

~~Chapter 20.672~~ **Article 4 – Overlay Districts**

4.01 (LO) Livestock Overlay (~~LO~~) Zoning District

Sections:

~~20.672.010 (LO) Purpose.~~

~~20.672.020 (LO) Applicability.~~

~~20.672.030 (LO) Permitted uses.~~

~~20.672.040 (LO) Standards.~~

~~20.672.010 (LO)~~ **A. Purpose.**

These regulations are intended to establish standards and conditions for the raising or keeping of livestock and other farm animals on parcels of less than one net acre within the county while protecting the public health, safety and general welfare. (~~Ord. 763, 1996; Ord. 674, 1994~~)

~~20.672.020 (LO)~~ **B. Applicability.**

The Livestock Overlay (LO) district is created as a combining zoning classification to be superimposed on a parcel within the SFR-1 or SFR-¹/₂ zoning districts where the parcel size is between one-half gross acre (inclusive) and one net acre in size where a landowner desires to raise or keep livestock or large farm animals. (~~Ord. 763, 1996; Ord. 674, 1994~~)

~~20.672.030 (LO)~~ **C. Permitted uses.**

The permitted uses within the LO district shall be the same as that of the underlying zoning. (~~Ord. 763, 1996; Ord. 674, 1994~~)

~~20.672.040 (LO)~~ **D. Standards.**

Notwithstanding section 20.660.010.D **4.01 (C)**, parcels of one-half gross acre (inclusive) to one net acre are entitled to raise or keep livestock and large farm animals with the following restrictions:

A. **1.** The parcels must be within a LO district to raise or keep livestock or other large farm animals.

B. **2.** Animal Units. The keeping or raising of livestock and other large farm animals as permitted under this chapter shall be permitted in accordance with the table of animal units set forth below and the density standards which follow:

Animal Type	Animal Unit Equivalency
One horse, mule or donkey	1
One cow, steer or bull	1
One pig, llama or alpaca	0.5
One pony, miniature horse, miniature donkey or burro	0.5
One sheep or goat	0.2

C. **3.** Density. Livestock and farm animals may be established at the density of one animal unit for each 10,000 square feet of lot area. In no event shall the density of animals exceed the maximum provided for under these provisions. All fractional densities are rounded down to the nearest whole number.

Example: On a 21,000 square foot lot, only two animal units would be permitted.

D. **4.** Calculations. For permitted animals, animal categories may be combined so that the unit equivalency of the combined categories is equal to or less than the permitted density in paragraph C, above. Example: On a 30,000 square foot lot in the Livestock Overlay district, the following combination would be permitted.

$$\begin{array}{rcl}
 5 \text{ sheep} & = & 5 \times 0.20 = 1.00 \\
 1 \text{ horse} & = & 1 \times 1.00 = 1.00 \\
 1 \text{ cow} & = & 1 \times 1.00 = \underline{1.00} \\
 \text{Total allowable animal units} & = & 3.00
 \end{array}$$

E. **5.** The offspring of animals are allowed and are not to be counted until they are weaned or of a self-sufficient age.

F. **6.** Setbacks. All buildings used to house livestock and large farm animals including barns, stables and other similar accessory structures shall be located behind the residence on the lot and shall maintain side and rear yard setbacks of a minimum of ten feet. All other animal enclosures including corrals, pens, feeding areas paddocks, uncovered stables and other similar enclosures shall be located a minimum of ten feet from all property lines and must not be located less than 50 feet from any primary residence (other than the residence of the owner or keeper of the animals) located off-site.

G. **7.** All corrals, stables, pens, cages, or other places in which any animal is kept or harbored must at all times be maintained in a sanitary manner. All manure must be disposed of on a weekly basis. (~~Ord. 763, 1996; Ord. 674, 1994~~)

Chapter ~~20.674~~

4.02 (MH) Manufactured Housing (MH) Overlay District

Sections:

~~20.674.010 (MH) Purpose.~~

~~20.674.020 (MH) Applicability.~~

~~20.674.030 (MH) Permitted uses.~~

~~20.674.040 (MH) Standards.~~

~~20.674.010 (MH) A. Purpose.~~

~~These regulations are intended to establish standards and conditions for the placement of a manufactured home or tiny house, as the primary residence, on a single-family residential parcel. within Douglas County while protecting the public health, safety and general welfare. (Ord. 1645, 2025; Ord. 763, 1996)~~

~~20.674.020 (MH) B. Applicability.~~

~~The Manufactured Housing (MH) overlay district is created as a special zoning classification to be superimposed on a parcel to allow the placement of a manufactured home or tiny house, as the primary residence, on a residential parcel. (Ord. 1645, 2025; Ord. 801, 1997; 763, 1996)~~

~~20.674.030 (MH) C. Permitted uses.~~

~~The permitted uses within the MH overlay district shall be the same as that of the underlying zoning with the addition of the following:~~

- ~~A. 1. One single-family manufactured home or tiny house used as a permanent living accommodation, subject to the provisions of the underlying zoning district;~~
- ~~B. 2. A manufactured home park used for permanent living accommodations, subject to provisions of the underlying zoning district;~~
- ~~C. 3. Accessory structures which are not a manufactured home, tiny house, or trailer, as permitted by the underlying zoning. (Ord. 1645, 2025; Ord. 801, 1997; Ord. 763, 1996; Ord. 203, 1973; Ord. 167, 1968)~~

~~20.674.040 (MH) D. Standards.~~

~~A. 1. In addition to the setback, yard, height and other general development standards of the underlying zoning district, all manufactured homes and tiny houses being placed within the MH overlay zoning district must comply with section 20.664.100.~~

~~B. 2. Manufactured home parks must comply with the provisions of section 20.664.110, in addition to the standards of the underlying zoning district. (Ord. 1645, 2025; Ord. 801, 1997; Ord. 763, 1996; Ord. 203, 1973; Ord. 167, 1968; Ord. 131, 1963)~~

~~Chapter 20.675~~

4.03 (MUC) Mixed-use Commercial (~~MUC~~) Overlay District

Sections:

~~20.675.010 (MUC) Purpose.~~

~~20.675.020 (MUC) Applicability.~~

~~20.675.030 (MUC) Permitted uses.~~

~~20.675.040 (MUC) Processing procedures.~~

~~20.675.050 (MUC) General provisions.~~

~~20.675.060 (MUC) Development and review standards.~~

~~20.675.010 (MUC) A. Purpose.~~

The mixed-use commercial (MUC) overlay is intended to establish standards and conditions for the establishment of mixed-use commercial uses within Douglas County, while protecting the public health, safety, and general welfare. Development review and approval of a mixed-use commercial overlay includes provisions for the overlay district as provided herein, and a change in zoning district classification to mixed commercial, if applicable. (~~Ord. 1193, 2007~~)

~~20.675.020 (MUC) B. Applicability.~~

A. **1.** A mixed-use commercial overlay district may be proposed as an overlay zone within the mixed-use commercial zoning district.

B. **2.** The mixed-use commercial overlay district may only be proposed in an area designated for commercial land use under the adopted master plan.

C. **3.** The establishment of a mixed-use commercial overlay district does not relieve the applicant of other requirements of law including but not limited to applicable provisions of state and federal law, the consolidated development code, and other adopted plans and standards established by the County and the Towns. (~~Ord. 1193, 2007~~)

~~20.675.030 (MUC) C. Permitted uses.~~

The permitted uses within the mixed-use commercial overlay district shall be the same uses as those within the mixed-use commercial zoning district. (~~Ord. 1193, 2007~~)

~~20.675.040 (MUC) D. Processing procedures.~~

A proposal for the establishment of a mixed-use commercial overlay district must include a development plan. The zone establishment or reclassification must be processed as provided for with the amendment of a zoning district in **chapter 20.610. Applications** must be submitted to the community development department on a form provided by the director. (~~Ord. 1193, 2007~~)

~~20.675.050 (MUC)~~ E. General provisions.

A. **1.** All applications for the mixed-use commercial overlay district shall include and combine the applications for land use approval necessary for project implementation including, but not limited to, subdivision of land, design review, variances, and special use permit. (~~Ord. 1193, 2007~~)

B. **2.** An application for the establishment of a mixed-use commercial overlay shall be reviewed and approved in a procedure that combines the procedures for approval of a zoning map amendment set forth in **chapter 20.610.020**, a tentative subdivision or parcel map approval as set forth in **chapters 20.704, 20.708, and 20.712**, a variance as set forth in **20.606**, a special use permit as set forth in **chapter 20.604**, and design review as set forth in **chapter 20.614**, as applicable. (~~Ord. 1193, 2007~~)

~~20.675.060 (MUC)~~ F. Development and review standards.

Proposed residential development within a mixed-use commercial overlay district shall comply with **section 20.664.125** Multi-family housing (mixed-use commercial district), in addition to the general development requirements in **chapter 20.690** Property Development Standards. Proposed developments must comply with the adopted Gardnerville Plan for Prosperity and Design guidelines when located within the Town of Gardnerville or the adopted Town of Minden Plan for Prosperity and Design Guidelines when located in the Town of Minden. (~~Ord. 1193, 2007~~)

Chapter 20.676

4.04 (PD) Planned Development (PD) Overlay District

Sections:

- ~~20.676.010 (PD) Purpose.~~
- ~~20.676.020 (PD) General provisions.~~
- ~~20.676.030 (PD) Application for establishing a planned development.~~
- ~~20.676.040 (PD) Approval of planned development and required findings.~~
- ~~20.676.050 (PD) Permitted uses.~~
- ~~20.676.060 (PD) Planned development, generally, components.~~
- ~~20.676.070 (PD) Standards.~~
- ~~20.676.080 (PD) Density and intensity standards.~~
- ~~20.676.090 (PD) Increases in density.~~
- ~~20.676.100 (PD) Open space requirements.~~
- ~~20.676.110 (PD) Revision procedure.~~
- ~~20.676.120 (PD) Minimum area requirements.~~
- ~~20.676.130 (PD) Public improvements.~~
- ~~20.676.140 (PD) Filing fees.~~
- ~~20.676.150 (PD) Development schedule.~~
- ~~20.676.160 (PD) Development schedule, review by planning commission.~~
- ~~20.676.170 (PD) Development schedule, revocation or amendment, extension.~~
- ~~20.676.180 (PD) Identification.~~
- ~~20.676.190 (PD) Compliance with chapter, application restricted.~~
- ~~20.676.200 (PD) Status of plan after tentative approval.~~
- ~~20.676.210 (PD) Revocation of tentative approval.~~
- ~~20.676.220 (PD) Procedure for final plan approval.~~
- ~~20.676.230 (PD) Procedure on determination of noncompliance~~
- ~~20.676.240 (PD) Certification, filing and recording of approved plan.~~
- ~~20.676.250 (PD) Effect of recordation.~~

20.676.010 (PD) A. Purpose.

A: The Planned Development (PD) overlay is intended to provide a method of comprehensive planning for smaller, less complex development projects than are typically processed with a specific plan, and which meets one or more of the following criteria:

1. The project site contains topographic constraints, environmental resources, or other features which require special planning consideration;
2. A more efficient and desirable design can be achieved through flexible design standards or mixed land use patterns than can be attained through the strict adherence to zoning standards;

3. Adequate public facilities and infrastructure exist or can be provided to the project site to serve the proposed type and intensity of development;
4. Detailed development plans are known at the time the comprehensive development plan is prepared, allowing combined review and approval;
5. Buildout of the planned development project area is contemplated within the scope and duration of the plan.
6. The project is located within a receiving area as shown on the master plan land use maps, and is proposing to utilize transfer development rights. (~~Ord. 890, 1999; Ord. 801, 1997; Ord. 763, 1996; Ord. 667, 1968; Ord. 167, 1968; Ord. 158, 1967~~)

~~20.676.020 (PD)~~ B. General provisions.

- A. **1.** A planned development overlay may be proposed as an overlay zone within any zoning district, provided that the type and intensity of uses is consistent with the master plan and the base zoning district or districts.
- B. **2.** A planned development is typically utilized for projects of at least five acres in area. The project site must be of sufficient size to allow provision of design benefits and site amenities through flexibility of development regulations. Projects of a larger scale are more appropriately evaluated through the specific plan process as described in **section 20.612.**
- C. **3.** When adopted by the board, a planned development overlay shall be depicted on the official zoning map with an identification number, for purposes of disclosure.
- D. **4.** All applications for planned development overlay shall include and combine the applications for land use approval necessary for project implementation, including but not limited to subdivision of land, design review and special use permit. Where the project is located within a receiving area as shown on the master plan land use maps, the base zoning will be established concurrently as part of the planned development process.
- E. **5.** The planned development overlay is a combined zoning district that may be established in conjunction with any base zoning district for purposes of authorizing a planned development.
- F. **6.** An application for establishment of the planned development overlay shall be reviewed and approved in a procedure that combines the procedures for approval of a zoning map amendment set forth in **section 20.610.020**, tentative subdivision map approval, as set forth in **chapter 20.708**, and special use permit, set forth in **chapter 20.604.**
- G. **7.** The planned development project must be inaugurated within the time-frame as established by a development schedule pursuant to **section 20.676.150.**
- H. **8.** Planned development projects approved prior to the adoption of this title shall have the same yard and building setback requirements as that indicated in the original planned development approval or if not mentioned in the original approval, that which existed in code at the time of original approval.
- I. **9.** Planned developments in receiving areas must use transfer development rights in connection with any change in intensity or density of use, including any change to a residential, commercial, or industrial zoning district or combination thereof. (~~Ord.~~

1328, 2010; Ord. 1008, 2002; Ord. 890, 1999; Ord. 801, 1997; Ord. 763, 1996; Ord. 167, 1968)

~~20.676.030 (PD)~~ C. Application for establishing a planned development.

A. **1.** Applications for the establishment of or reclassification to, the planned development overlay must include a development plan as described in **section 20.676.060**. The zone establishment or reclassification must be processed as provided for amending a zoning district in **chapter 20.610**. The special use permit portion of the application must meet the requirements of **chapter 20.604**. Applications must be submitted to the community development department on a form provided by the director.

B. **2.** Applications may be initiated by the owner of the land. Consideration of the application with a tentative map will follow the procedure provided in **chapter 20.708**, subdivision application procedure and approval process, but shall include all of the elements of review and approval provided in this chapter. The board, upon recommendation of the planning commission, may approve, disapprove, modify, or attach conditions to a development plan. (~~Ord. 763, 1996; Ord. 167, 1968~~)

~~20.676.040 (PD)~~ D. Approval of planned development and required findings.

A. The planning commission, after a public hearing, may recommend the establishment of a planned development overlay and the board, after a public hearing, may by ordinance establish a planned development overlay district and approve the planned development provided they find, taking into account the recommendations of the reviewing agencies, that the facts submitted with the application and presented at the public hearings establish in the affirmative the following:

1. The plan is consistent with the statement of objectives of a planned development contained in the master plan and in this chapter.
2. The extent that the plan departs from zoning and subdivision regulations otherwise applicable to the property, including but not limited to density, bulk and use, are deemed to be in the public interest.
3. The ratio of residential to non-residential use in the planned development is consistent with the master plan.
4. The purpose, location and amount of the common open space in the planned development, the reliability of the proposals for maintenance and conservation of the common open spaces are adequate as related to the proposed density and type of residential development.
5. The physical design of the plan and the manner in which the design of the planned development makes provisions for adequate public facilities, as required by this code.
6. The proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods.
7. Any development-related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods, are mitigated by improvements or modifications either on-site or within

the public right-of-way.

8. Where a development plan proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public, residents and owners of the planned development and the integrity of the plan and, where the plan provides for phases, the period in which the application for each phase must be filed.

9. That each individual unit or phase of the development, if built in stages, as well as the total development, can exist independently and be capable of creating a good environment in the locality and be as desirable and stable in any phase as in the total development.

10. The uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect.

11. Any deviation from the standard ordinance requirements is warranted by the design and additional amenities incorporated in the development plan which offers certain unusual redeeming features to compensate for any deviations that may be permitted.

12. The planned development will not result in material prejudice or diminution in value of surrounding properties, and will not endanger the health, safety and welfare of the community.

13. The subdivision of land proposed in the planned development meets the requirements of the Nevada Revised Statutes and this code.

14. The subdivision of land proposed in the planned development conforms to the density requirements, lot dimension standards and other regulations applicable to planned developments.

15. The subdivision of land proposed in the planned development conforms to the improvement and design standards contained in the development code and adopted design criteria and improvement standards.

16. Where applicable, adequate transfer development rights have been established consistent with the number of proposed units within the planned development.

17. The planned development has a beneficial relationship to the neighborhood in which it is proposed to be established.

~~B.~~ **18.** The granting or denial of tentative approval must set forth with particularity the findings why the plan would or would not be in the public interest. (~~Ord. 890, 1999; Ord. 801, 1997; Ord. 763, 1996; Ord. 167, 1968~~)

~~20.676.050 (PD)~~ **E. Permitted uses.**

Uses permitted within the planned development district are those authorized in the base zoning district or districts, whether the uses are permitted outright, as accessory uses, or are authorized by special use permit. The density and intensity of these uses are those established in the base district, except as modified by this chapter, and those established through the transfer development right program. The standards applicable and the conditions to be applied shall be those provided for in this chapter. (~~Ord. 801,~~

1997; Ord. 763, 1996; Ord. 167, 1968)

~~20.676.060 (PD)~~ F. Planned development, generally, components.

A. A planned development must be designed and located to minimize traffic congestion on public highways and streets in its vicinity and to best fit the land use pattern of the area in which it is located.

~~B. Components.~~ The development plan must include all the following:

1. A plot plan map which shows:
 - a. Existing and proposed public street and sidewalk improvements;
 - b. Lot design;
 - c. Areas proposed to be dedicated or reserved for any public use, including but not limited to, public utility easements, public buildings, and public land uses;
 - d. Parking and interior traffic flow;
 - e. Land uses within 300 feet of the external boundary of the planned development zone;
2. Site details, including:
 - a. Preliminary building plans, including generalized elevations, except for single-family residential projects creating parcels one-half acre or greater in size;
 - b. Maximum building heights;
 - c. Maximum lot or area coverages;
 - d. Minimum distance between structures;
 - e. Minimum setbacks from interior lot lines;
 - f. Minimum setbacks from street rights-of-way;
 - g. Landscaping, screening and lighting;
 - h. Projected population densities within the PD zone;
3. Zoning classification to be located within the development;
4. Development schedule as described in **sections 20.676.150** through **20.676.170**;
5. A detailed, written narrative discussing how the findings for approval are met;
6. Any other reasonably related information necessary for the commission to act.

C. **7.** The planning division shall only accept as complete plans that contain the information specified or that is reasonably determined necessary by the director. (~~Ord. 890, 1999; Ord. 763, 1996; Ord. 167, 1968~~)

~~20.676.070 (PD)~~ G. Standards.

A. **1.** Setbacks, building heights, distances between buildings, lot coverage, building densities, parking requirements, and landscaping requirements are those established in the base zoning district unless the commission finds that variations in these standards complements and assures the suitable integration of the planned development into the neighborhood or area in which it is located.

B. **2.** The following minimum standards apply to all single-family residential planned developments creating parcels less than one-half acre in size and multi-family

residential planned developments:

~~1.~~ **a.** A minimum of 25 percent of the garages along a street must have setbacks which are five feet greater than the minimum front-yard setback and setback a minimum of five feet behind the main residence. Garages on interior lots which are accessed from the side and incorporate architectural features, such as windows, along the street frontage may also be considered for meeting this requirement.

~~2.~~ **b.** Where three-car garages are proposed, the three-car garages along a street with the standard 20 foot setback must have recessed and off-set doors.

~~3.~~ **c.** No three-car garages are allowed on lots 6,000 square feet or smaller, except on lots with alley access or lots exceeding 60 feet in width.

~~4.~~ **d.** All planned developments must provide a variety of dwelling elevations appropriate for the scale of the project. Elevations must be approved by the planning commission. At a minimum, the same elevations must not be repeated for adjacent houses. Varied front setbacks, some two-story houses, front porches, bays and balconies are encouraged as ways of achieving variety.

~~5.~~ **e.** Windows, doors, and garage doors (except recessed garage doors) on the front elevation must have raised trim in order to provide visual interest and relief.

~~6.~~ **f.** The commission shall consider the relationship of second-story windows, doors, and balconies with the privacy of neighbors, and may require that these features be redesigned or omitted from second-story rear walls, or may exclude two-story structures from parcels along the exterior boundary of the development.

~~7.~~ **g.** Front yards must contain landscaping, including street trees, lawn or other type of groundcover, shrubs, and an irrigation system. Front yard landscaping for single family residential development must be installed prior to occupancy, or a private agreement (i.e. CC&R's) must be recorded establishing that a homeowners association or other private organization will require completion of front-yard landscaping within one year of occupancy. All required common area and open space landscaping must be completed prior to occupancy, including landscaping for multi-family residential development.

~~C.~~ **3.** Multi-family residential planned developments must meet the specific multi-family development standards of **sections 20.660.100.D** and **20.664.120**.

~~D.~~ **4.** The commission and board may impose additional requirements deemed necessary for consistency with the findings required by **section 20.676.040**. These may include but are not limited to amenities, such as recreation or play areas and open space, to compensate for any deviations that may be permitted. (~~Ord. 890, 1999; Ord. 763, 1996; Ord. 167, 1968~~)

~~20.676.080 (PD)~~ **H. Density and intensity standards.**

A. 1. For purposes of calculating single-family residential density, the plan must separately designate a development envelope by phase of development for each type of residential use and each area to be developed for non-residential use.

B. 2. Rules established in this code for determining residential density and number of single-family residential units allowable on constrained and unconstrained land apply to determinations within the planned development overlay. The maximum allowable

density for any parcel within the planned development is that for the base district, except as otherwise provided in this chapter.

~~C.~~ **3.** The density of single-family residential development within the planned development is calculated by dividing the acreage of the residential development envelope by the minimum parcels size authorized within the base zoning district. The steps for calculating the total number of single-family residential units allowable within the planned development are as follows:

~~1.~~ **a.** Deduct areas devoted to non-residential uses (i.e. commercial uses) from the total site area;

~~2.~~ **b.** Determine the number of units allowed under the base zoning district by dividing the net residential development envelope size determined in step 1 by the minimum parcel size permitted by the base zoning district. Round down any fraction to the next lowest whole number to obtain the number of allowable units;

~~D.~~ **4.** The residential development envelope may bridge base zoning district boundaries and may be subdivided into phases provided that the density of any given phase does not exceed that permitted within the PD overlay by the base zoning district within that phase.

~~E.~~ **5.** The average lot size or the lot size for particular tracts within the PD may be increased above the average for the single-family development envelopes in order to ensure compatibility with adjacent development within or outside the planned development.

~~F.~~ **6.** Establishing industrial or commercial zoning districts or uses within the receiving area requires transfer development rights in the amount of 10 units per acre. (~~Ord. 1008, 2002; Ord. 903, 2000; Ord. 890, 1999; Ord. 763, 1996; Ord. 167, 1968~~)

~~20.676.090 (PD)~~ **I. Increases in density.**

~~A.~~ **1.** A planned development situated within a receiving area, as designated by the 1996 Master Plan, as amended, may increase the allowed residential densities by acquiring transfer development rights, as provided by **chapter 20.500**. If a planned development is approved subject to transferred development rights, the transfers must be perfected and recorded prior to recordation of the final plan for the phase or phases in which they are to be used.

~~B.~~ **2.** A planned development situated within a receiving area may apply to the planning commission and board, and the planning commission may recommend, and the board may approve, a waiver of the requirement of transferred development rights. The number of transferred development rights waived may not exceed the number or percentage of affordable housing units provided within the project, as defined, and for the duration provided by **section 20.440.020.G**. The approval of a waiver, and provision of the affordable housing units, must be in the manner otherwise provided for density bonus and affordable housing agreements in **chapter 20.440**.

~~C.~~ **3.** An applicant for a planned development may apply to the planning commission and board, and the planning commission may recommend, and the board may approve, a density bonus or affordable housing agreement, in accordance with the provisions of **chapter 20.440**.

~~D.~~ **4.** The planning commission may recommend and the board may grant a density bonus of one-half percent (0.5%) for every one percent of the project site area that is dedicated to and accepted by the US Forest Service, Bureau of Land Management (BLM), or other state, federal, county or other public agency overseeing public lands for open space access, agricultural easements or other public purposes. The following standards must be met in order to receive the density bonus:

~~1.~~ **a.** The applicant must submit written evidence, with the submittal of a planned development application, from the applicable public agency that the public agency will accept the offer of dedication and maintenance of the property.

~~2.~~ **b.** The land must be deeded to the public agency prior to, or concurrently with, the recording of the final map.

~~3.~~ **c.** If the planned development is to be recorded in phases, the appropriate amount of area must be dedicated to the public agency with each phase to provide for the relative number of units that are being recorded with that phase.

~~4.~~ **d.** The public agency accepting the dedicated land may require that all applicable lands be dedicated at one time, with the recording of the first phase of a planned development.

~~5.~~ **e.** A deed restriction shall be placed on the open space parcel permanently restricting development on the parcel except for open space or recreational purposes.

~~6.~~ **f.** Where open space is dedicated to and accepted by the applicable public agency, the open space shall be deemed to meet the planned development standards for improved open space.

~~7.~~ **g.** Bonus residential units may be used, in addition to any unused density permitted by the underlying zoning district, to transfer development rights from a designated sending parcel to a receiving area, as defined in the adopted master plan. (~~Ord. 1054, 2003; Ord. 903, 2000; Ord. 890, 1999; Ord. 801, 1997; Ord. 763, 1996; Ord. 167, 1968~~)

~~20.676.100 (PD)~~ **J. Open space requirements.**

~~A.~~ **1.** Common open space.

~~1.~~ **a.** For exclusively residential projects, except as provided in a and b below, a minimum of 25 percent of the project site must be retained in common open space that must be improved in a park-like setting with active recreational areas.

~~a.~~ **1.** A single-family residential project may be exempted from the common open space requirement if it utilizes transfer development rights for at least 50% of the project density.

~~b.~~ **2.** A single-family residential project may be exempted from providing improved recreational areas within the required open space for those areas determined to be environmentally sensitive, such as meadows, wetlands, perennial springs or streams and major drainage ways, or historical or archeological sites, as determined by the State Historic Preservation Office.

~~c.~~ **3.** The use of existing, native vegetation may be used in conjunction with trails or other amenities to satisfy the requirement for improved recreational areas where a single-family residential planned development is located outside the urban

service area, defined in the adopted master plan, and community water is not available.

~~d.~~ **4.** Recreational amenities within the open space areas of multi-family residential planned developments must meet the specific standards of **section 20.664.120.**

~~z.~~ **2.** For commercial, industrial, or mixed-use projects, 30 percent of the project site must be devoted to common open space improved in a park-like setting with active recreational areas. No more than 50 percent of common open space requirements may be satisfied on unimproved constrained land, which includes but is not limited to hillside areas or areas located within a primary flood plain. Common open space must be exclusive of road rights-of-way, dedicated easements for public facilities, parking areas and other similar areas. Open space requirements must be determined for the entire planned development at the time of establishment of the planned development overlay district and approval of the tentative plan.

~~a.~~ **a.** A commercial, industrial or mixed-use project may be exempted from providing improved recreational areas within the required open space for those areas determined to be environmentally sensitive, such as meadows, wetlands, perennial springs or streams and major drainage ways, or historical or archeological sites, as determined by the State Historic Preservation Office.

~~B.~~ **3.** Open space allocation. Where required, allocation of open space must be made to each development envelope and for each phase of the planned development. The board may establish minimum open space requirements for particular development envelopes or phases of the planned development. In the event that common open space is not to be provided proportionally by phase, the developer must execute a reservation of common open space by grant of easement or covenant in favor of the county authorizing the county to reserve all or a portion of the reserved area to common open space in the event that the development is not completed.

~~C.~~ **4.** Ownership and maintenance of common open space. Where applicable, the landowner of a planned development, pursuant to this chapter, must provide for and establish an organization for the ownership and maintenance of any common open space not dedicated to the public use. The organization must not be dissolved or dispose of any common open space by sale or otherwise without first offering, in writing, to dedicate the common open space to the county. Any offer must be accepted or rejected by the county within one 120 days of the written offer to dedicate. The organization must be authorized to make reasonable assessments to meet its necessary expenditures for maintaining the common open space in reasonable order and condition in accordance with the approved plan. An assessment must be made ratably among the properties within the planned development that have a right of enjoyment of a common open space. The organization must enter into an agreement with the property owners providing for a reasonable method of notice and levy of the assessment and for the subordination of the lien securing the assessment to other liens either generally or specifically described. (~~Ord. 890, 1999; Ord. 801, 1997; Ord. 763, 1996; Ord. 167, 1968~~)

~~20.676.110 (PD)~~ K. Revision procedure.

A public hearing by the planning commission and board is required before revisions to the plan which involve changes in land use, expansion, or intensification of development, or changes in the standards of development may be approved. The director will determine on a case-by-case basis those instances when a revision to the development plan is necessary, following the same procedure as the original application. Changes in an approved development plan which do not involve changes in land use, expansion, or intensification of development or changes in the standards of development may be approved by the director if the changes are consistent with the purposes, character, and conditions of the development plan. (~~Ord. 763, 1996; Ord. 167, 1968~~)

~~20.676.120 (PD)~~ L. Minimum area requirements.

A. **1.** Each planned development must have a minimum area of five acres, except that the board may waive this minimum when proper planning justification is shown.

B. **2.** The minimum permitted parcel size for single-family residential lots within a planned development is 5,000 square feet, except where areas are developed with building envelopes and common open space areas are provided around the building envelopes.

C. **3.** The minimum parcel size for all areas designated non-residential shall be the minimum parcel size required by **section 20.658.010** (Non-residential development standards) according to the applicable zoning district. (~~Ord. 890, 1999; Ord. 763, 1996; Ord. 167, 1968~~)

~~20.676.130 (PD)~~ M. Public improvements.

All public improvements are required to meet full county standards pursuant to **NRS 278.230 through 320 inclusive**. All streets must be offered for dedication to Douglas County, except that the use of private roads which meet the specification contained in the design criteria and improvement standards manual for a public road may be permitted upon approval by the board. In addition, if determined necessary for proper traffic circulation, the applicant may be required to provide proper methods of ingress and egress to the development, including acceleration and deceleration lanes, traffic devices, including channelization and signalization. (~~Ord. 890, 199; Ord. 763, 1996; Ord. 167, 1968~~)

~~20.676.140 (PD)~~ N. Filing fees.

A single fee for the filing of an application for planned development approval and establishment or revision of a planned development overlay, or for the consideration or revision of a development plan, shall be charged, in the amount provided in **chapter 20.40**. Additional fees for the component approvals of land division and special use permit will not be charged. (~~Ord. 763, 1996; Ord. 167, 1968~~)

~~20.676.150 (PD)~~ O. Development schedule, modification, or revocation.

A. **1.** An application for planned development approval must be accompanied by a

development schedule, including a phasing plan, indicating the dates when applications for final approval of all sections of the plan are to be filed and, in the case of tentative maps, dates that the final map or series of final maps must be recorded by. The development schedule, if approved by the board, shall be set forth in a minute action and become a part of the development plan. The board may approve a modification, as allowed under **NRS Chapter 278A**, to the development schedule, including a phasing plan, unless a different timeframe is set by a development agreement. The board may add, delete, and/or modify the conditions of approval for a planned development when approving a modification to a development schedule.

~~B.~~ **2.** Tentative approval shall be revoked for areas included in the plan for which final approval has not been given if:

1. **a.** The landowner elects to abandon the plan or any part thereof, and so notifies the director in writing; or
2. **b.** The landowner fails to file application for the final approval within the required time. (~~Ord. 1328, 2010; Ord. 96-763, 167, 1968~~)

~~**20.676.170 (PD)**~~ **P. Development schedule, revocation or amendment.**

If, in the opinion of the commission, the owner or owners are failing or have failed to meet the approved schedule, the commission may initiate proceedings to reclassify the property and revoke the approval of the development plan, or to amend the development plan. (~~Ord. 1328, 2010; Ord. 763, 1996~~)

~~**20.676.180 (PD)**~~ **Q. Identification.**

Each planned development overlay must be numbered, the first adopted being shown on the zoning map as Planned Development (1) and each zone subsequently adopted being numbered consecutively. (~~Ord. 763, 1996~~)

~~**20.676.190 (PD)**~~ **R. Compliance with chapter, application restricted.**

Compliance with any requirement contained in this chapter shall not be construed to relieve the applicant from compliance with subdivision regulations, building code requirements, or any other applicable regulations of the county, except when they are modified in the approval process. (~~Ord. 763, 1996~~)

~~**20.676.200 (PD)**~~ **S. Status of plan after tentative approval.**

~~A.~~ **1.** Tentative approval of a planned development plan does not qualify the plan for recording or authorize development or the issuance of any building permits. Recording and development of the planned development requires filing and approval of substantially conforming applications for final approval of each phase within the time specified in the order approving the application for tentative approval.

~~B.~~ **2.** A plan which has been approved by the board as submitted, or which has been given tentative approval with conditions which have been accepted by the developer, may not be modified, revoked or otherwise impaired by action of the county pending an application for final approval without the consent of the developer or assigns, except as provided in **section 20.676.210**. (~~Ord. 763, 1996~~)

~~20.676.210 (PD)~~ T. Revocation of tentative approval.

A. **1.** Tentative approval may be revoked in accordance with the procedures set forth in **chapter 20.32** and the portion of the area included in the plan for which final approval has not been given shall be subject to the current provisions of this development code if:

1. **a.** The developer elects to abandon the plan or any part thereof, and so notifies the county in writing; or
2. **b.** The landowner fails to file applications for final approval within the times established in the tentative approval. (~~Ord. 763, 1996~~)

~~20.676.220 (PD)~~ U. Procedure for final plan approval.

A. **1.** Application requirements. An application for final approval of a phase or phases of a planned development must be submitted to the director on forms provided by the department within the times specified by the tentative approval of the plan. The application for final approval may be for all the land included in a tentatively approved plan or, to the extent set forth in the tentative approval, for a phase of the plan. The application must be accompanied by the maps, drawings, specifications, fees, covenants, easements, conditions and forms of performance security required in the tentative approval or otherwise required by law. If a tentative map is submitted with the development plan, a final map must be approved at or before final plan approval

B. **2.** Determination of substantial compliance. The director will review the application for final approval and all information submitted and determine whether it complies with the approved tentative plan. The plan submitted for final approval shall not be in substantial compliance if any modification:

1. **a.** Varies the proposed gross residential density or intensity of use;
2. **b.** Varies the proposed ratio of residential to non-residential use;
3. **c.** Involves a reduction of the area set aside for common open space or involves the substantial relocation of the area;
4. **d.** Substantially increases the floor area proposed for non-residential use;
5. **e.** Substantially increases the total ground areas covered by buildings or involve a substantial change in the height of buildings;
6. **f.** No longer meets adequate public facilities standards of this title, except for minor modifications in the location and design of streets or facilities for water and for disposal of stormwater and sanitary; or
7. **g.** Is not accompanied by proof of satisfaction of conditions imposed as prerequisites to final plan approval.

C. **3.** Approval of applications which substantially comply with tentative approval. The director shall approve a final plan if it is in substantial compliance with the plan as tentatively approved. (~~Ord. 763, 1996~~)

~~20.676.230 (PD)~~ V. Procedure on determination of noncompliance.

A. **1.** If the final plan as submitted for final approval is found by the director not to be in substantial compliance with the plan as tentatively approved, the director must, within 30 days of the date of filing of the application for final approval, notify the

developer in writing the particular ways in which the plan is not in substantial compliance with the tentative approval.

~~B.~~ **2.** The developer may:

~~1.~~ **a.** Treat the notification as a denial of final approval;

~~2.~~ **b.** Refile the plan in a form which is in substantial compliance with the plan as tentatively approved; or

~~3.~~ **c.** File a written appeal request with the director that a hearing be set before the commission on the application for final approval.

~~C.~~ **3.** If the developer elects the alternative set forth in paragraphs B (2) or B (3), he may refile his plan or file a request for a public hearing, as the case may be, on or before the last day of the time within which he was authorized by the tentative approval to file for final approval, or 30 days from the date he receives notice of the refusal, whichever is the latter.

~~D.~~ **4.** The public hearing must be held within 30 days after the request for the hearing is made by the landowner. Notice must be given in accordance with chapter 20.20 and the hearing shall be conducted in the manner prescribed in **chapter 20.24**. Within 20 days after the conclusion of the hearing, the commission shall either grant final approval of the plan or deny final approval of the plan. The grant or denial of final approval of the plan shall contain the findings of fact required **in section 20.676.040**. (~~Ord. 763, 1996~~)

~~**20.676.240 (PD)**~~ **W. Certification, filing and recording of approved plan.**

A plan, or any part, which has been given final approval, must be certified without delay by the county and filed of record in the county recorder's office before any development occurs in accordance with the plan. The county recorder must not file for record any final plan unless, if required by the provisions of this code, a final map has been approved, the certificates of approval as required under **NRS 278.377** have been provided, or the map is accompanied by evidence that the approvals were requested more than 30 days before the date on which the request for filing is made, and that the approval has been refused. (~~Ord. 763, 1996~~)

~~**20.676.250 (PD)**~~ **X. Effect of recordation.**

After the final map is recorded for the planned development, or any phase, the zoning and subdivision regulations of this code plan apply to the land subject to the final map or phase only to the extent that these regulations have been incorporated in the final plan as recorded. (~~Ord. 763, 1996~~)

Chapter 20.678

4.05 (RO) Residential Office (RO) Overlay District

Sections:

~~20.678.010 (RO) Purpose.~~

~~20.678.020 (RO) Applicability.~~

~~20.678.030 (RO) Processing procedures.~~

~~20.678.040 (RO) Permitted uses.~~

~~20.678.050 (RO) Development and review standards.~~

~~20.678.010 (RO) A. Purpose.~~

These regulations are intended to establish standards and conditions for the conversion of existing single-family residences to commercial office uses in transitional neighborhoods while protecting the public health, safety and general welfare. (~~Ord. 763, 1996; Ord. 479, 1988~~)

~~20.678.020 (RO) B. Applicability.~~

The RO overlay district is created as a combining zoning classification to be superimposed on a parcel containing an existing single-family residence with either an underlying residential or commercial zoning designation. This zone classification is not permitted in conjunction with an MH overlay zoning district. (~~Ord. 801, 1997; Ord. 763, 1996; Ord. 479, 1988~~)

~~20.678.030 (RO) C. Processing procedures.~~

Any proposal for establishment of the RO overlay district shall be filed concurrently with an application for a special use permit. (~~Ord. 763, 1996; Ord. 479, 1988~~)

~~20.678.040 (RO) D. Permitted uses.~~

Uses permitted in the RO overlay district are as follows:

- A. **1.** Professional office, excluding retail uses;
- B. **2.** Photography studios, portrait studios and art studios; and
- C. **3.** Uses allowed in the base zoning district. (~~Ord. 801, 1997; Ord. 763, 1996; Ord. 479, 1988~~)

~~20.678.050 (RO) E. Development and review standards.~~

Any conversion of a single-family residence within the RO overlay district must conform with the following:

- A. **1.** The parcel contains an existing single-family structure;
- B. **2.** The existing structure will be retained and enhanced and the overall single-family character of the residence will be retained;
- C. **3.** The use will be served by the required number of off-street parking spaces, provided that if a portion of the structure retains residential use only one off-street

parking space is required per residence;

Ð. **4.** Signs shall be limited to a single non-illuminated monument or wall sign of not more than six square feet in area identifying the business or businesses and the address. (~~; Ord.763, 1996; Ord. 479, 1988~~)

Chapter 20.680

4.06 (GH) Genoa Historic (GH) Overlay District

Sections:

~~20.680.010 (GH) Purpose.~~

~~20.680.020 (GH) Applicability.~~

~~20.680.030 (GH) Commission.~~

~~20.680.035 (GH) Project Applications.~~

~~20.680.040 (GH) Processing Procedures.~~

~~20.680.050 (GH) Submittal Requirements.~~

~~20.680.060 (GH) Commission Action.~~

~~20.680.070 (GH) Variance.~~

~~20.680.080 (GH) Routine Maintenance and Correction of Unsafe Conditions.~~

~~20.680.090 (GH) Change of Land Use or Zoning.~~

~~20.680.100 (GH) Appeals.~~

~~20.680.110 (GH) Signs.~~

~~20.680.120 (GH) Lighting.~~

~~20.680.130 (GH) Fences.~~

~~20.680.140 (GH) Color.~~

~~20.680.200 (GH) Pamphlet of Examples.~~

~~20.680.210 (GH) Enforcement.~~

~~20.680.010 (GH) A. Purpose.~~

The purpose of this chapter is to create the Genoa Historic (GH) Overlay District ("District") and set forth the duties of the Genoa Historic District Commission ("Commission") in order to promote the general welfare of the inhabitants of Genoa, Douglas County, Nevada, through the preservation and protection of historic buildings and places of historic interest, many of which are not only of local, but of state and national significance, through development of an appropriate setting for these buildings, places and districts; through the stabilization and improvement of property values; through the promotion and use of this historic area for the education, pleasure, and welfare of the people; through fostering civic beauty and pride in heritage of Nevada's oldest town; and through providing for objective criteria whereby the District and structures therein may obtain other recognition and funding or tax credits if available and desired. These regulations are adopted pursuant to **Nevada Revised Statutes Chapter 384**. (~~Ord. 1620, 2023; Ord. 763, 1996; Ord. 212, 1974~~)

~~20.680.020 (GH) B. Applicability.~~

The District is created as a combining overlay classification to be superimposed on lands within the defined "Genoa Historic District," the boundaries of which are shown on the Hawkins Map of 1874 and the official zoning map of Douglas County. Notwithstanding anything in this chapter to the contrary, this chapter shall apply to the

erection, reconstruction, alteration or restoration of property presently or in the future zoned for non-residential use in the District. This chapter shall not apply to routine maintenance unless a property owner is significantly changing the general appearance, materials, color, or character of the item or building being repaired. (~~Ord. 1620, 2023; Ord. 763, 1996; Ord. 212, 1974~~)

~~20.680.030 (GH)~~ C. Commission.

The Commission was formed pursuant to Title 2 of the Douglas County Code and shall be responsible for the approval of project applications within the District and the issuance of Certificates of Appropriateness. (~~Ord. 1620, 2023; Ord. 763, 1996; Ord. 212, 1974~~)

~~20.680.035 (GH)~~ D. Project Applications.

Any proposed project to erect, construct, alter, remodel, restore, reconstruct, renovate, rehabilitate, demolish, move, remove or change the exterior appearance of a building or structure, excluding routine maintenance; or to place any signage, fencing, or lighting; or which otherwise affects the exterior architectural features that characterize a property and its environment, shall not be started on property zoned for non-residential use in the District until after a project application has been submitted to the Commission and to the Douglas County Department of Community Development, and the Commission has issued a Certificate of Appropriateness, as provided in this chapter. An owner shall not apply to the County for a permit within the District for the purpose of erecting, reconstructing, altering, or restoring a structure, and such permits shall not be issued, unless and until the Commission has approved the project application and issues a Certificate of Appropriateness. (~~Ord. 1620, 2023~~)

~~20.680.040 (GH)~~ E. Processing Procedures.

Upon receipt of a project application described in **section 20.680.035**, the Director must review the application and notify the applicant of the following:

- A. **1.** The date, time, and place of the public meeting of the Commission at which the application will be heard, if the application is complete; or
- B. **J2** The items the applicant should further submit to complete the application, if the Director determines that the application is not complete. Once the applicant has further submitted the requested items, the Director shall notify the applicant of the date, time, and place of the public meeting of the Commission at which the project application will be heard. (~~Ord. 1620, 2023; Ord. 763, 1996; Ord. 212, 1974~~)

~~20.680.050 (GH)~~ F. Submittal Requirements.

Each project application must be submitted on a form approved by the Commission and must contain or be accompanied by the information specified in the form. Such information includes, but not limited to, site plans, elevations and other information deemed necessary by the Commission to determine the appropriateness of the exterior features to be passed upon. The Commission will not consider designs, interior arrangements, or building features not subject to public view. The Commission will not

make any recommendations or impose any requirements except to fulfill the purpose of this chapter. (~~Ord. 1620, 2023; Ord. 763, 1996; Ord. 212, 1974~~)

~~20.680.060 (GH)~~ G. Commission Action.

A. **1.** The Commission must hold a public meeting on the applicant's completed application within 60 days after the completed application is submitted.

B. **2.** At the public meeting, the Commission shall determine whether to issue a Certificate of Appropriateness. In determining whether to issue a Certificate of Appropriateness, the Commission shall use the following criteria:

1. **a.** The effect of the project upon the general historic and architectural nature of the subject building and the District;

2. **b.** The appropriateness of exterior architectural features which can be seen from a public street, public alley, or public right-of-way;

3. **c.** The general design, arrangement, texture, material, color, and size of the exterior architectural features involved and the relationship thereof to the exterior architectural features of other buildings in the District; and

4. **d.** The relationship of the exterior architectural features to well recognized styles of early western architecture of the late 19th and early 20th centuries.

C. **e.** In determining whether to issue a Certificate of Appropriateness, the Commission may also consider the following guidelines:

1. **1.** The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;

2. **2.** The pamphlet of examples adopted by the Commission pursuant to **section 20.680.200**; and

3. **3.** The Douglas County Design Criteria and Improvement Standards.

D. **4.** The Commission shall state on the record the reasons for issuing or not issuing a Certificate of Appropriateness, and the Commission may include recommendations regarding the proposed project.

E. **5.** If the Commission fails to act on the applicant's completed application within 60 days, the application is deemed to be approved and a Certificate of Appropriateness is deemed issued. The time limit prescribed in this section may only be extended by mutual consent of the applicant and the Commission, and any extension may not exceed an additional 60 days beyond the original 60-day period. (~~Ord. 1620, 2023; Ord. 763, 1996; Ord. 212, 1974~~)

~~20.680.070 (GH)~~ H. Variance.

When strict adherence to this chapter would work a substantial hardship on an applicant, the Commission, in the same manner as issuing a Certificate of Appropriateness, may grant a variance if the variance remains in harmony with the general purpose and intent of this chapter so that the general character of the District is preserved and substantial justice done. In granting the variance, the Commission may impose reasonable and additional conditions to fulfill the purpose of this chapter. (~~Ord. 1620, 2023; Ord. 763, 1996; Ord. 212, 1974~~)

~~20.680.080 (GH)~~ I. Routine Maintenance, and Correction of Unsafe Conditions.

A. **1.** Routine maintenance or repair which does not involve a change of design, material or outward appearance of a structure may be undertaken without first obtaining a Certificate of Appropriateness.

B. **2.** Changes to any portion of a building or structure which are required by a building engineer or inspector, or by the county engineer, because of an unsafe or dangerous condition, may be undertaken without first obtaining a Certificate of Appropriateness. (~~Ord. 1620, 2023; Ord. 763, 1996; Ord. 212, 1974~~)

~~20.680.090 (GH)~~ J. Change of land use or zoning.

A copy of all applications of master plan amendments or zone changes within the District must be forwarded to the Commission for its recommendations to the Planning Commission. Any recommendations must be made by the Commission no later than the time scheduled for the public hearing on any of the aforementioned matters. (~~Ord. 1620, 2023; Ord. 763, 1996; Ord. 212, 1974~~)

~~20.680.100 (GH)~~ K. Appeals.

Appeals of the decisions of the Commission shall be made to the Board of County Commissioners pursuant to **chapter 20.12**. (~~Ord. 1620, 2023; Ord. 763, 1996; Ord. 212, 1974~~)

~~20.680.110 (GH)~~ L. Signs.

A. **1.** No sign shall be installed, constructed, altered, relocated, removed, replaced, or otherwise changed without first obtaining a Certificate of Appropriateness as provided in this chapter, including those signs which are generally exempt from regulation pursuant to **section 20.696.100, subsections (B), (C), (E), (N), (DD), and (FF)** of the Douglas County Code.

B. **2.** All signs must have an appearance, color, size, font, position, method of attachment, texture of materials, and design in keeping with the character of the District and the architecture of buildings to which the signs direct attention. Signs shall be further limited as follows:

1. **a.** Signs which direct attention to any building or structure shall be placed only on the parcel where the building or structure is located.

2. **b.** Business signs are limited to one sign for each business within a building on each side of the building that fronts a public right-of-way.

3. **c.** If a building houses numerous tenants or businesses, the signs associated with each tenant or business must have a common theme in terms of appearance, color, size, font, position, method of attachment, texture of materials, and design.

4. **d.** If a sign is attached to a building, the sign must be integrated into the building and fit within and not detract from or obscure architectural elements of the building's façade.

5. **e.** Freestanding signs must compliment the building or structure to which the sign directs attention. Freestanding signs must be at eye level of passing motorist, and

must not extend above the façade of any adjacent buildings.

~~6. f.~~ Signs which flash, blink, revolve, or are otherwise in motion; signs with visible bulbs, gas-filled luminous tubes, luminous paints, or backlighting; and signs which are connected to audio equipment are not permitted.

~~7. g.~~ Signs may be illuminated by remote light sources, provided that the light sources comply with the requirements of ~~sections 20.680.120 and 20.690.030(M)~~ of the Douglas County Code. (~~Ord. 1620, 2023~~)

~~20.680.120 (GH)~~ **M. Lighting.**

~~A. 1.~~ No exterior light fixtures or exterior lighting shall be installed, altered, relocated, removed, replaced, or otherwise changed without first obtaining a Certificate of Appropriateness as provided in this chapter.

~~B. 2.~~ All exterior light fixtures or exterior lighting must have an appearance, color, size, position, method of attachment, texture of materials, and design in keeping with the character of the District. Exterior light fixtures and exterior lighting shall be further limited as follows:

~~1. a.~~ All exterior lighting shall be shielded so that direct glare and reflections are contained within the boundaries of the parcel, and shall be directed away from adjoining properties and public right-of-ways.

~~2. b.~~ Wall pack, flood, spot, shoe box, and other light fixtures which illuminate upwards or horizontally are not permitted.

~~3. c.~~ If affixed to a building, fixture style and location must be compatible with the building's architecture, site design, and landscape design.

~~4. d.~~ Light fixture style is to be consistent throughout a building and/or parcel. (~~Ord. 1620, 2023~~)

~~20.680.130 (GH)~~ **N. Fences.**

~~A. 1.~~ No fence shall be installed, constructed, altered, relocated, replaced or otherwise changed without first obtaining a Certificate of Appropriateness as provided in this chapter.

~~B. 2.~~ All fences must have an appearance, color, size, position, method of attachment, texture of materials, and design in keeping with the character of the District. Fences shall be further limited as follows:

~~1. a.~~ Fences shall be limited to a maximum permitted height of six feet, or the maximum permitted heights set forth in **section 20.690.030(F)**, whichever is lesser.

~~2. b.~~ Fences made of chain link, corrugated metal, plywood, pallets, or barbed wire are not permitted. (~~Ord. 1620, 2023~~)

~~20.680.140 (GH)~~ **O. Color.**

~~A. 1.~~ The color of any building, sign, light fixture, or fence subject to the requirements of this chapter shall not be altered or changed without first obtaining a Certificate of Appropriateness as provided in this chapter.

~~B. 2.~~ The colors of buildings, signs, light fixtures, or fences must have an appearance in keeping with the character of the District. (~~Ord. 1620, 2023~~)

~~20.680.200 (GH)~~ P. Pamphlet of Examples.

A. The Commission shall prepare an informational pamphlet showing examples of signs, lighting, fences, colors, and other exterior architectural features that meet the requirements of this section. The examples will not constitute an exhaustive or complete list of approved designs and are meant to serve as a guide only. ~~(Ord. 1620, 2023)~~

~~20.680.210 (GH)~~ Q. Enforcement.

Any activity contrary to the provisions of this chapter, including the commencement of a project without a Certificate of Appropriateness, is declared to be unlawful. The provisions of this chapter shall be enforced in accordance with **Chapter 20.34** of the Douglas County Code. ~~(Ord. 1620, 2023)~~

Chapter 20.682

4.07 (CR) Clustered Residential Subdivision (CR) Overlay

Sections:

~~20.682.010 (CR) Purpose.~~

~~20.682.020 (CR) Applicability.~~

~~20.682.030 (CR) Processing procedures.~~

~~20.682.040 (CR) Approval of clustered subdivision and required findings.~~

~~20.682.050 (CR) Permitted uses.~~

~~20.682.010 (CR) A. Purpose.~~

The clustered residential subdivision overlay zoning is intended to establish standards and conditions for the clustering of residential subdivisions on non-contiguous agricultural and/or forest and range zoning districts in order to preserve agricultural land and promote efficient and compact development. (~~Ord. 1224, 2008~~)

~~20.682.020 (CR) B. Applicability.~~

The clustered residential subdivision overlay district is created as a zoning classification to be superimposed on a parcel containing agricultural or forest and range land which is to be clustered and developed into residential lots. The size of each clustered lot will determine the overlay zoning classification as provided for in **chapter 20.650**. (~~Ord. 1224, 2008~~)

~~20.682.030 (CR) C. Processing procedures.~~

Applications to establish a clustered residential subdivision overlay district must be filed concurrently with an application for a tentative subdivision map and must meet the provisions of **section 20.664.040**. (~~Ord. 1224, 2008~~)

~~20.682.040 (CR) D. Approval of clustered subdivision and required findings.~~

~~A. 1.~~ The planning commission, after a public hearing, may recommend the establishment of a clustered residential subdivision and the board, after a public hearing, may by ordinance establish a clustered residential subdivision overlay district and approve the clustered subdivision provided they find, taking into account the recommendations of the reviewing agencies, the facts submitted with the application and presented at the public hearings establish in the affirmative the following:

~~1. a.~~ The plan is consistent with the statement of objectives of a clustered subdivision contained in the Master Plan and in this chapter.

~~2. b.~~ The extent that the plan departs from the base zoning regulations otherwise applicable to the property, including but not limited to density, bulk, and use, is deemed to be in the public interest taking into account the benefit the public may receive from restrictions placed on water transfers and conservation easements.

3. **c.** The physical design of the plan and the manner in which the design of the clustered subdivision makes provisions for adequate public facilities.

4. **d.** The proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods.

5. **e.** The project must be similar in density to adjacent development and neighborhoods. If public services and facilities can be provided, the density may be increased.

6. **f.** The uses proposed will not pose significant detriments, such as traffic, noise, odors, and visual nuisances, to the present and proposed surrounding land uses.

7. **g.** The clustered residential subdivision will not endanger the health, safety and welfare of the community.

8. **h.** The subdivision of land proposed in the clustered residential subdivision meets the requirements of Nevada Revised Statutes and this code. (~~Ord. 1224, 2008~~)

~~20.682.050 (CR) E. Permitted uses.~~

Uses permitted in the clustered residential subdivision overlay district are as follows:

A. **1.** Single-family residential

B. **2.** Multi-family residential

C. **3.** Uses allowed in the base zoning district (~~Ord. 1224, 2008~~)

Chapter 20.685

4.08 (GD) Gaming District (GD) Overlay

Sections:

~~20.685.010 (GD) Purpose.~~

~~20.685.020 (GD) General provisions.~~

~~20.685.030 (GD) Application and fee for establishing a gaming district.~~

~~20.685.040 (GD) Minimum requirements and findings.~~

~~20.685.050 (GD) Development schedule, extension, expiration, and transfer.~~

~~20.685.060 (GD) Revisions.~~

~~20.685.010 (GD) A. Purpose.~~

The Gaming District (GD) Overlay is intended to establish standards and conditions for gaming establishments while protecting the public health, safety and general welfare. Development review and approval of a gaming district overlay includes provisions for the overlay zoning district as provided herein, issuance of a special use permit, and a change in zoning district classification to tourist commercial, if applicable. (Ord 997, 2002)

~~20.685.020 (GD) B. General Provisions.~~

A. **1.** The gaming district overlay may only be proposed in an area designated for commercial land use under the adopted master plan.

B. **2.** A gaming district overlay may only be proposed as an overlay zone within the tourist commercial zoning district.

C. **3.** No gaming establishment shall be permitted except within the gaming district overlay or as allowed under chapter 20.700, Tahoe Basin Regulations, or 20.703, Tahoe Area Plan Regulations.

D. **4.** If an applicant proposes a zone change to tourist commercial in anticipation of the development of a gaming establishment or establishments, then the applications must be combined.

E. **5.** The standards and conditions of approval for a gaming establishment must be imposed on a special use permit, which includes a development plan.

F. **6.** The approval of a gaming district overlay does not relieve the applicant of any other requirements of law, including, but not limited to, applicable provisions of state and federal law, the consolidated development code, and licensing and taxation provisions of the Douglas County Code. (Ord. 1386, 2013; Ord. 1319, 2010; Ord. 997, 2002)

~~20.685.030 (GD) C. Application and fee for establishing a gaming district.~~

A. **1.** The application for a gaming district overlay must be submitted to the community development department on a form provided by the director. The application must combine all applications necessary for processing the request,

including a zoning map amendment subject to **chapter 20.610** and special use permit subject to **20.604**.

B. **2.** A single fee for the filing of an application for gaming district overlay, including a zoning map amendment, special use permit, and variance, or for the revision of a special use permit, including a development plan, must be charged, in the amount provided in chapter 20.40, and set by resolution.

C. **3.** An application for the establishment of, or reclassification to, the gaming district overlay must include a development plan. A development plan shall contain the following:

1. **a.** A vicinity map showing the location and street address of the subject property and showing all residential, commercial, industrial and public uses and zoning districts with 7,500 feet of all boundaries of the subject property;

2. **b.** Site details indicating the existing and proposed uses, gross floor area, building coverage, height, parking, density, landscaping, screening, lighting, open space and public facilities;

3. **c.** A circulation plan showing proposed streets and the relation to the master plan for streets and highways;

4. **d.** An analysis of any adverse impacts upon surrounding properties and proposed mitigation methods including, but not limited to, construction traffic, noise and other construction-related impacts, post-construction traffic, parking, signage, lighting and any other impacts associated with the gaming establishment operation;

5. **e.** A development schedule indicating phases and the sequence and timing of development;

6. **f.** A plan for extension of public facilities, services, and utilities and for flood control and drainage;

7. **g.** The required fee;

8. **h.** A detailed, written narrative discussing how the findings for approval are met; and

9. **i.** Any other reasonable related information necessary for the commission and board to act.

D. **4.** A gaming establishment means any premises wherein or whereon gaming is authorized pursuant to a nonrestricted license or as a nonrestricted operation as those terms are defined in **Nevada Revised Statutes section 463.0177**. (~~Ord. 1319, 2010; Ord. 997, 2002~~)

~~20.685.040 (GD)~~ D. Minimum requirements and findings.

A. **1.** When considering a zoning change to tourist commercial in anticipation of a gaming district overlay request, the commission and board must first vote to approve the zoning map amendment to tourist commercial, pursuant to the findings in section 20.610, before voting on the gaming district overlay zoning district.

B. **2.** When approving an application for a gaming district overlay and/or special use permit including a development plan, the commission and board must make the following findings:

1. **a.** The proposed zoning map amendment is consistent with the policies

embodied in the adopted master plan and the underlying land use designation contained in the land use plan;

2. **b.** The proposed zoning map amendment is compatible with the actual and master planned use of the adjacent properties.

3. **c.** The proposed gaming establishment at the specified location is consistent with the policies embodied in the adopted master plan and the general purpose and intent of the applicable zoning district regulations;

4. **d.** The proposed gaming establishment is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to nearby development and neighborhoods. These improvements or modifications may include, but must not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both, to mitigate such impacts;

5. **e.** The proposed gaming establishment will not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

6. **f.** The proposed gaming establishment incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to reduce or eliminate development impacts on surrounding neighborhood streets;

7. **g.** The proposed gaming establishment incorporates features to minimize adverse effects, including visual impacts and noise, of the proposed gaming establishment on adjacent properties;

8. **h.** The proposed gaming establishment is not located within an identified archeological/cultural study area, as recognized by the county. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible pre the findings in the report;

9. **i.** The proposed gaming establishment complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to gaming establishments, including but not limited to, the adequate public facility policies of this title;

10. **j.** The proposed gaming establishment will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity;

11. **k.** Any deviation from the standard ordinance requirements are warranted by the design and additional amenities incorporated in the development plan for the gaming establishment, which offer certain unusual redeeming features to compensate for any deviations that may be permitted;

12. **l.** The proposed gaming establishment will enhance, expand and stabilize employment and the local economy;

13. **m.** If the proposed gaming establishment includes a development plan with no

less than 100 guest rooms, that adequate and affordable housing is available for the employees of the gaming establishment and hotel;

~~14.~~ **n.** On the date that the zoning map amendment application was filed, the property line of the proposed establishment was not less than:

~~(a)~~ **1.** Five hundred feet from the property line of a developed residential district.

~~(b)~~ **2.** Five hundred feet from the property line of a public school, private school or structure used primarily for religious services or worship;

~~15.~~ **o.** The proposed zoning map amendment will not cause material prejudice to any of the following whose property line is within 2,500 feet from the property line of the proposed establishment:

~~(a)~~ **1.** A developed residential district, or

~~(b)~~ **2.** A public school, private school or structure used primarily for religious services; and

~~16.~~ **p.** The proposed gaming establishment includes a development plan that includes no less than 100 guest rooms, which comply with the requirements of chapter 447 of the Nevada Revised Statutes as amended, with the first phase of the development and that are held out to the public for transient nightly occupancy. This finding is not applicable to a gaming establishment that held a nonrestricted license on October 1, 2010, or to a proposed gaming establishment, with a special use permit and development plan or specific plan approval before August 1, 2009, located within a gaming district overlay zoning district. All requests for revisions to a gaming establishment with a special use permit and development plan approval before August 1, 2009, must follow the procedures in **section 20.685.060.**

~~17.~~ **3.** A proposed establishment adjacent to a developed residential district may apply for a waiver of the distance requirements in subsection B(14)(a) as part of its application. The granting of such a waiver is in the discretion of the board, and may only be granted upon affirmative findings on all the other subsections in this section. In considering whether to grant the waiver, the board may base its exercise of discretion upon any relevant factor, including, but not limited to any one or more of the following:

~~1.~~ **a.** The proposed establishment replaces or reconstructs an existing commercial structure.

~~2.~~ **b.** There are significant highway or geographical features separating the proposed establishment from the residential district.

~~3.~~ **c.** The proposal includes mitigation measures, such as lighting controls, landscaping buffers or features, sound barriers or traffic control improvements to alleviate the impact of the development on the residential district.

~~4.~~ **4.** If the application is denied, another application concerning the same location or any portion thereof must not be heard or considered for a period of one year after the date of denial. (Ord. 1319, 2010; Ord. 1036, 2003; Ord. 997, 2002)

~~20.685.050 (GD)~~ E. Development schedule, extension, expiration, and transfer.

A. **1.** An application for a gaming district overlay must be accompanied by a development schedule indicating the date when the development plan covering the entire area, or the first of a series of phases covering a portion of the approved development plan area, will be inaugurated and construction commenced. The time frame for the special use permit, including the development plan and the development schedule, if approved by the board will be identical and must run concurrently. Unless a longer time is approved under the development schedule, the special use permit and development plan covering the entire area or the first phase covering a portion, must be inaugurated and under construction or completed no later than two years after the date of the approval. For the purposes of this section, construction means the applicant has a valid site improvement permit or building permit and is actively in the process of building or assembling infrastructure or a structure.

B. **2.** The board may extend the limits imposed by the special use permit, including the development plan, and the development schedule for good cause. If a gaming establishment was approved prior to October 1, 2010 without a development schedule, the special use permit may be extended pursuant to chapter 20.30. If the owner(s) have failed to meet the approved development schedule, the approval for the special use permit, including the development plan, will expire and become void.

C. **3.** If the owner(s) of a gaming establishment file an application for a subsequent special use permit, including a development plan, the findings for a gaming establishment under **section 20.685.040** must be met. (~~Ord. 1327, 2010; Ord. 1319, 2010; Ord. 997, 2002~~)

~~20.685.060 (GD)~~ F. Revisions.

A public hearing by the planning commission and board is required for a major revision to a special use permit, including an associated development plan, which involves expansion or intensification of development or changes in the standards of development. The director will determine on a case-by-case basis those instances when a major revision to the special use permit, including the development plan, is necessary, following the same procedure and findings as required **in section 20.685.040**. Changes in an approved special use permit, including a development plan, which do not involve changes in expansion or intensification of development or changes in the standards of development are considered a minor revision and may be approved by the director, if the changes are consistent with the purpose, character, and conditions of the special use permit, including the development plan. (~~Ord. 1319, 2010; Ord. 997, 2002~~)