permit shall be required for the following electrical work:
- a. Minor repair work, including the replacement of lamps or the connection of approved portable motors or other portable appliances having an attachment plug end to be connected to an approved one hundred twenty (120) volt receptacle, when that cord or cable is permitted by the Electrical Code.
  - b. Installation of electrical equipment used solely for radio and television transmissions, but not to include equipment and wiring for a power supply or the installation of towers and antennas.
  - c. Repair or replacement of motors, transformers and controls within fixed approved appliances, provided replacements must be of the same type and rating, and in the same location.
  - d. Installation and removal of temporary decorative lighting.
  - e. Repair or replacement of current carrying parts of any switch, contactor or control device.
  - f. Replacement of attachment plug receptacles, but not replacement of an outlet box.

- g. Repair or replacement of any overcurrent device of the required capacity in the same location.
  - h. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
  - i. Taping or wrapping of joints and splices.
  - j. Removal of electrical wiring.
  - k. Installation of temporary wiring for experimental purposes in laboratories.
  - l. Installation of wiring for temporary theater, motion picture or television stage sets.
  - m. Electrical wiring, devices, appliances, apparatus or equipment operating at less than twenty five (25) volts and not capable of supplying more than fifty (50) watts of energy.
  - n. Installation of low energy power, control and signal circuits of Classes II and III (as defined in the Electrical Code) that are not part of a fire warning system, control wiring for emergency power systems, or smoke control system.
  - o. Installation, alteration or repair of electrical wiring, apparatus or equipment, or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.
  - p. Installation of wiring outside of buildings and structures by licensed cable television, telephone, or buried cable installers.
  - q. Replacement of lighting fixtures in dwelling units (to include one-family, two-family and multifamily dwellings), guest rooms and guest suites.
6. Grading Permit Exemptions: No permit shall be required for the following grading and similar work:
- a. Grading associated with agriculture within districts approved for agriculture.
  - b. Grading, excavating or filling cemetery graves.
  - c. Grading, excavating or filling refuse disposal sites controlled by other regulations.
  - d. Excavating for wells or trenches for utilities.
  - e. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay to the extent the activity is regulated by Federal, State or other local governmental entities, provided such activities do not affect the lateral support of or significantly increase stresses in soil on adjoining properties.

- f. Performing exploratory excavations.
7. Repairs:
- a. Repairs Not Requiring Permit: No permit shall be required for the following ordinary repairs to buildings and structures:
    - (1) Replacement of lamps.
    - (2) Connection of approved portable electrical equipment to approved permanently installed receptacles.
  - b. Repairs Requiring Permit: Notwithstanding the foregoing exceptions, a permit shall be required for the following repairs:
    - (1) Addition to or removal, cutting away, rearrangement, modification or relocation of: a) any wall, partition or portion thereof; b) any structural beam or load bearing support; c) any required means of egress or d) parts of a building or structure affecting egress.
    - (2) Addition to, alteration of, replacement of or relocation of any standpipe; water supply; sewer, drainage, drain leader, gas, soil, waste, vent or similar piping; or
    - (3) Addition to, alteration of, replacement of or relocation of any electric wiring, mechanical system or other work creating a risk of an unsafe condition.
8. Other Laws: No exemption from the permitting requirements of this chapter shall be construed as authorization to engage in or refrain from any activity in violation of any other provision in this Code, or any applicable Federal, State or local law or ordinance. All exemptions from the permitting requirements of this chapter shall be strictly construed.
- H. Emergency Work: Where emergency work must be performed without a permit, the permit application shall be submitted to the building official the next business day. Any emergency work performed before the permit is issued shall comply with the technical codes.
- I. Manufactured Structures: The City does not regulate the installation of manufactured houses, commercial coaches, travel trailers or recreational vehicles. Notwithstanding the foregoing, permits are required for the installation of all permanent exterior footings, foundations and elements outside the exterior perimeter of any building or structure.
- J. Application ~~f~~For Permit:
- 1. Any person required to obtain a permit pursuant to this title shall first file an application on a form furnished by the City, together with the following documents and other information:

- a. A description of the land on which the proposed work is to be performed, to include the street address (if any) and the assessor's parcel number.
  - b. If the building or structure is occupied by a tenant, the tenant's name and contact phone number.
  - c. The property owner's name and contact phone number.
  - d. If the work is to be performed by a contractor, the contractor's name, address, contact telephone number, fax number, email address, State contractor's license number, State contractor's license type and City business license number.
  - e. If a design professional is involved in the work, the design professional's name, address, email address, contact phone number, and fax number.
  - f. The type of permit(s) requested.
  - g. A detailed description of the work for which the permit is requested.
  - h. An estimate or calculation of the cost to perform the proposed work, including materials and labor.
  - i. A description of the planned use or occupancy of the building or structure.
  - j. The occupant load of the building or structure.
  - k. The square footage of the building or structure.
  - l. A description of the type of construction that will be used to perform the work.
  - m. The signature and printed name of the applicant or the applicant's authorized agent.
  - n. A fully completed contractor contact list.
  - o. All submittal documents.
2. Applications (to include submittal documents and other required information) must be filed with the building official.
  3. If the application and submittal documents satisfy the requirements of this title, upon payment of all applicable fees, the building official shall issue the permit to the applicant.
  4. The permit, when issued, shall be for the work described in the application and no deviation shall be made from that work without the written approval of the building official, except as otherwise provided in this Code.

K. Action on Application:

1. The building official will approve or reject applications submitted pursuant to this chapter within ninety (90) days. If the building official rejects an application, the building official will specify the reason(s) for the rejection.
2. A permit issued pursuant to this chapter shall only be for the work described in the application. Except as otherwise provided and subject to any other limitations or restrictions in this chapter, no work beyond the scope of the work described in application shall be performed unless revised submittal documents are submitted to and approved by the building official.

L. Contracting ~~f~~For Services: Nothing in this chapter shall prevent the City from contracting with third parties for plan review, engineering and other services related to reviewing and processing the application; provided, in no event shall the City delegate to a third party the authority to issue a permit or any other governmental function.

M. Expiration ~~o~~Of Application; Extensions:

1. Application Expiration: In the event a person submits an incomplete application for any permit pursuant to this title, to include incomplete submittal documents, and thereafter fails to provide a complete application for a period of one hundred eighty (180) days after the date of filing the initial application, the application will thereupon automatically expire unless an extension has been granted in accordance with subsection M2 of this section.
2. Application Extension: Provided there have been no amendments to those portions of the technical code that are applicable to the proposed work since the date of the initial application, the building official may, on a case-by-case basis, grant one (1) or more extensions of time to submit a complete application. Each extension shall be for a period of not more than one hundred eighty (180) days. To apply for an extension, the applicant must submit a written statement prior to the expiration of the application then in effect containing an explanation of why an extension is needed and describing the diligent efforts the applicant has made to submit a complete application prior to its expiration. (Ord. 820, 7-11-2017)

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

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

ABUTTING: The condition of two (2) adjoining properties having a common property line or boundary, including cases where two (2) or more lots adjoin only at a corner or corners, but not including cases where adjoining lots are separated by a street or alley.

ADJOINING, ADJACENT: The condition of being near to or close to, but not necessarily having a common dividing line; e.g., two (2) properties which are separated only by a street or alley shall be considered as adjoining one another.

ADULT BOOKSTORE: For the purposes of this chapter, means an establishment which merchandises printed material or movies which are intended to appeal to the prurient interests of the reader.

ADULT CARE FACILITY: An establishment that furnishes food, shelter, assistance and limited supervision only during the day to unrelated person(s) with an intellectual disability or with a physical disability who is aged or infirm.

ADULT MOTION PICTURE THEATER: A motion picture theater whose program, during the time of its operation, contains one or more motion pictures which are rated "X" by the Code Rating Administration of the Motion Picture Association of America or are not rated, and whose program is intended to appeal to the prurient interests of the viewer.

AGRICULTURE: The practice of cultivating the soil, producing crops and raising livestock.

ALLEY:

- A. A street or highway within a City block set apart for public use, vehicular traffic and local convenience;
- B. A street or highway which primarily furnishes access to the rear entrances of abutting property.

AWNING: An architectural projection that provides weather protection, identity or decoration and is partially or wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached.

~~BUILDING: Any structure having a roof supported by columns or walls, and used for the support, shelter or enclosure of persons, animals, personal property or chattels of any kind. Any structure, regardless of whether it is affixed to real property that is used or intended for supporting or sheltering any human use or occupancy.~~

~~BUILDING, ACCESSORY: A detached subordinate building on the same lot with a principal building or use, the use of which is customarily accessory and incidental to the main use of the principal building or use. When attached to the principal building, such accessory building shall be considered a part of the principal building for purposes of setback and yard regulations.~~

~~BUILDING, ACCESSORY, NON-PERMANENT: A detached building occupying an area of less than 200 square feet that is not attached to or set upon a permanent foundation, such as a small greenhouse, garden shed, storage shed, or other building designed to store garden tools, bicycles, holiday decorations, or similar items and that is usually purchased at a retail establishment.~~

~~BUILDING, ACCESSORY, PERMANENT: A detached building of any size attached to or set upon a permanent foundation and/or connected to utilities, such as a large greenhouse, pole barn, garage, or other building designed to store household items and/or vehicles and that is usually built on-site.~~

BUILDING HEIGHT: The vertical distance measured from grade to the highest point of the building.



**BUILDING INSPECTOR:** Qualified employee of the City of Elko Building Department delegated to do building inspections and enforce applicable portions of this Code.

**BUILDING, PRINCIPAL:** A building, or where the context so indicates, a group of buildings, within which is conducted the principal use of the lot on which the building is situated.

**CAMPING:** The use of real property owned or occupied by another person for living accommodation purposes outside of a structure that is affixed to the ground, to include uses such as, without limitation, the following when done in connection with outdoor living: a) overnight sleeping activities or making preparations to sleep overnight outside of a motor vehicle, recreational vehicle or trailer, such as the laying down of bedding on the ground for the purpose of sleeping overnight; b) storing personal belongings outside of a structure in connection with overnight sleeping activities; c) cooking outdoors or making a fire for the purpose of cooking food outdoors as approved by the City; or d) using any tent, shelter or other mobile structure for sleeping overnight. "Camping" does not include using a motor vehicle, recreational vehicle or trailer as long-term shelter, for living accommodation purposes or for the purpose of storage of belongings.

**CARPOR:** An accessory building, attached or detached, having two (2) or more open sides, used by occupants of the principal building for automobile shelter or storage.

**CHILDCARE CENTER:** A childcare facility providing care for more than twelve (12) children.

**CHILDCARE FACILITY:** An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis during the day or overnight, to five (5) or more children under eighteen (18) years of age, if compensation is received for the care of any of those children and provided that such establishment is licensed by the State and operated in accordance with State requirements.

**CHILDCARE FAMILY HOME:** A childcare facility providing care for not less than five (5) children and not more than six (6) children.

**CHILDCARE GROUP HOME:** A childcare facility providing care for not less than seven (7) children and not more than twelve (12) children.

**CLINIC:** A building, or part thereof, in which ambulatory patients are provided diagnostic, therapeutic or preventative medical, surgical, dental or optical treatment by a group of doctors acting jointly, but not providing for overnight residence of patients.

**COMMON OPEN SPACE:** A parcel or parcels of land, or an area of water, or a combination of land and water, within the site designated for planned unit residential development which is designed and intended for the use or enjoyment of the residents of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of such residents.

**CONDITIONAL USE:** A use permitted in zoning district regulations subject to a finding by the Planning Commission that all special conditions and requirements imposed shall be met.

**CONSTRUCTION YARD:** An area on, abutting or adjacent to a major construction or demolition site used on a temporary basis for the parking and storage of equipment used in the project, and the storage and preparation of materials and other items used in the project, including construction offices and shops.

**CONVALESCENT HOME:** See definition of nursing or convalescent home.

**DRIVE-IN ESTABLISHMENT:** A business enterprise, activity or use of land consisting of sales or services rendered to patrons who normally receive the products or utilize the services while in motor vehicles upon the premises, including, but not limited to, gas service stations, drive-in restaurants, drive-in laundry and dry cleaning pick up, and drive-in bank.

**DWELLING, MULTIPLE-FAMILY:** A building, or portion thereof, containing two (2) or more dwelling units.

**DWELLING, SINGLE-FAMILY:** A building containing only one (1) dwelling unit and which is constructed under the Building Code in accordance with title 2 of this Code, and which also includes manufactured homes developed to specific standards in accordance with subsection [3-2-3Q](#) of this chapter.

**DWELLING UNIT (DU):** A single unit providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**ERECTED:** Built, constructed, altered, reconstructed or moved upon; any physical operations on a premises which are required for construction, excavation, fill, drainage and the like, shall be considered a part of erection.

**ESSENTIAL SERVICE:** The erection, construction, alteration or maintenance by a public utility of underground, surface or overhead gas, electrical, steam, water transmission or distribution systems, communication, supply or disposal systems, poles, wires, mains, drains, sewers, pipes, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities for the public health, safety or general welfare, not including buildings, electric substations and transmission towers.

**EXCAVATION:** Any breaking of ground, except common gardening and grounds care, and general agriculture.

**FAMILY:** An individual living alone; or, one (1) or more persons living together who are related by blood, marriage or other legal bond, and their dependents; or, a group of not more than five (5) unrelated persons living together as a single household in a dwelling unit. A "family" includes its domestic employees.

**FULL FRONTAGE:** All lot lines of any lot, parcel or tract of property adjacent to a road, street, alley or right-of-way, to include lots, parcels or tracts containing multiple borders or edges, such as corner lots.

**GARAGE:** A covered or enclosed outbuilding or part of a building designed for housing motor vehicles, boats, or trailers.

**GAS SERVICE STATION:** An establishment retailing motor fuels and lubricants directly to the public on the premises, including incidental sale of minor auto accessories and services.

**GRADE:** The average elevation of the finished ground surface adjacent to the exterior walls of a building or base of a structure.

**HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSERS:** A residence that provides housing and a living environment for recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide treatment for alcohol or drug abuse. The term "halfway house for recovering alcohol and drug abusers" does not include a facility for transitional living for released offenders.

**HOME OCCUPATION:** A business customarily carried on in a business establishment that is permitted to be carried out in a residence as long as the use as a business is incidental to the primary residential purpose and the residential character of the property is not changed. Every person permitted to carry on a home occupation shall obtain an annual business license.

**HOSPITAL:** A building, or group of buildings, in which sick or injured persons are given medical or surgical treatment, examination or care, including overnight residence, together with related facilities, e.g., laboratories, training facilities, staff residences, outpatient department and similar facilities which are an integral part of the principal use.

**HOTEL, MOTEL:** A building, or group of buildings, used primarily for accommodation of transient guests in rooms or suites.

**HUMANITARIAN CAMPGROUND:** A designated area that serves a humanitarian purpose by allowing people, with permission from the owner or occupier of the land, to engage in camping and that may or may not have toilets, showers and/or other amenities for campers to use.

**HUMANITARIAN PURPOSE:** A use which is not for profit and which is designed to allow people who are homeless or who cannot occupy their homes due to lack of utilities or other causes, to engage in life sustaining activities, such as eating and sleeping.

**JUNKYARD:** An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junkyard" includes automobile wrecking yards and any area of more than one hundred twenty (120) square feet for storage, keeping or abandonment of junk, but does not include uses confined entirely within enclosed buildings.

**LANDOWNER:** The legal or beneficial owner or owners of all the land proposed to be included in the planned unit development. The holder of an option or contract of purchase, and lessee having a remaining term of not less than thirty (30) years, or another person having an enforceable proprietary interest in such land, is a "landowner" for the purposes of this chapter.

**LICENSED HOUSE OF PROSTITUTION:** A licensed commercial enterprise maintained for the convenience and resort of persons desiring lawful sexual intercourse.

**LOADING SPACE:** An off street space provided for the temporary parking of a vehicle while loading or unloading merchandise or materials, situated on the same lot with a building and entirely outside the right-of-way of any public street or alley.

**LOT:** A distinct part or parcel of land separated from other pieces or parcels by description, identified as such in a subdivision or on a record survey map, or described as such by metes and bounds, with the intention or for the purposes of sale, lease, or separate use, or for the purpose of building, including the following types of lots:

**Corner Lot:** A lot abutting two (2) or more intersecting streets.

**Double Frontage Lot:** A lot abutting two (2) parallel or approximately parallel streets.

**Interior Lot:** A lot having only one (1) side abutting a street.

**Key Lot:** An interior lot, one (1) side of which is contiguous to the rear line of a corner lot.

**LOT AREA:** The total area of a lot within the lot lines as measured on a horizontal plane.

**LOT COVERAGE:** That part or percentage of a lot occupied by principal and/or accessory buildings.

**LOT DEPTH:** The shortest distance, measured on a line parallel to the axis of the lot, between points on the front and rear lot lines.

**LOT LINE:** A line bounding a lot, including the following types of lot lines:

**Front Lot Line:** The lot line coinciding with the street line; or, in the case of a corner lot, the shorter of two (2) lot lines coinciding with street lines; or, in the case of a double frontage lot, both lot lines coinciding with street lines.

**Rear Lot Line:** The lot line opposite and farthest from the front lot line; for a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, not less than ten feet (10') long and wholly within the lot.

**Side Lot Line:** Any lot line other than a front or rear lot line; in the case of a corner lot, the lot line abutting the side street is designated as the exterior side lot line and all other side lot lines are designated as interior side lot lines.

**LOT OF RECORD:** A lot which is part of a subdivision plat or other type of map used for the purpose of dividing or merging parcels of land, recorded in the Elko County Recorder's Office prior to the effective date hereof; or, a lot or parcel described by metes and bounds and having its description recorded in the Elko County Recorder's Office prior to the effective date hereof.

**LOT WIDTH:**

- A. In case of a rectangular lot or a lot abutting on the outside of a street curve, the distance between side lot lines measured parallel to the street or to the street chord and measured on the street chord.
- B. In the case of a lot abutting on the inside of a street curve, the distance between the side lot lines measured parallel to the street or the street chord at the rear line of the dwelling, or, where there is no dwelling, thirty feet (30') behind the minimum front setback line.

**MAJOR ELECTRICAL TRANSMISSION LINE:** Any electrical line carrying an electrical load of sixty six (66) kV and above.

**METALLURGY:** The reduction or extraction of metals from their ores by mechanical, physical or chemical methods, including their refinement and preparation for use as raw materials.

**MINING:** The extraction from the earth of gravel, stone, sand, and metallic or nonmetallic ore, and the crushing, washing, grading, storage and loading for transportation thereof.

**MIXED USE:** Combination of different uses including residential use within a shared building.

**MOBILE HOME:** As defined in the City of Elko mobile home ordinance [1](#).

**MOBILE HOME LOT:** As defined in the City of Elko mobile home ordinance [2](#).

**MOBILE HOME PARK:** As defined in the City of Elko mobile home ordinance [3](#).

**NONCONFORMING USE:** Uses existing at the time of adoption of this chapter, but not in accordance with the provisions and requirements contained herein.

**NURSING OR CONVALESCENT HOME:** An establishment providing bed care, or chronic or convalescent care, for one (1) or more persons, exclusive of relatives, who by reason of illness or physical infirmity are unable to properly care for themselves; excluding, however, institutions for the care of alcoholics, drug addicts, and persons with mental or communicable diseases.

**OFF STREET:** Land which is not within the right-of-way of any street or alley.

**PARK AND RIDE FACILITIES:** Parking lots which are intended to allow commuters to park their vehicles and then transfer to some form of mass transportation, such as buses, trains or carpools.

**PARKING LOT:** An area other than for single-family dwellings used for the off street parking of more than two (2) motor vehicles, including parking spaces, access and maneuvering aisles.

**PARKING SPACE:** A fully accessible space adequate for the temporary parking of permitted vehicles, situated entirely outside the right-of-way of any public street.

**PARTIES IN INTEREST:** A term identifying the owners of property within three hundred feet (300') of specific property.

**PERSON:** Except where otherwise indicated, a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization, or a government, governmental agency or political subdivision of a government.

**PLANNED SHOPPING CENTER:** A business development not divided by a street and characterized by an organized and concentrated grouping of retail and service outlets served by a common circulation and parking system.

**PLANNED UNIT DEVELOPMENT:** An area of land controlled by a landowner, which is to be developed as a single entity for a number of dwelling units, the plans for which do not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one (1) residential district created, from time to time, under the provisions of this chapter.

**PLANNING COMMISSION:** The City of Elko Planning Commission.

**PRIVATE GARAGES:** An enclosed accessory building, attached or detached, used for storage of motor vehicles used by occupants of the principal building and providing no public shop or services in connection therewith.

**PUBLIC UTILITY:** Any person, firm, corporation, municipality or Municipal board duly authorized under State or Municipal regulations, to furnish to the public electricity, gas, steam, communications, water, drainage, flood control, irrigation, garbage or trash disposal, or sewage disposal.

**RAILROAD USE:** The occupation and use of land, buildings and structures for purposes directly connected with rail transportation of articles, goods and passengers, including such facilities as tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, passenger and freight terminals, but excluding warehouses, stockyards, grain elevators, truck freight terminals and yards, and similar facilities, which are maintained and operated by the owning railroad company or by a lessee for purposes auxiliary to rail transportation.

**RECREATION AND SOCIAL CLUBS:** Buildings and grounds used for and operated by membership of fraternal organizations primarily not for profit, including golf clubs, tennis clubs, riding clubs, American Legion halls, Elks Club, and similar facilities.

**RECREATIONAL VEHICLE:** A vehicle self-propelled or otherwise, designed to temporarily shelter persons en-route on a recreational or vacation trip. "Recreational vehicle" includes truck mounted campers, and self-propelled travel vans.

**RECREATIONAL VEHICLE PARK:** A lot, parcel or tract of land, having as its principal use the rental of space of temporary short term, transient occupancy by two (2) or more recreational vehicles, including any accessory buildings, structures and uses customarily incidental thereto.

**REPAIR GARAGE:** An establishment where these services may be allowed: normal activities of a gas service station, general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision services such as body, frame or fender straightening and repair; general painting and undercoating of automobiles; high speed washing; auto, boat or trailer rental; and general sales of auto parts or accessories.

**RESIDENTIAL ESTABLISHMENT:** A halfway house for recovering alcohol and drug abusers or a residential facility for groups.

**RESIDENTIAL FACILITY FOR GROUPS:** An establishment that furnishes food, shelter, assistance and limited supervision to unrelated person(s) with an intellectual disability or with a physical disability who is aged or infirm. The term does not include an establishment which provides care only during the day, a natural person who provides care for no more than two (2) persons in his own home, a natural person who provides care for one (1) or more persons related to him within the third degree of consanguinity or affinity, a halfway house for recovering alcohol and drug abusers, or a facility funded by a division or program of the Nevada Department of Health and Human Services.

**RETAIL USE:** A commercial establishment selling goods at retail; however, a home occupation shall not be considered as a retail use.

ROADWAY CLASSIFICATION: All roadway classifications shall be determined in accordance with the Transportation Component of the City of Elko Master Plan.

ROOMING HOUSE: A building other than a hotel or motel where, for compensation and by prearrangement for definite periods of time, lodging is provided for individuals who are not members of a resident family.

SCHOOL: A public or private building, or group of buildings, used for purposes of primary or secondary education, meeting all requirements of the Compulsory Education Laws of the State of Nevada.

SCREEN WALL: A masonry wall or opaque fence so constructed as to prevent the view of enclosed activities or uses from without.

SERVANT QUARTERS: An attached or detached building, or part thereof, housing persons employed on the premises.

SERVICE CLUBS: Buildings and grounds used for and operated by nonprofit organizations whose membership is open to any resident of the community, including YMCA, YWCA, Boy Scouts, Girl Scouts, Boys Club and any similar organizations having as its primary objective the improvement of the district, neighborhood or community and its social welfare.

SETBACK: The minimum horizontal distance between a lot line and the nearest point of a building, structure or use, as the context indicates, located on a lot. "Setback" shall not include eaves of the building.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the topmost floor and the roof having a usable floor area at least one-half ( $\frac{1}{2}$ ) that of the floor area of the floor immediately below. A basement shall be considered a story when fifty percent (50%) or more of its cubic content is above grade.

STREET: A dedicated public way which affords the principal means of vehicular access to abutting property.

STREET LINE: A line demarcating the limits of a street right-of-way.

STREET, PRIVATE: A nondedicated, privately owned right-of-way or limited public way that affords the principal means of emergency and limited vehicular access and connection from the public street system to properties created through the division or subdivision of land.

STREET, PUBLIC: A dedicated public right-of-way that is part of the public street system and which affords the principal means of emergency and general vehicular access to abutting property.

STRUCTURE: ~~Any constructed or erected material or combination of materials, the use of which requires location on the ground or attachment to something located on the ground and which requires a permit as defined and regulated by the Building Code, including buildings, stadiums, radio towers, sheds, storage bins, fences and signs. Something built or constructed that may be placed upon or affixed to real property for a purpose, such as storage or protection from the elements. The term "structure" includes,~~

without limitation, a building, a non-permanentized mobile home or an unattached shed placed on skids.

**SWIMMING POOL:** Any constructed pool, used for swimming, bathing or wading, whether above or below the ground surface and regardless of depth or water surface area.

**TEMPORARY USE OR BUILDING:** A use or structure permitted under the terms of this chapter to exist for a limited period of time.

**TOWNHOUSE OR ROW HOUSE:** A single-dwelling unit arranged side by side with other such units in a multi-family dwelling, completely independent of all other such units in the building by reason of separation therefrom by unpierced party walls.

**USABLE FLOOR AREA:** A term used in computing parking requirements, meaning the aggregate area of a building measured to the interior area, similarly measured, or each additional story which is connected to the first story by a fixed stairway, escalator, ramp or elevator, and the floor area of all accessory buildings, measured similarly, but excluding that part of any floor area which is occupied by heating, ventilating, or other permanently installed equipment required for operation of the building, and by unenclosed porches, light shafts, public corridors and public toilets. For uses not enclosed within a building, the area for sales, display or service shall be measured to determine equivalent usable floor area.

**USE:** The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied. The principal use is the main use to which the premises are devoted and the main purpose for which the premises exist. An accessory use is a use subordinate to the principal use on a lot and used for purposes clearly incidental to those of the principal use.

**VARIANCE:** A modification of the literal enforcement of the technical provisions and requirements of this chapter. The applicant for variance shall present adequate evidence to support the granting of a variance in accordance with section [3-2-22](#) of this chapter.

**YARD:** An open space located between any portion of a building and the nearest lot line, or the nearest adjacent building or group of buildings, as the context indicates, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

**YARD, FRONT:** A yard extending across the full width of the lot and having a depth equal to the horizontal distance between the nearest point of the principal building and the front lot line, measured at right angles to the front lot line.

**YARD, NONREQUIRED:** Any yard with dimensions exceeding those required herein.

**YARD, REAR:** A yard extending across the full width of a lot and having a depth equal to the horizontal distance between the nearest point of the principal building and the rear lot line, measured at right angles to the rear lot line.

**YARD, REQUIRED:** A yard having the minimum dimensions required herein.



YARD, SIDE: A yard extending from the front lot line to the rear lot line between a side lot line and the principal building, and having a width equal to the horizontal distance between the nearest point of the principal building and the side lot line, measured at right angles to the side lot line. (Ord. 818, 4-25-2017)

Notes

1. See Section 3-5-3 of this title.
2. See Section 3-5-3 of this title.
3. See section 3-5-3 of this title.

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

A. RS Residential Suburban District:

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

2. Principal Uses Permitted:

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

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

Publicly owned and operated parks and recreation areas and centers.

Sheltering of farm animals:

- a. The keeping of domestic horses, donkeys, llamas and alpacas under the ownership of the resident occupant of the lot or parcel shall be considered as a permitted principal use; provided, that any combination of such animals on any one lot shall be limited to one animal for the first thirty thousand (30,000) square feet of lot area. One additional large animal may be maintained for each additional twenty thousand (20,000) square feet of lot area contained in the same lot.
- b. The keeping of domestic sheep and goats under the ownership of the resident occupant of the lot or parcel shall be considered as a permitted principal use; provided, that any combination of such animals on any one lot shall be limited to one animal for the first fifteen thousand (15,000) square feet of lot area. One additional small animal may be maintained for each additional ten thousand (10,000) square feet of lot area contained in the same lot.

- c. The keeping of such farm animals shall conform to all other provisions of law governing same, and no animal, nor any pen, stable, barn or corral shall be kept or maintained within one hundred feet (100') of any principal dwelling (other than that occupied by the owner of such domestic animal), any public building, park, school, hospital, or any other public place; or within eighty feet (80') of the front property line of the lot on which the animals are maintained, or within twenty five feet (25') of the side street of a corner lot. There shall be no killing or dressing of any such animals for commercial purposes.
  - d. Poultry, rabbits or domestic fowl raised for food, education, scientific or furbearing purposes; provided, not more than twelve (12) of any one or combination of such animals and fowl may be maintained on one lot.
  - e. The keeping of such domestic animals or fowl shall conform to all other provisions of law governing same, and no fowl or animals, nor any pen or coop, shall be kept or maintained within fifty feet (50') of any window or door of any residence, dwelling or other building used for human habitation (other than that occupied by the owner of such domestic animals or fowl), or within sixty feet (60') of the front property line of the lot on which the animals are maintained, or within twenty five feet (25') of the side street on a corner lot.
3. Conditional Uses Permitted: Any of the following uses may be permitted as principal uses upon approval of a conditional use permit in accordance with the provisions of this chapter and those set forth in section [3-2-18](#) of this chapter regarding conditional use permits. In reviewing conditional use permit applications, the Planning Commission shall ensure that adequate light and air, ingress and egress, and compatibility with other uses in the neighborhood are maintained.

Churches, church facility complexes and places of religious worship.

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

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

Accessory buildings.

Childcare family home.

~~Garden house, tool house, ramada; outdoor swimming pool and similar home recreational facilities; provided, that such facilities are used solely by occupants of the premises and their guests.~~

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

Home occupations in accordance with other provisions of this chapter.

Private garage or carport.

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

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

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

5. Property Development Standards:

- a. Development standards shall ~~adhere to subsection G of this section~~ comply with Section 3-2-5(G).
- b. Subdivisions within the RS District which are essentially independent and self-contained and, which are characterized by lots which are no less than one-half ( $1/2$ ) acre in size, may utilize rural road standards in accordance with specifications contained within section 3-3-11 of this title.

6. Property Development Standards ~~f~~For Accessory Buildings:

All accessory buildings, both permanent and non-permanent, shall comply with Section 3-2-5(H).

- ~~a. Building Height: The maximum height of an accessory building shall not exceed forty feet (40') or the current City airport master plan, whichever is the more restrictive.~~
- ~~b. Building Setbacks: Any detached accessory building that is erected shall conform to front and side yard setback requirements. A minimum rear yard setback of ten feet (10') shall be required.~~

B. R1 Single-Family Residential District:

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

2. Principal Uses Permitted:

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

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

Publicly owned and operated parks and recreation areas and centers.

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

Churches, church facility complexes and places of religious worship.

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

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

Accessory buildings.

Childcare family home.

~~Garden house, tool house, ramada; outdoor swimming pool and similar home recreational facilities; provided, that such facilities are used solely by occupants of the premises and their guests.~~

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

Home occupations in accordance with other provisions of this chapter.

Private garage or carport.

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

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

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

5. Property Development Standards: Development standards shall ~~adhere to subsection G of this section~~ comply with Section 3-2-5(G).

6. Property Development Standards ~~f~~For Accessory Buildings:

All accessory buildings, both permanent and non-permanent, shall comply with Section 3-2-5(H).

~~a. Building Height: The maximum building height shall not exceed twenty five feet (25'), or requirements contained within the city airport master plan, whichever is the most restrictive.~~

~~b. Building Setbacks: Any detached accessory building that is erected shall conform to front and side yard setback requirements. A minimum rear yard setback of ten feet (10') shall be required, which may be reduced to zero feet (0') if the rear lot line abuts a public alley.~~

~~c. Building Area: A detached accessory building shall be limited to a maximum area of one thousand (1,000) square feet or ten percent (10%) of the lot area, whichever is greater, but not to exceed one thousand two hundred (1,200) square feet.~~

C. R2 Two-Family Residential District:

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

2. Principal Uses Permitted:

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

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

Publicly owned and operated parks and recreation areas and centers.

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

Childcare group home.

Churches, church facility complexes and places of religious worship.

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

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

Recreational, social and service clubs.

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

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

Childcare family home.

~~Garden house, tool house, ramada; outdoor swimming pool and similar home recreational facilities; provided, that such facilities are used solely by occupants of the premises and their guests.~~

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

Home occupations in accordance with other provisions of this chapter.

Private garage or carport.

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

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

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

5. Property Development Standards: Development standards shall ~~adhere to subsection G of this section~~ comply with Section 3-2-5(G).

6. Property Development Standards ~~f~~For Accessory Buildings:

All accessory buildings, both permanent and non-permanent, shall comply with Section 3-2-5(H).

- ~~a. Building Height: The maximum building height shall not exceed twenty five feet (25'), or requirements contained within the city airport master plan, whichever is the most restrictive.~~
- ~~b. Building Setbacks: Any detached accessory building that is erected shall conform to front and side yard setback requirements. A minimum rear yard setback of ten feet (10') shall be required, which may be reduced to zero feet (0') if the rear lot line abuts a public alley.~~
- ~~c. Building Area: A detached accessory building shall be limited to a maximum area of one thousand (1,000) square feet or ten percent (10%) of the lot area, whichever is greater, but not to exceed one thousand two hundred (1,200) square feet.~~

D. R3 Multiple-Family Residential District:

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

2. Principal Uses Permitted:

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

Publicly owned and operated parks and recreation areas and centers.

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

Childcare center.

Churches, church facility complexes and places of religious worship.

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

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

Recreation, social and service clubs.

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

5. Property Development Standards: Development standards shall comply with Sections 3-2-5(E6) and 3-2-5(G) adhere to subsections E6 and G of this section.

~~65.~~ Property Development Standards ~~f~~For Accessory Buildings: Development standards for accessory buildings within the R3 district shall ~~be the same standards established by the R district~~ comply with Section 3-2-5(H).

~~76.~~ General Regulations:

- a. The outdoor storage of goods or materials shall be prohibited.
- b. The minimum site area necessary to establish an R3 zoning district shall be one acre.

E. R Single-Family ~~a~~And Multiple-Family Residential District:

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

2. Principal Uses Permitted:

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

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

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

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

Publicly owned and operated parks and recreation areas and centers.

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

3. Conditional Uses Permitted: Any of the following uses may be permitted as principal uses upon approval of a conditional use permit in accordance with provisions of this chapter and those set forth in section [3-2-18](#) of this chapter regarding conditional use permits. In reviewing conditional use permit applications, the planning commission shall ensure that



adequate light and air, ingress and egress, and compatibility with other uses in the neighborhood are maintained.

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

Childcare center; childcare group home.

Churches, church facility complexes and places of religious worship.

Halfway house for recovering alcohol and drug abusers.

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

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

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

Recreation, social and service clubs.

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

Teaching of creative arts.

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

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

Childcare family home.

~~Garden house, tool house, ramada; outdoor swimming pool and similar home recreational facilities; provided, that such facilities are used solely by occupants of the premises and their guests.~~

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

Home occupations in accordance with other provisions of this chapter.

Private garage or carport.

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

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

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

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

5. Property Development Standards: Development standards shall ~~adhere to subsection G of this section~~ comply with Section 3-2-5(G).
6. Additional Property Development Standards ~~f~~For Multiple- Family Residential Developments:
  - a. Minimum Distance ~~b~~Between Buildings ~~o~~On ~~t~~The Same Lot: The minimum distance between the opposing exterior walls of detached buildings, or parts of attached or semiattached buildings, on the same lot, shall be:
    - (1) If both walls are front walls, or contain main entrances or living room windows: Thirty feet (30');
    - (2) If one wall is a front wall, or contains a main entrance or living room windows, and one wall is a side or rear wall containing no doors or windows: Twenty four feet (24');
    - (3) If both walls are side or rear walls containing windows or secondary entrances: Twenty four feet (24');
    - (4) If one wall is a side or rear wall containing windows or secondary entrances and one wall contains no doors or windows: Eighteen feet (18');
    - (5) If neither wall contains windows or doors: Ten feet (10').
  - b. Additional Placement Regulations For Multi-Family Dwellings: If the front of a building, or part thereof, faces on an interior side or rear lot line, the building, or that part thereof, shall be set back from such lot line not less than twenty feet (20').
  - c. Separation Of Semidetached Dwellings Or Row Houses: When, for purposes of sale or separate ownership, a two-family or multi-family dwelling and the land in and upon which such dwellings are situated, is to be subdivided into separate lots having one dwelling unit per lot, such lots shall be exempt from all interior side yard requirements.
7. Property Development Standards ~~f~~For Accessory Buildings:

All accessory buildings, both permanent and non-permanent, shall comply with Section 3-2-5(H).

- ~~a.—Building Height: The maximum building height shall not exceed twenty five feet (25'), or requirements contained within the city airport master plan, whichever is the most restrictive.~~
- ~~b.—Building Setbacks: Any detached accessory building that is erected shall conform to front and side yard setback requirements. A minimum rear yard setback of ten feet (10') shall be required, which may be reduced to zero feet (0') if the rear lot line abuts a public alley.~~
- ~~c.—Building Area: A detached accessory building shall be limited to a maximum area of one thousand (1,000) square feet or ten percent (10%) of the lot area, whichever is greater, but not to exceed one thousand two hundred (1,200) square feet.~~

8. Exceptions:

- a. Lots Of Record: On each existing lot of record, the side yards shall have a width of not less than five and one-half feet ( $5\frac{1}{2}'$ ), and a front yard of not less than twelve feet (12') for single-family dwelling units.
- b. Detached Guesthouse ~~o~~Or Servants' Quarters: Detached guesthouses and servants' quarters are permitted in any district; provided, however, that they shall conform to all yard requirements applicable to the principal building.

F. RO Residential Office District:

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

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

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

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

Publicly owned and operated parks and recreation areas and centers.

3. Conditional Uses Permitted:

Art studios.

Barber and beauty shops.

Florists.

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

Offices, medical and professional.

Photographic studios.

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

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

Schools for music, dance, teaching and creative arts.

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

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

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

Childcare family home.

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

Home occupations in accordance with other provision of this chapter.

Private garage or carport.

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

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

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

5. Property Development Standards: Development standards shall ~~adhere to subsection G of this section~~ comply with Section 3-2-5(G).

56. Property Development Standards fFor Accessory Buildings: Development standards for accessory buildings ~~shall within the RO district shall be the same standards established for the R district~~ comply with Section 3-2-5(H).

67. General Regulations:

- a. The outdoor storage of goods or materials shall be prohibited.
- b. Warehousing or the indoor storage of goods or materials beyond that normally incidental to permitted uses shall be prohibited.
- c. One wall mounted, nonilluminated sign, for each lot of record not to exceed twelve (12) square feet in area or one freestanding, nonilluminated sign for each lot of record not to exceed six feet (6') in height and twelve (12) square feet in area may be permitted for any approved conditional use. The planning commission may modify such regulations as part of the conditional use permit procedure.

G. Residential Zoning Districts Area, Setback aAnd Height Schedule fFor Principal ~~And Certain Accessory Use~~ Buildings:

1. Table ~~o~~f Area Requirements:

**AREA REQUIREMENTS**

Zoning Districts	Minimum Requirements				Building Setbacks				Maximum Height Requirements
	Corner Lot Area	Lot Area	Lot Width	Lot Depth	Front Yard	Rear Yard	Interior Side Yard	Exterior Side Yard	Building Height
RS		15,000 sq. ft.	80 ft.	180 ft.	25 ft.	20 ft.	10 ft.	20 ft.	35 ft. <sup>1</sup>
R1	6,500 sq. ft.	6,000 sq. ft.	60 ft.	100 ft.	15 ft. <sup>6</sup>	20 ft.	5 <sup>1</sup> / <sub>2</sub> ft.	15 ft. <sup>5</sup>	35 ft. <sup>1</sup>

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

Notes:

1. Height limitations contained within the current City of Elko Airport Master Plan shall supersede the height restrictions indicated in the above table where more restrictive.
2. For single-family dwellings, interior side yard setbacks shall be 5½ feet.
3. For multi-family dwellings, interior side yard setbacks shall be 7 feet.
4. For three- and four-family dwellings on the same lot, a minimum of 2,200 square feet of lot area is required for each dwelling unit.
5. For residences in existence at the time of enactment hereof (November 25, 2003), exterior side yard setbacks shall be 12 feet.
6. Garages, whether attached or detached, and carports shall be set back 20 feet from the front lot line; provided, that for any garage in existence prior to March 26, 2013, the front yard setback shall be 15 feet. ~~The term "garage", as used in this chapter, means a covered or enclosed outbuilding (or part of a building) for housing motor vehicles, boats or trailers.~~

2. Residential Lots of Record:

- a. A single lot or parcel of land of record in the office of the county recorder as of the effective date of the city subdivision ordinance (December 9, 1975), and which does not meet minimum requirements for lot area, lot width or lot depth shall be considered a buildable lot for one single-family dwelling, provided all other requirements of this chapter are satisfied.
- b. For existing platted subdivisions characterized by twenty five foot (25') wide lots and situated within a residential zoning district, any lot or parcel reconfiguration or resubdivision shall adhere to a minimum lot area of five thousand (5,000) square feet. (Ord. 805, 12-13-2016)

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

1. Requirements for Non-Permanent Accessory Buildings

<u>Zoning Districts</u>	<u>Minimum Requirements</u>		<u>Building Setbacks<sup>3</sup></u>				<u>Maximum Height Requirements</u>
	<u>Maximum Cumulative Square Feet of All Acc. Buildings<sup>2</sup></u>	<u>Minimum Separation from Other Buildings</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Interior Side Yard</u>	<u>Exterior Side Yard</u>	<u>Building Height</u>
<u>RS</u>		<u>5 ft.</u>	<u>25 ft.</u>	<u>5 ft.<sup>4</sup></u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>35 ft.<sup>1</sup></u>
<u>R1</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.<sup>5</sup></u>	<u>5 ft.<sup>4</sup></u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>35 ft.<sup>1</sup></u>
<u>R2</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.<sup>5</sup></u>	<u>5 ft.<sup>4</sup></u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>35 ft.<sup>1</sup></u>

<u>R</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.<sup>5</sup></u>	<u>5 ft.<sup>4</sup></u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>45 ft.<sup>1</sup></u>
<u>RO</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.<sup>5</sup></u>	<u>5 ft.<sup>4</sup></u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>45 ft.<sup>1</sup></u>
<u>RB</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.<sup>5</sup></u>	<u>5 ft.<sup>4</sup></u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>25 ft.<sup>1</sup></u>

Notes:

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

**2. Requirements for Permanent Accessory Buildings**

<u>Zoning Districts</u>	<u>Minimum Requirements</u>		<u>Building Setbacks<sup>3</sup></u>				<u>Maximum Height Requirements</u>
	<u>Maximum Cumulative Square Feet of All Acc. Buildings<sup>2</sup></u>	<u>Minimum Separation from Other Buildings</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Interior Side Yard</u>	<u>Exterior Side Yard</u>	<u>Building Height</u>
<u>RS</u>		<u>5 ft.</u>	<u>25 ft.</u>	<u>5 ft.<sup>4</sup></u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>35 ft.<sup>1</sup></u>
<u>R1</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.<sup>5</sup></u>	<u>5 ft.<sup>4</sup></u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>35 ft.<sup>1</sup></u>
<u>R2</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.<sup>5</sup></u>	<u>5 ft.<sup>4</sup></u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>35 ft.<sup>1</sup></u>
<u>R3</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>20 ft.</u>	<u>5 ft.<sup>4</sup></u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>45 ft.<sup>1</sup></u>
<u>R</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.<sup>5</sup></u>	<u>5 ft.<sup>4</sup></u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>45 ft.<sup>1</sup></u>
<u>RO</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.<sup>5</sup></u>	<u>5 ft.<sup>4</sup></u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>45 ft.<sup>1</sup></u>
<u>RB</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.<sup>5</sup></u>	<u>5 ft.<sup>4</sup></u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>25 ft.<sup>1</sup></u>

Notes:

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

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

- A. Intent: This zoning district is intended to allow conversion of residential structures located along arterial and collector roads in areas of transition to an appropriate mix of residential, light retail and service commercial uses that provides good transitions with nearby residential uses and neighborhoods. This zone allows existing residential uses to remain and be improved, while also allowing low scale, low intensity commercial and business operations to be developed as part of infill projects. The district is intended to protect established residential neighborhoods from the type of land use associated with high levels of noise, illumination and traffic that could be detrimental to the characteristics of the residential neighborhood.
  
- B. District Boundary: The initial district boundary includes properties within the 5th Street corridor that are located between Pine Street and Walnut Street along the northeast side of 5th Street, and between Pine Street and Willow Street along the southwest side of 5th Street, with at least one property line abutting the right-of-way of 5th Street, and the following lots that are not abutting the 5th Street right-of-way: Lots 21 & 22 of Block 98 and Lots 15 & 16 of Block 66, as shown on the Map of the First Addition to the Town of Elko, recorded as File No. 5, Elko County records.
  - 1. The district boundaries may be amended in accordance with section [3-2-21](#) of this chapter.
  - 2. The maximum distance allowed from the east or west side of 5th Street right-of-way to the district boundary is one hundred twenty five feet (125').
  
- C. Principal Uses Permitted:
  - 1. The following residential uses are permitted:
    - Multiple-family residential units, including a duplex, triplex, or a fourplex located on a single lot or parcel, provided all area and setback requirements are met.
  
    - One single-family dwelling of a permanent character in a permanent location on its own parcel of land, provided all area and setback requirements are met.
  - 2. The following commercial uses are permitted:
    - Art galleries and studios.
  
    - Bakeries.
  
    - Banks, financial institutions, not including short term lending businesses such as title loans or payday lending.
  
    - Barber and beauty shops.
  
    - Bicycle repair.
  
    - Bookstores.
  
    - Childcare centers.



Coffee shops.

Corner stores.

Florists.

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

Laboratories: medical, dental, optical.

Laundry or dry cleaning pick up outlets.

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

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

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

Photographic studios.

Schools for music, dance, teaching and creative arts.

Trade schools.

Travel agencies.

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

D. Conditional Uses Permitted:

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

Churches, church facility complexes and places of religious worship.

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

Funeral homes and mortuaries.

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

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

Restaurants, sandwich and beverage shops, delicatessens.

Theaters, indoor.

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

E. Accessory Uses Permitted:

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

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

Childcare family home.

~~Garden house, tool house, ramada, outdoor swimming pool and similar home recreational facilities; provided, that such facilities must be used solely by occupants of the premises and their guests.~~

Guesthouse or servants' quarters.

Home occupations in accordance with other provisions of this chapter.

Private garage or carport.

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

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

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

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

F. Property Development Standards:

1. Lot Area:

- a. Commercial Uses: The lot area shall be of sufficient size to provide for the building, off-street parking and landscaping.
  - b. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area required in the R District.
2. Lot Width:
- a. Commercial Uses: No requirement.
  - b. Residential Uses: Residential buildings less than five (5) residential units and which do not contain a commercial use shall provide the minimum lot width required in the R District.
3. Front, Rear, Interior Side ~~a~~And Exterior Side Yard For New Development Or Expansion:
- a. Commercial Uses: Zero feet (0').
  - b. Residential Uses:
    - (1) New development of residential buildings containing less than five (5) residential units and which do not contain a commercial use shall conform to the yard standards required in the R District.
    - (2) Expansion upon existing principal permitted use shall have the following setbacks:
      - (A) Front: Five feet (5').
      - (B) Rear: Five feet (5').
      - (C) Interior side: Three feet (3').
      - (D) Exterior side: Five feet (5').
4. Building Height: Building height shall not exceed forty five feet (45'), or requirements contained within the City Airport Master Plan, whichever is the most restrictive.
5. Landscaping:
- a. Commercial uses shall provide landscaping as described in subsection [3-2-10B2a](#) of this chapter.
  - b. Landscaping within an adjacent right-of-way may be used to satisfy landscaping requirements, so long as it is maintained by the property owner.
  - c. With approval from the Planning Department, a lighted art element incorporated into the business signage may be allowed in lieu of required landscaping, but only if the

developed property has physical conditions that prevent the property owner from installing the landscaping that would otherwise be required.

6. Signage:

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

7. Off-Street Parking:

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

G. Property Development Standards ~~f~~For Accessory Buildings:

All accessory buildings, both permanent and non-permanent, shall comply with Section 3-2-5(H).

- ~~1. Building Height: The maximum building height shall not exceed either twenty five feet (25') or the maximum height requirements contained within the City Airport Master Plan, whichever is the most restrictive.~~
- ~~2. Building Setbacks: A detached accessory building shall conform to front and side yard setback requirements. Regardless of any other requirements, the minimum rear yard setback shall be five feet (5'), which may be reduced to zero feet (0') if the rear lot line abuts a public alley.~~
- ~~3. Building Area: A detached accessory building shall be limited to a maximum area of one thousand (1,000) square feet or ten percent (10%) of the lot area, whichever is greater, but not to exceed one thousand, two hundred (1,200) square feet.~~

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

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

I. General Regulations ~~f~~F For Commercial Uses: Commercial uses shall be subject to the following restrictions:

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

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#### 3-5-4: USES PERMITTED AND MINIMUM STANDARDS:

A. Uses Permitted:

Accessory buildings.

Community recreation buildings and facilities, laundry, car wash, boat or storage facilities serving the mobile home or RV park; provided, however, that the architectural design of all non-mobile home structures shall be subject to approval by the planning commission prior to issuance of any conditional use permit, and all applicable state and city requirements.

Management offices (RMH-1 and RMH-4 only). One or more single-family dwellings or mobile homes used exclusively for office and living quarters by the operator or manager of the mobile home or RV park. The architectural design of a non-mobile home office shall be subject to approval by the planning commission prior to the issuance of any conditional use permit.

Mobile homes, manufactured homes, RVs. One mobile home, manufactured home or RV per space, including doublewide or expandable mobile home units.

Residential uses.

B. Standards For Development; Requirement:

1. Minimum Overall Area:
  - a. RMH-1: Two (2) acres;
  - b. RMH-2: One acre;
  - c. RMH-3: One acre;
  - d. RMH-4: Two (2) acres.
2. Maximum Building Height: The height of any building shall in no manner be such as to create a nuisance or safety hazard for air traffic into and about the Elko Municipal Airport.
3. Minimum Net Space Area: Minimum net space area for each mobile home, RV or manufactured home:
  - a. RMH-1: Four thousand (4,000) square feet;
  - b. RMH-2: Six thousand (6,000) square feet;
  - c. RMH-3: Six thousand (6,000) square feet;
  - d. RMH-4: One thousand two hundred sixty five (1,265) square feet.
4. Minimum Frontage Width: Minimum mobile home, RV or manufactured home space frontage width:
  - a. RMH-1: Forty feet (40');
  - b. RMH-2: Sixty feet (60');

- c. RMH-3: Sixty feet (60');
  - d. RMH-4: Twenty three feet (23').
5. Minimum Setback, Public Street: Minimum setback of any building, mobile home, RV or manufactured home from a bordering public street line is fifteen feet (15'), except that garages and carports shall be set back twenty feet (20') from the front lot line.
  6. Minimum Setback, Internal Street: Minimum setback from internal street in mobile home parks is twelve feet (12'), except that garages and carports shall be set back twenty feet (20') from the front lot line.
  7. Minimum Side, Rear Setbacks, Separations: Minimum side and rear setbacks or separation for each mobile home, RV or manufactured home lot, where such side and rear does not border on public or internal streets:
    - a. RMH-1: Five feet (5') from space side line; seven and one-half feet (7<sup>1</sup>/<sub>2</sub>') from space rear line.
    - b. RMH-2: Five and one-half feet (5<sup>1</sup>/<sub>2</sub>') from side property line; ten feet (10') from rear property line.
    - c. RMH-3: Five and one-half feet (5<sup>1</sup>/<sub>2</sub>') from side property line; ten feet (10') from rear property line.
    - d. RMH-4: Ten feet (10') separation between units or structures.
  8. Property Development Standards for Accessory Buildings:
    - a. Building Height: The maximum building height for all accessory buildings shall not exceed twenty-five (25) feet, or the building height requirements contained within the City of Elko Airport Master Plan, whichever is the most restrictive.
    - b. Building Setbacks:
      1. Permanent and Non-Permanent Accessory Buildings:
        - a. Front: Fifteen (15) feet except that garages and carports shall be set back twenty (20) feet from any street from which they are accessed.
        - b. Rear: Five (5) feet
        - c. Interior Side: Five (5) feet
        - d. Exterior Side: Five (5) feet except that garages and carports shall be set back twenty (20) feet from any street from which they are accessed.

c. Building Area: The cumulative square feet of all accessory buildings shall be limited to a maximum area of ten percent (10%) of the lot area or one thousand, two hundred (1,200) square feet.

d. Detached guesthouses are permitted with the exception of RMH 3 and RMH 4 districts, so long as they conform to all yard requirements applicable to the principal building.

e. The minimum distance between all buildings on the parcel shall be five (5) feet.

f. No building or structure shall be located on any easement.

9. Expandable Sections, Separation Requirements: Expandable sections of a mobile home, manufactured home or RV shall be considered a part of the mobile home, RV or manufactured home proper for setback or separation requirements.

910. Underground Utilities: All utilities shall be placed underground.

1011. Other Statutes and Regulations Applicable: Where applicable, all site preparation, construction, mobile home, RV and manufactured home installation, utility connections and occupancy shall be in accordance with the requirements of the Nevada statutes and regulations of this code and ordinances.

C. Transportation Systems Requirements:

1. Access; Alignment and Grading of Streets: All mobile home, RV or manufactured home spaces shall be provided with safe and convenient vehicular access from public or private streets. Alignment and grading of streets shall be properly adapted to topography.

2. Street Surfacing: All streets shall have a paved all weather surface approved by the city engineer and drained in a manner approved by the city engineer.

3. Paved Curb Section: All streets shall have a paved, back of curb to back of curb section not less than:

a. RMH-1: Forty two feet (42') in width;

b. RMH-2: Fifty feet (50') in width;

c. RMH-3: Fifty feet (50') in width;

d. RMH-4: Twenty feet (20') in width with off street parking.

4. Curb/Gutter Sections; Sidewalk: All streets shall require curb/gutter sections on both sides and have a five foot (5') paved sidewalk:

a. RMH-1: At least one side of street;

b. RMH-2: Both sides of street;



- c. RMH-3: Both sides of street;
  - d. RMH-4: On both sides of dedicated public streets.
5. Off Street Parking: A minimum of two (2) off street parking spaces per mobile home or manufactured home space shall be required. One per RV site shall be required on streets twenty feet (20') in width.
  6. Emergency Vehicular Access: In all districts, adequate provisions for emergency vehicular access during inclement weather shall be provided on internal streets.
  7. Storm Drainage: Adequate storm drainage shall be provided and shall be reviewed by the city engineer for his approval.
  8. Signs aAnd Lighting: All streets shall be properly signed and lighted. Lighting systems to be approved by the city engineer.
- D. General Requirements:
1. Paving: All vehicle parking spaces and driveways shall be paved with a hard surface material.
  2. Recreation or Open Space Area: The planning commission shall require mobile home and RV parks to have at least one recreation area or usable open space accessible from all spaces, the cumulative size of which recreation area shall not be less than:
    - a. A minimum of two hundred (200) square feet of outdoor recreation area per mobile home space or fifty (50) square feet per RV site shall be provided, exclusive of required yards or setback area. The minimum size for any single outdoor recreation area shall be two thousand four hundred (2,400) square feet in mobile home parks and one thousand two hundred (1,200) square feet in RV parks, with a minimum width of twenty four feet (24').
    - b. Parks catering to family use shall provide larger recreation areas and adequate playgrounds. A minimum of three hundred (300) square feet of outdoor recreation area per mobile home space or seventy five (75) square feet per RV site shall be provided, exclusive of required yards or setback areas. All recreation areas and landscaping plans shall be approved prior to issuance of a conditional use permit by the planning commission.
  3. Pedestrianways: When included as additions to required sidewalks, pedestrianways shall have a minimum width of four feet (4') and shall be surfaced in concrete or hard surface material.
  4. Water Supply: An accessible, adequate, safe and potable supply of water for domestic purposes shall be provided to each mobile home or manufactured home space or lot and RV site, and proof of the same shall be provided to the planning commission before approval of any conditional use permit. Such supply of water shall be in conformance with any

applicable Nevada statutes and regulations and city ordinances, and furnished through a pipe distribution system directly connected to the city water service.

5. Sewerage Facilities: An adequate and safe sewer system shall be provided to each mobile home, manufactured home or RV space, lot or site. Such sewer system shall be in conformance with any applicable Nevada statutes and regulations and city ordinances, and directly connected through a pipe collection system to the city sewer facilities.
6. Refuse ~~a~~And Garbage: Storage, collection and disposal of garbage and refuse shall be in conformance with any applicable Nevada statutes and regulations and city ordinances. In mobile home and RV parks, one metal dumpster with lid per twenty five (25) spaces located no more than one hundred fifty feet (150') from mobile home lots and RV sites shall be required.
7. Fuel Supply ~~a~~And Storage: Installation of liquid petroleum gas or fuel oil containers within a mobile home or manufactured home subdivision or mobile home or RV park shall be in conformance with any applicable Nevada statutes and city ordinances.
8. Fire Protection: In every mobile home or RV park, mobile home subdivision or manufactured home subdivision, fire hydrants shall be installed as may be required by the fire department.
9. Tie Downs: Tie downs for all mobile homes shall be provided in accordance with state fire marshal regulations and applicable Nevada statutes and regulations. Tie downs shall not be required on RV sites.
10. Skirting:
  - a. Skirting shall be of durable materials suitable for exterior exposures, and be installed in accordance with the manufacturer's installation instructions. It shall be secured, as necessary, to assure stability, to minimize vibrations, to minimize susceptibility to wind damage and to compensate for possible frost heave.
  - b. If combustion air for heat producing appliance is taken from within the under floor area, ventilation shall be adequate to assure proper operation of the appliances.
  - c. Use of combustible material (such as hay, straw, cardboard, etc.) shall be prohibited.
11. Fences: Mobile home and RV parks adjacent to residential zones shall be fenced with a solid view screening decorative fence not more than six feet (6') nor less than three feet (3') in height around the entire boundary of the park. However, no such fence over three feet (3') in height shall be allowed within thirty feet (30') of the intersection of any two (2) streets. The design and construction materials of said fence shall be subject to approval by the planning commission prior to the issuance of any conditional use permit. (RMH-1 and RMH-4 districts only.)
12. Floodplain: No mobile home or manufactured home subdivision, mobile home or RV park which is proposed to be constructed below the 100-year floodplain elevation of the

Humboldt River and other drainage as defined by the U.S. army corps of engineers, shall be approved by the planning commission.

13. Grading, Erosion Protections; Avoidance Of Visual Scars On Hillsides; Protection Of Underground Utility Lines: Whenever it may be necessary for the developer of a mobile home, manufactured home subdivision, mobile home or RV park to cut and fill, or to alter the contours of the land in any way, he shall comply with the provisions of the city building code.
14. Management: The holder of a valid city business license for the operation of a mobile home or RV park shall be responsible for compliance with this chapter and other applicable ordinances (e.g., section [5-1-1](#) of this code) or Nevada statutes and regulations. He/she shall maintain the mobile home or RV park in a neat, orderly and sanitary condition at all times. (RMH-1 and RMH-4 districts only.)
15. Signs: All signs for the mobile home or RV park, including the height, size, location, appearance and illumination of such signs, shall be subject to approval of the planning commission prior to the issuance of any conditional use permit. No signs will be installed without approval of said sign by the planning commission. The applicant shall submit a plan showing the locations of such signs and architectural elevations showing the heights, shapes, size and manner of illumination of the signs. (RMH-1 and RMH-4 districts only.)
16. Landscaping: Exposed ground surfaces in the park shall be covered with stone, screening or other materials or protected with a vegetative growth in a well-kept manner, either of which is capable of preventing soil erosion and eliminating objectionable dust. (RMH-1 and RMH-4 districts only.)
17. Plan: A copy of the final approved plan for the mobile home or RV park shall be conspicuously posted on the site near office, or as designated by the fire department and the license holder shall be responsible for maintenance of the park as per the final approved plan thereafter. (RMH-1 and RMH-4 districts only.)
18. Space Numbering: All spaces shall be numbered, and such number shall be posted in a place clearly visible and conspicuous from the internal street. (RMH-1 and RMH-4 districts only.)
19. Electrical: All mobile home parks shall comply with the national electrical code, article 550, part B. All recreational vehicle parks shall comply with the national electrical code, article 551, part B.
20. Public Telephone: At least one public telephone is required for a mobile home or RV park.
21. Dump Stations: Permitted dump stations in RV parks shall meet all applicable Nevada statutes and regulations and city requirements.
22. Fuel Cylinders: No extra or empty fuel cylinders are allowed to be stored on RV sites. Fuel cylinders being used shall comply with the latest edition of NFPA 58 (standard for the storage and handling of liquefied petroleum gases).

23. Other Requirements: Where this code does not address a particular problem, the use of the latest edition of NFPA 501A (manufactured home installations, sites and communities), 501D (recreational vehicle parks and campgrounds) and 501C (fire safety criteria for recreational vehicles) will be used. Wherever 501A, 501D and 501C and this code differ, the requirements which are more stringent shall apply.

E. Additional Requirements ~~f~~For Mobile Home Subdivision Utilizing Small Lots ~~a~~And Homeowners' Associations ~~i~~n RMH-2 ~~o~~r RMH-3 Residential Mobile Home Districts: All mobile home subdivisions shall be subject to issuance of a conditional use permit, following review by the planning commission. Applications and procedures shall be in the manner provided by this title. Additionally, such subdivisions shall comply with Nevada Revised Statutes chapter 278, the subdivision and other applicable ordinances and regulations of the city and any health regulations of the state health department. In addition to all applicable requirements set forth in subsections A through D of this section, all mobile home subdivisions shall be required to conform to the following standards:

1. Development Requirements: Development requirements shall be as follows:

- a. Minimum overall area: Two (2) acres;
- b. Minimum lot area: Four thousand five hundred (4,500) square feet;
- c. Minimum lot width: Forty five feet (45');
- d. Minimum setback from bordering public street line: Fifteen feet (15'), except that garages and carports shall be set back twenty feet (20') from the front lot line;
- e. Minimum setback from internal street: Twelve feet (12'), except that garages and carports shall be set back twenty feet (20') from the front lot line;
- f. Minimum setback from property line: Seven and one-half feet (7<sup>1</sup>/<sub>2</sub>');
- g. Minimum distance between mobile home sides or side and end: Fifteen feet (15'); between ends: Fifteen feet (15');
- h. Expandable sections of a mobile home or attached accessory building shall be considered a part of the mobile home proper for setback requirements.

2. Street System:

- a. All mobile home lots shall be provided with safe and convenient vehicular access from public or private streets. Alignment and gradient of streets shall be properly adapted to topography.
- b. All streets shall be paved and drained in a manner approved by the public works department. Streets shall have a designed structural section based on traffic volumes and soil conditions, but in no event shall the asphaltic pavement be less than two inches

(2") in thickness, placed on a base material at least six inches (6") thick and approved by the public works department.

- c. Access to mobile home subdivisions shall be designed to minimize congestion and traffic hazards and provide for safe movement of traffic at the entrance or exits to adjoining streets.
- d. All interior streets shall have a paved section not less than forty feet (40') in width, back of curb to back of curb, and a right of way not less than fifty feet (50').
- e. All streets shall be properly signed and lighted. Lighting system is to be approved by the public works department and shall provide a minimum level of lighting approved by the city engineer.
- f. Adequate provisions for snow removal and snow storage areas shall be provided.
- g. All streets shall have four foot (4') concrete paved sidewalks on both sides of street.

3. General Requirements:

- a. Pavement ~~o~~f Spaces ~~a~~nd Driveways: All vehicle parking spaces and driveways shall be paved.
- b. Covering Of Ground Surfaces: Exposed ground surfaces in all other parts of the mobile home subdivision shall be covered with stone, screening or other material or protected with a vegetative growth in a well-kept manner, either of which is capable of preventing soil erosion and eliminating objectionable dust.
- c. Refuse ~~a~~nd Garbage: Storage, collection and disposal of garbage and refuse shall be in conformance to any applicable Nevada statutes and regulations, and regulations of the city and state health departments 1.
- d. Fuel Supply ~~a~~nd Storage: Installation of liquefied petroleum gas or fuel oil containers within a mobile home subdivision shall be in conformance to any applicable Nevada statutes and regulations, and city ordinances, and to the satisfaction of the fire department.
- e. Fire Protection: In every mobile home subdivision there shall be installed, and properly maintained, fire hydrants as required by the fire department.
- f. Fences: Mobile home subdivisions shall be fenced with a screened fence not more than six feet (6') nor less than four feet (4') in height around the entire boundary of the subdivision, subject to waiver in specific cases by the planning commission at its discretion.
- g. Variations: The planning commission, as part of the conditional use permit procedure, may vary the above requirements in its recommendation to the city. (Ord. 771, 3-26-2013)

Notes

1. See subsection 3-2-3(L) of this title.