

GENERAL PROVISIONS

~~Chapter 20.01~~ Article 1

~~General Provisions; Consistency with Master Plan; Right to Farm~~

Sections:

~~20.01.010~~ **1.01 Title.**

~~20.01.020~~ **1.02 Effective Date** Conformance with master plan

1.03 Purpose. Interpretation, conflict and severability

~~20.01.030~~ **1.04 Conformance with master plan.** Saving provision

~~20.01.040~~ **1.05 Enactment.** Effect of this title on approved development permits

~~20.01.050~~ **1.06 Interpretation, conflict and severability.** Nonconforming uses

~~20.01.060~~ **1.07 Saving provision.** Interpretation of language

~~20.01.070~~ **Effect of this title on approved development permits, development permits currently being processed, and new applications for development permits.**

~~20.01.080~~ **Interpretation of language.**

~~20.01.090~~ **Similar use determination.**

~~20.01.100~~ **1.08 Right to farm.**

1.09 Aircraft Operations Rights (reserved)

~~20.01.110~~ **1.10 Enforcement authority.**

1.11 Appeals (reserved)

1.12 Land Use Definitions

1.13 Measurements, Construction, and Code Terminology Definitions

~~20.01.010~~ **1.01 Title, Effective Date, Purpose**

A. This title shall be known and may be cited in all proceedings as the "Douglas County Development Code". (~~Ord. 763, 1996; Ord. 390, 1981; Ord. 167, 1968~~)

B. This title, adopted to implement the Douglas County Master Plan, became effective on January 1st, 2027. (Ordinance XX-XXX).

~~20.01.020~~ **Purpose.**

C. The board of county commissioners ~~finds and declares~~ that this title is adopted to promote the public ~~welfare by ensuring~~ interest, health, safety, morals, convenience and general welfare; ~~to~~; ~~reducing~~ traffic congestion and hazards in the streets; to ~~preserveing~~ recognized values of historic and community appearance, charm and character; to provide~~ing~~ light and air for all buildings; to safeguard and enhance ~~protecting~~ property values; ~~preventing~~ to avoid undesirable concentrations of population; to prevent overcrowding of land; ~~and supporting essential infrastructure and~~ to facilitate adequate provision of transportation, water, sewage, schools, park and other facilities and services. ~~It aims to achieve~~; and to provide the economic and social advantages ~~through~~ gained from a comprehensively ~~land use planneding.~~ use of land

~~resources.~~ This title has been combined into one ordinance for the purpose of maintaining consistency, shortening the overall length of the document, and improving user-friendliness for the end users. (~~Ord. 763, 1996; Ord. 641, 1994; Ord. 495, 1989; Ord. 353, 1980; Ord. 167, 1968~~)

~~20.01.030~~ **1.02 Conformance with mMaster pPlan.**

A. This title and the official zoning map of the county, as adopted, are declared to conform to the master plan of the county pursuant to the provisions of chapter 278, NRS. (~~Ord. 763, 1996; Ord. 641, 1994; Ord. 167, 1968~~)

~~20.01.040~~ **Enactment.**

To promulgate the Douglas County Master Plan, this title is adopted and made effective as of November 21, 1996, Ordinance 96-763, and as amended by Ordinance 984 effective October 25, 2001. (~~Ord. 984, 2001; Ord. 763, 1996; Ord. 641, 1994; Ord. 353, 1980; Ord. 167, 1968~~)

~~20.01.050~~ **Interpretation, eConflict and sSeverability.**

A. In their interpretation and application, the provisions of this title shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

1. Public provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation of the county, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

2. Private provisions. Private easements, covenants, conditions and restrictions of record are not enforced by the county except as specifically provided by agreement of Douglas County

~~**B.**~~ If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The board hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid. (~~Ord. 763, 1996; Ord. 641, 1994; Ord. 390, 1981; Ord. 353, 1980; Ord. 167, 1968~~)

~~20.01.060~~ **1.04 Saving pProvision.**

A. The provisions of this title shall not be construed as abating any action now pending under, or by virtue of, prior existing land development regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County under any chapter or provision existing at the time of adoption of these

regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the county except as shall be expressly provided for in these regulations.

B. The provisions of this title notwithstanding, in the Lake Tahoe Basin every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on May 4, 1979, or whose construction was approved by the Tahoe Regional Planning Agency (TRPA) affirmatively or deemed approved before that date is recognized as a permitted and conforming use and as complying with and conforming to all of the regulations prescribed in this title. Any existing or approved structure and associated structures may be repaired, reconstructed, altered and rebuilt or replaced in whole or in part to a size in accordance with the Tahoe Regional Planning Compact. Alteration, rebuilding or replacement shall, if required, comply with the provisions of this title including applicable building, mechanical, plumbing, electrical and fire codes. (~~Ord. 763, 1996; Ord. 390, 1981~~)

~~20-01-070~~ 1.05 Effect of this ~~title~~ on ~~a~~Approved ~~d~~Development ~~p~~Permits, development permits currently being processed, and new applications for development permits.

A. ~~Approved~~ ~~d~~Development.

1. Development to which an application for design review, special use permit, variance, tentative parcel map, final parcel map, tentative subdivision map, final subdivision map, tentative land division map or final land division map has been finally approved and which approval remains valid on the effective date of this title shall remain valid unless such approval expires by the terms of the approval or in accordance with ~~chapter 20-30~~. Development which has been granted approval may be built in accordance with the development standards in effect at the time of approval, provided that the approval is valid at the time building permits are issued and that the approval is subject to any time limits imposed pursuant to this title; further provided that any subsequent applications for a development permit required by this title prior to issuance of and including a building permit and certificate of occupancy shall be processed in accordance with the procedures established by this title for the processing of such development permit.

2. No provision of this title shall require any change in the plans, permit expiration, construction or designated use of any structure for which a building permit has been issued prior to the effective date of this title or any subsequent amendment.

3. Any reapplication for an expired development permit must meet the standards in effect at the time of reapplication.

B. ~~Projects in~~ ~~p~~Process. Development for which an application for a development permit has been accepted as complete, but which has not been granted final approval by the appropriate designated official prior to the effective date of this title, shall be subject to the land use regulations, standards for approval, and other requirements in effect at the time the application was deemed complete; provided that any subsequent application for a development permit required by this title prior to issuance of and including a building permit and certificate of occupancy shall be processed in accordance with the procedures established by this title for the processing of such development permit. If approved, the development may be built in accordance with the

development standards in effect at the time of application, provided that any design review filed subsequent to the issuance of a special use permit or reapplication for an expired permit must meet the standards for approval in effect at the time of application. This provision shall not apply to any application for a master plan amendment or zoning map amendment.

~~C.~~ **New Applications.** If no application for a development permit has been accepted as complete and the development has received no more than approval of a master plan map amendment or a zoning map amendment prior to the effective date of this title, pending and subsequent applications for development approval shall be subject to all requirements, standards and procedures set forth in this title. (~~Ord. 801, 1998; Ord. 763, 1996; Ord. 674, 1994; Ord. 641, 1994; Ord. 628, 1994; Ord. 599, 1993; Ord. 497, 1989~~)

1.06 Non-Conforming Uses and Structures

~~20.01.080~~ **1.07 Interpretation of language.**

A. In the event this title requires interpretation, the director may make the interpretation or refer the matter to the planning commission for action, except as otherwise provided. (~~Ord. 763, 1996; Ord. 641, 1994; Ord. 353, 1980; Ord. 167, 1968~~)

~~20.01.090~~ **Similar use determination.**

~~The director may authorize a use not specifically listed within a zoning district if it is determined that the use is similar to other uses permitted in the zoning district provided that the use is not specifically listed in another zoning district, pursuant to section 20.610.060 (Zoning administration determination on unlisted uses). (Ord. 763, 1996)~~

~~20.01.100~~ **1.08 Right to farm.**

A. It is the declared policy of Douglas County to conserve, protect, enhance, and encourage agricultural operations within the county. Further, it is the intent of the county to provide proper notification of the county's recognition of agriculture's right to farm.

B. Where non-agricultural land uses, and especially residential developments, extend into agricultural areas or exist side-by-side, agricultural operations have often become the subject of nuisance complaints. As a result, agricultural operations are sometimes forced to cease or curtail operations and many others are discouraged from making investments in farm improvements to the detriment of adjacent agricultural uses and economic viability of the county's agricultural industry as a whole. It is the purpose of this chapter to protect agricultural resources and to reduce the loss to the county's agricultural lands by limiting the circumstances under which agricultural operations may be considered a nuisance. This chapter is not to be construed as in any way modifying or abridging any provision of NRS relative to nuisances, but rather is only to be utilized in the interpretation and enforcement of the provisions of this code and county regulations.

C. The further purpose of this code section is to promote a good neighbor policy between farmers, ranchers and residents by advising purchasers and users of property

adjacent to or near agricultural operations of the inherent potential problems associated with proximity to agricultural operations, including but not limited to the sounds, odors, dust and chemicals that may accompany agricultural operations so that these purchasers and users will understand the inconveniences that accompany living side-by-side with agricultural uses and will be prepared to accept the problems as the natural result of living in or near rural areas.

D. The right to farm purposes shall be furthered through the following:

1. No existing or future agricultural operation or any of its appurtenances conducted in a manner consistent with proper and accepted standards on agricultural land shall become or be a nuisance, for purposes of all chapters of this code, provided that the agricultural operation complies with all chapters of this code and provided that the provisions of this section shall not apply whenever a nuisance results from the negligent or improper operation of any agricultural operation.

2. Douglas County shall cause to be mailed to all property owners of real property within the county with the annual tax bill the following notice: "Douglas County has declared it a policy to protect and encourage agricultural operations. If your property is located near an agricultural operation, you may at some time be subject to inconvenience or discomfort arising from agricultural operations. If conducted in a manner consistent with proper and accepted standards, these inconveniences and discomforts do not constitute a nuisance for purposes of the Douglas County Code."

3. When giving notice required by NRS, a person who is selling real property which is near an agricultural operation shall disclose in writing to the prospective purchaser the notice contained in paragraph **1.08 Right to Farm (D)(2)** B above.

4. Where a discretionary development permit, including but not limited to subdivision and special use permit, is sought on or adjacent to lands zoned to permit agricultural operations, the discretionary permit shall include a condition requiring the recordation of a deed restriction to notify any present or future owners, users and tenants of the notice contained in paragraph B above.

5. The county may require the developer to install or permit the installation of signs to notify prospective purchasers and users that adjacent or nearby lands are being used for agricultural purposes and that those interests are protected by law. (~~Ord. 763, 1996~~)

1.09 Airport Operation Rights (*reserved*)

~~**20.01.110**~~ **1.10 Enforcement authority.**

A. It is the duty of the director or his authorized representative to enforce all of the provisions of this chapter.

B. It is unlawful for any person to interfere with the director or his authorized representative in the performance of his duties. (~~Ord. 763, 1996; Ord. 641, 1994; Ord. 329, 1980; Ord. 167, 1968~~)

1.11 Appeals (*reserved*)

1.12 Land Use Definitions

1.13 Measurements, Construction, and Code Terminology Definitions