

Table of Contents

Article 1 - General Provisions.....	4
1.01 Title, Effective Date, Purpose	4
1.02 Conformance with Master Plan	4
1.03 Interpretation, Conflict, and Severability	4
1.04 Saving Provision	4
1.08 Right to Farm	6
1.09 Aircraft Operation Rights (<i>reserved</i>)	7
1.10 Enforcement Authority	7
1.11 Appeals (<i>reserved</i>)	7
1.12 Land Use Definitions.....	7
1.13 Measurements, Construction, and Code Terminology Definitions	19
Article 2 - Growth Management, Allocation, and Transfer of Development Rights.....	36
2.01 Building Permit Allocation.....	36
2.02 General Provisions	37
2.03 Calculation of Allocations	38
2.04 Projects with Preexisting Development Agreements	39
2.05 Projects Subject to Vesting	39
2.06 Affordable Housing Projects and Certain Agricultural Parcels	40
2.07 Allocation Procedures and Administration	40
2.08 Transfer of Allocations	42
2.09 Banking and Borrowing	43
2.10 Transfer of Development Rights (A-19 and FR-19).....	44
2.11 Prohibitions and Penalties	46
2.12 Interpretation and Conflict.....	47
2.13 Saving Provision	47
2.14 Effective Date and Repeal	47
Article 3 - Zoning Districts, Uses, and Lot and Building Standards.....	48
3.01 Purpose and Master Plan Consistency	48
3.02 General Provisions	48
3.03 A-19 (Agriculture)	51
3.04 FR-19/FR-40 (Forest and Range)	53
3.05 RA-10 (Rural Agricultural).....	55
3.06 RA-5 (Rural Agricultural).....	57
3.07 SFR-2 (Single Family Residential)	59
3.08 SFR-1 (Single Family Residential)	61
3.09 SFR-1/2 (Single Family Residential)	63
3.10 SFR-12,000 (Single Family Residential)	65
3.11 SFR-8,000 (Single Family Residential)	67
3.12 MFR (Multi-Family Residential)	69
3.13 PR (Private Recreation)	71
3.14 NC (Neighborhood Commercial)	73

3.15	OC (Office Commercial).....	75
3.16	GC (General Commercial)	77
3.17	MUC (Mixed Use Commercial)	79
3.18	TC (Tourist Commercial)	81
3.19	LI (Light Industrial)	83
3.20	GI (General Industrial)	85
3.21	SI (Service Industrial)	87
3.22	PF (Public Facilities)	89
3.23	AP (Airport).....	91
3.24	Consolidated Land Use Table	93
Article 4 – Overlay Districts.....		100
4.01	LO (Livestock Overlay)	100
4.02	MH (Manufactured Housing Overlay).....	101
4.03	MUC (Mixed Use Commercial Overlay)	101
4.04	PD (Planned Development Overlay)	102
4.05	RO (Residential Office Overlay)	112
4.06	GH (Genoa Historic Overlay)	112
4.07	CR (Clustered Residential Subdivision Overlay).....	116
4.08	GD (Gaming District Overlay)	117
Article 5 – Tahoe Basin Regulations.....		122
5.01	Applicability and Procedures	122
5.02	Zoning Districts and Standards.....	122
5.03	Tahoe Area Plan Regulations.....	132
5.04	Community Plan Consolidated Land Use Table	145
5.05	Plan Area Statements Consolidated Land Use Table	152
Article 6 – Floodplain Management		158
6.01	Floodplain Management Definitions	158
6.02	Administration	166
Article 7 – Land Use Regulations and Design Standards		176
7.01	A-D	176
7.02	E-H	176
7.03	I-L	176
7.04	M-Q	176
7.05	R-T	176
7.06	U-Z.....	176
Article 8 – Development Improvement Standards.....		208
8.01	Property Standards and Maintenance	208
8.02	Public Facilities and Improvements Standards.....	208
8.03	Surveys	208
8.04	Parking and Loading Standards	208
8.05	Landscaping Standards	208
8.06	Low Impact Development Standards	208
8.07	Installing Utilities Underground	208
8.08	Sign and Advertising Control	208
8.09	Public Art Standards	208
Article 9 – Applications and Procedures.....		208
9.01	Purpose and Organization	208

9.02	Summary Table of Review Procedures	208
9.03	General Review Procedures	208
9.04	Pre-Application Conference	208
9.05	Standardized Forms.....	208
9.06	Determination of Complete Applications	208
9.07	Official Filing Date	208
9.08	Processing of Application and Report	208
9.09	Development Permits	208
9.10	Classification of Development Permits.....	208
9.11	Area Plan Amendments (Tahoe Basin)	208
9.12	Master Plan Map Amendment	208
9.13	Master Plan Text Amendment.....	208
9.14	Zoning Map Amendment	208
9.15	Zoning Text Amendment	208
9.16	Specific Plan	208
9.17	Planned Development	208
9.18	Land Division Permits	208
9.19	Special Use Permits.....	208
9.20	Design Review	208
9.21	Variances	208
9.22	Modification Major.....	208
9.23	Modification Minor.....	208
9.24	Numbering of Street and Structures	208
9.25	Site Improvement Permits.....	208
9.26	Encroachment Permits	208
9.27	Sign Permit.....	208
9.28	Building Permits	208
9.29	Temporary Use Permits.....	208
9.30	Vacation Home Rentals (Tahoe Basin)	208
9.31	Capital Improvements Plan.....	209
Article 10 - Code Enforcement		210
Article 11 - Appendices		211
11.01	Appendix A – Uniform Code Revisions	211
11.02	Appendix A1 -East Fork Fire Protection District Amendments	211
11.03	Appendix A2 – Tahoe Douglas Fire Protection District Amendments	211

Article 4 – Overlay Districts

4.01 LO (Livestock Overlay)

- 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.
- 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.
- C. Permitted uses:** The permitted uses within the LO district shall be the same as that of the underlying zoning.
- D. Standards:** Notwithstanding section 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:
1. The parcels must be within a LO district to raise or keep livestock or other large farm animals.
 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

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 in the LO district, only two animal units would be permitted.

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 4.01(D)(3), above.

Example: On a 30,000 square foot lot in the LO district, the following combination would be permitted:

$$5 \text{ sheep} = 5 \times 0.20 = 1.00$$

$$1 \text{ horse} = 1 \times 1.00 = 1.00$$

$$\text{cow} = 1 \times 1.00 = 1.00$$

Total allowable animal units = = 3.00

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

4.02 MH (Manufactured Housing Overlay)

- A. Purpose: 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.
- 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.
- 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:
 1. One single-family manufactured home or tiny house used as a permanent living accommodation, subject to the provisions of the underlying zoning district;
 2. A manufactured home park used for permanent living accommodations, subject to provisions of the underlying zoning district;
 3. Accessory structures which are not a manufactured home, tiny house, or trailer, as permitted by the underlying zoning.
- D. Standards:
 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.
 2. Manufactured home parks must comply with the provisions of section 20.664.110, in addition to the standards of the underlying zoning district.

4.03 MUC (Mixed Use Commercial Overlay)

- 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.
- B. Applicability:
 1. A mixed-use commercial overlay district may be proposed as an overlay zone within the mixed-use commercial zoning district.
 2. The mixed-use commercial overlay district may only be proposed in an area designated

for commercial land use under the adopted master plan.

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.

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.

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

E. General provisions:

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.
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.

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.

4.04 PD (Planned Development Overlay)

A. Purpose: 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.

B. General provisions:

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.
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.
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.
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.
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.
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.
7. The planned development project must be inaugurated within the time-frame as established by a development schedule pursuant to section 20.676.150.
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.
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.

C. Application for establishing a planned development:

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.
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.

D. Approval of planned development and required findings: 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.

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.

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.

F. Planned development, generally, components: 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. 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.

7. The planning division shall only accept as complete plans that contain the information specified or that is reasonably determined necessary by the director.

G. Standards:

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.

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:

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

H. Density and intensity standards:

- 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.
- 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.
- 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:

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

I. Increases in density:

- 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.
- 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. 3
- 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.
- 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:
 - 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.
 - b. The land must be deeded to the public agency prior to, or concurrently with, the recording of the final map.
 - 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.
 - 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.

- 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.
- 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.
- 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.

J. Open space requirements:

1. Common open space.

- 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.

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

- 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 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.

- 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.

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.
- 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
- L. Minimum area requirements:**
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.
 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.
 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.
- 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.
- 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.

O. Development schedule, modification, or revocation:

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.
2. Tentative approval shall be revoked for areas included in the plan for which final approval has not been given if:
 - a. The landowner elects to abandon the plan or any part thereof, and so notifies the director in writing; or
 - b. The landowner fails to file application for the final approval within the required time.

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.

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

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

S. Status of plan after tentative approval:

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.
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.

T. Revocation of tentative approval:

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:
 - a. The developer elects to abandon the plan or any part thereof, and so notifies the county in writing; or

- b.** The landowner fails to file applications for final approval within the times established in the tentative approval.

U. Procedure for final plan approval:

- 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.
- 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:
 - a.** Varies the proposed gross residential density or intensity of use;
 - b.** Varies the proposed ratio of residential to non-residential use;
 - c.** Involves a reduction of the area set aside for common open space or involves the substantial relocation of the area;
 - d.** Substantially increases the floor area proposed for non-residential use;
 - e.** Substantially increases the total ground areas covered by buildings or involve a substantial change in the height of buildings;
 - 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
 - g.** Is not accompanied by proof of satisfaction of conditions imposed as prerequisites to final plan approval.
- 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.

V. Procedure on determination of noncompliance:

- 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.
- 2.** The developer may:
 - a.** Treat the notification as a denial of final approval;
 - b.** Refile the plan in a form which is in substantial compliance with the plan as tentatively approved; or
 - c.** File a written appeal request with the director that a hearing be set before the commission on the application for final approval.
- 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.

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.

- 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
- 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.

4.05 RO (Residential Office Overlay)

- 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.
- 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.
- C. Processing procedures:** Any proposal for establishment of the RO overlay district shall be filed concurrently with an application for a special use permit
- D. Permitted uses:** Uses permitted in the RO overlay district are as follows:
1. Professional office, excluding retail uses;
 2. Photography studios, portrait studios and art studios; and
 3. Uses allowed in the base zoning district.
- E. Development and review standards:** Any conversion of a single-family residence within the RO overlay district must conform with the following:
1. The parcel contains an existing single-family structure;
 2. The existing structure will be retained and enhanced and the overall single-family character of the residence will be retained;
 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;
 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.

4.06 GH (Genoa Historic Overlay)

- 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.

- 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.
- 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.
- 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.
- 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:
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
 2. 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.
- 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.
- G. Commission Action:**
1. The Commission must hold a public meeting on the applicant's completed application

within 60 days after the completed application is submitted.

- 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:

- a.** The effect of the project upon the general historic and architectural nature of the subject building and the District;
- b.** The appropriateness of exterior architectural features which can be seen from a public street, public alley, or public right-of-way;
- 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
- d.** The relationship of the exterior architectural features to well recognized styles of early western architecture of the late 19th and early 20th centuries.
- e.** In determining whether to issue a Certificate of Appropriateness, the Commission may also consider the following guidelines:
 - 1.** The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;
 - 2.** The pamphlet of examples adopted by the Commission pursuant to section 20.680.200; and
 - 3.** The Douglas County Design Criteria and Improvement Standards.
 - 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.
 - 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

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.

I. Routine Maintenance and Correction of Unsafe Conditions:

- 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.
- 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.

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.

K. Appeals: Appeals of the decisions of the Commission shall be made to the Board of County

Commissioners pursuant to chapter 20.12.

L. Signs:

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

M. Lighting:

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.
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:
 - 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.
 - b. Wall pack, flood, spot, shoe box, and other light fixtures which illuminate upwards or horizontally are not permitted.
 - c. If affixed to a building, fixture style and location must be compatible with the building's architecture, site design, and landscape design.
 - d. Light fixture style is to be consistent throughout a building and/or parcel.

N. Fences:

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.
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:
 - 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.
 - b. Fences made of chain link, corrugated metal, plywood, pallets, or barbed wire are not permitted.

O. Color:

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.
2. The colors of buildings, signs, light fixtures, or fences must have an appearance in keeping with the character of the District.

P. Pamphlet of Examples: 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.

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.

4.07 CR (Clustered Residential Subdivision Overlay)

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.

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.

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

D. Approval of clustered subdivision and required findings:

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

- 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
- c. The physical design of the plan and the manner in which the design of the clustered subdivision makes provisions for adequate public facilities.
- d. The proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods.
- 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.
- 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.
- g. The clustered residential subdivision will not endanger the health, safety and welfare of the community.
- h. The subdivision of land proposed in the clustered residential subdivision meets the requirements of Nevada Revised Statutes and this code.

E. Permitted uses: Uses permitted in the clustered residential subdivision overlay district are as follows:

- 1. Single-family residential
- 2. Multi-family residential
- 3. Uses allowed in the base zoning district

4.08 GD (Gaming District Overlay)

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.

B. General provisions:

- 1. The gaming district overlay may only be proposed in an area designated for commercial land use under the adopted master plan.
- 2. A gaming district overlay may only be proposed as an overlay zone within the tourist commercial zoning district.
- 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.
- 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.
- 5. The standards and conditions of approval for a gaming establishment must be imposed on a special use permit, which includes a development plan.
- 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.

C. Application and fee for establishing a gaming district:

- 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.
- 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.
- 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:
 - 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;
 - 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;
 - c.** A circulation plan showing proposed streets and the relation to the master plan for streets and highways;
 - 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;
 - e.** A development schedule indicating phases and the sequence and timing of development;
 - f.** A plan for extension of public facilities, services, and utilities and for flood control and drainage;
 - g.** The required fee;
 - h.** A detailed, written narrative discussing how the findings for approval are met; and
 - i.** Any other reasonable related information necessary for the commission and board to act.
- 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.

D. Minimum requirements and findings:

- 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.
- 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:
 - 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;
- b.** The proposed zoning map amendment is compatible with the actual and master planned use of the adjacent properties.
 - 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;
 - 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;
 - 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;
 - 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;
 - g.** The proposed gaming establishment incorporates features to minimize adverse effects, including visual impacts and noise, of the proposed gaming establishment on adjacent properties;
 - 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;
 - 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;
 - 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;
 - 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;
 - l.** The proposed gaming establishment will enhance, expand and stabilize employment and the local economy;
 - 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;

- n. On the date that the zoning map amendment application was filed, the property line of the proposed establishment was not less than:
 - 1. Five hundred feet from the property line of a developed residential district.
 - 2. Five hundred feet from the property line of a public school, private school or structure used primarily for religious services or worship;
 - 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:
 - 1. A developed residential district, or
 - 2. A public school, private school or structure used primarily for religious services; and
 - 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.
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:
- a. The proposed establishment replaces or reconstructs an existing commercial structure.
 - b. There are significant highway or geographical features separating the proposed establishment from the residential district.
 - 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. 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.

E. Development schedule, extension, expiration, and transfer:

- 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.

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. 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.

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.

Article 5 - Tahoe Basin Regulations

5.01 Applicability and Procedures

- A. Declaration:** This division is known and may be cited in all proceedings as the “Tahoe Basin Regulations,” consisting of Article 5 of the Douglas County Development Code.
- B. Applicability to land areas:** The provisions of the Tahoe Basin Regulations apply to those lands within Douglas County that are subject to the Tahoe Regional Planning Compact. (Pub. L. No. 96-551; 94 Nev. Stat. 3233)
- C. Applicability of other regulations:**
1. All development within the area subject to this division is required by federal and state law to comply with the provisions of the Tahoe Regional Planning Agency (TRPA).
 2. Other chapters and sections of the Douglas County Development Code apply to the area subject to this division to the extent a provision meets the purpose and intent of this division, the County’s primary role of performing design review and building inspection in the Basin, the County’s derogation to TRPA’s planning and zoning jurisdiction and enforcement authority under the Bi-State Compact, Regional Plan, Community Plans, and Plan area Statements.
 3. All development within the area subject to this division must comply with the provisions of the Plan Area Statements or Community Plans unless specifically provided otherwise in this division.
 4. In case of conflicts between the provisions of the Douglas County Development Code and TRPA regulations, the most restrictive provision applies, provided that the Douglas County Development Code provision applies only if it conforms to the Bi-State Compact, TRPA Regional Plan, Community Plans, and Plan Area Statements.
 5. The terms used in the TRPA regulations, Plan Area Statements, and Community Plans are defined in Chapters 11, 12, 21 and 90 of the TRPA Code of Ordinances.
 6. The provisions of the Tahoe Basin Regulations do not apply to properties within an adopted Area Plan, subject to the provisions of Article 5, Chapter 4.03 Tahoe Area Plan Regulations.
- D. Historic structures:** The construction, reconstruction, repair, maintenance, and demolition of designated historic structures shall conform to Chapter 67 of the TRPA Code of Ordinances.
- E. Scenic corridors:** All development within scenic highway corridors, as defined by Chapter 66 of the TRPA Code of Ordinances, is subject to the provisions of that chapter.

5.02 Zoning Districts and Standards

- A. Zoning districts and uses:** Article 3 (*Zoning Districts, Uses, and Lot and Building Standards*) through Article 4 (*Overlay Districts*) do not apply. Article 7 (*Land Use Regulations and Design Standards*) does not apply except as specifically provided in this section. The applicable zoning districts and the uses allowed are described below in Section B (*Designation of zoning districts*) through Section E (*Uses in plan area statement areas*).
- B. Designation of zoning districts:** The zoning districts are identified by a three-part designator consisting of a prefix, an area identifier, and a suffix, to be separated in the district name by a slash (/).
1. The prefix consists of a letter that indicates the primary character of the zoning district. In addition, the letter may be followed by a number used to distinguish additional zones with the same primary use, but with different development standards or

combinations of allowable uses. The following letter prefixes are used:

- a. The letter **R** indicates a primarily residential character.
- b. The letter **C** indicates a primarily commercial character.
- c. The letter **T** indicates a primarily tourist accommodation character.
- d. The letter **S** indicates a primarily sports-oriented or recreation character.
- e. The letter **P** indicates a primarily public service character.
- f. The letter **M** indicates a primarily managed resource character.

2. The area identifier consists of three numbers or three numbers followed by a letter, either of which indicate the TRPA Plan Area in which the parcel is located, or two letters that indicate the community plan area in which the parcel is located. The Round Hill Community Plan is identified by **RH**.

3. The suffix, which is not used in the designation of all zoning districts, consists of a combination of letters and numbers used to designate sub-areas within the district.

The following suffixes are used:

- a. The letters **SA** followed by a number indicate that the parcel is in a special area as described in the applicable Plan Area Statement or Community Plan.
- b. The letters **TD** followed by a number indicate that the parcel is subject to the applicable TRPA shore zone regulations regarding uses.

C. Allowable Uses: The uses allowed in the zoning districts are prescribed by the tables in Section D (*Uses in community plan areas*) and Section E (*Uses in plan area statement*). In case of conflicts between the list of uses in Section D or Section E and in the applicable Plan Area Statement or Community Plan, the rule to be applied is that the uses and levels of review shown in Section D or Section E cannot be less restrictive than the uses and levels of review shown in the Plan Area Statement or Community Plan.

D. Uses in Community Plans and Plan Area Statements: Table **XXXX** designates the uses that are allowed, allowed subject to a special use permit, and prohibited in the adopted community plans.

1. The definitions of the uses are contained in chapter 21 in the TRPA Code of Ordinances.
2. The table contained herein does not include the uses allowed or subject to special use provisions for shorezone tolerance districts (zoning districts with a **TD** suffix). The uses in these areas shall be determined by referring to chapter 83 in the TRPA Code of Ordinances.

3. The following notations apply for the table:

- a. The letter P indicates that the use is permitted (TRPA review required);
- b. The letter D indicates that the use is subject to TRPA review, and County design review is required;
- c. The letter S indicates that the use is subject to issuance of a County special use permit, and County design review is required;
- d. The letter T indicates that the use is subject to issuance of a TRPA special use permit, and County design review is required; and
- e. A blank space indicates that the use is prohibited.

INSERT TABLE 20.702.1

E. Uses in plan area statement areas. Table **XXXX** designates the uses that are allowed and those that are prohibited in the areas subject to the plan area statements.

1. The definitions of the uses are contained in chapter 21 in the TRPA Code of Ordinances.
2. The table contained herein does not include the uses allowed or subject to special use provisions for shorezone tolerance districts (zoning districts with a **TD** suffix). The uses

in these areas shall be determined by referring to chapter 83 in the TRPA Code of Ordinances.

3. The following notations apply for the table:

- a.** The letter **P** indicates that the use is permitted (TRPA review required);
- b.** The letter **D** indicates that the use is subject to TRPA review, and County design review is required;
- c.** The letter **S** indicates that the use is subject to issuance of a County special use permit, and County design review is required;
- d.** The letter **T** indicates that the use is subject to issuance of a TRPA special use permit, and County design review is required; and
- e.** A blank space indicates that the use is prohibited.

INSERT TABLES 20.702.2A, 2B, 2C

F. Lot size and density standards.

- 1.** The minimum size of any lot must comply with the following:
 - a.** Zoning districts with a prefix of **R** have a minimum lot size of 8,000 square feet.
 - b.** Zoning districts with a prefix of **C** have a minimum lot size of 10,000 square feet.
 - c.** Zoning districts with a prefix of **T** have a minimum lot size of 10,000 square feet.
 - d.** Zoning districts with a prefix of **S** have a minimum lot size of 20,000 square feet.
 - e.** Zoning districts with a prefix of **P** have no minimum lot size requirements.
 - f.** Zoning districts with a prefix of **M** have a minimum lot size of 40 gross acres.
- 2.** The density of any building used for multi-family or multi-person residential purposes and for mobile home parks must not exceed the limits in chapter 31 of the TRPA Code of Ordinances.

G. Setback Standards.

- 1.** Except as provided by subsections x and x (scenic corridors and stream environment zone) of this section, and by chapters 1,2, and 3 of Appendix B, Design Standards and Guidelines to the Community Plans, setback standards for single-family dwellings apply as follows to all principal structures and to all accessory structures 15 feet or greater in height:
 - a.** The front yard and street side-yard setback is a minimum of 20 feet measured from the edge of the pavement. This setback may be reduced up to 50 percent provided both of the following conditions are met:
 - 1.** The slope within the front or street side-yard and building footprint is 25 percent or greater; and
 - 2.** A minimum 20 feet of driveway exists between the garage and the edge of the pavement.
 - b.** The rear yard setback is a minimum of 20 feet from the property line.
 - c.** The side yard setback is a minimum of 7 feet from the property line to the foundation or wall. Where the roof is designed to convey runoff to the side yard and size of such roof runoff area exceeds 1,500 square feet, an additional setback of 1 foot for each additional 250 square feet of runoff area must be provided. This setback may be reduced, but not to less than 7 feet, upon an analysis provided by the applicant demonstrating that snow will not shed across the property line. Factors to be considered in this reduction include historical records of amount of snow, roof orientation, roof pitch, exposure of roof to sunlight, drifting patterns, and installation of properly engineered snow-slide restraint devices.

2. Except as provided by subsections E and F (scenic corridors and stream environment zones) of this section, and by chapters 1, 2, and 3 of Appendix B, Design Standards and Guidelines to the Community Plans, setback standards for multi-family dwellings and commercial uses apply as follows to all principal structures and to all accessory structures 15 feet or greater in height:
 - a. The front yard setback is a minimum of 10 feet from the property line.
 - b. The rear yard setback is a minimum of 10 feet from the property line where the parcel or lot is adjacent to a commercial or multi-family use and a minimum of 15 feet from the property line where the parcel or lot is adjacent to a single-family use.
 - c. The side yard setback is a minimum of 10 feet from the property line to the foundation or wall. If the structure exceeds two stories, an additional 1-foot setback for each 2 feet of height is required.
3. Setbacks for accessory structures must comply with **section 20.664.020**.
4. Projections, construction, or equipment are permitted within the required setbacks for all uses only as allowed in this section. Building code requirements may further restrict the distance required to be maintained from the property lines and other structures:
 - a. Roof overhangs and eaves, oriel and bay windows, porte cocheres, decks, stairway landings, fireplace chimneys, awnings, canopies, and unenclosed porches may encroach up to 50 percent into the required front yard and street-side yard setback. Access stairs may encroach into the required front yard and street side-yard setback a maximum of 5 feet on parcels with an average slope of 16 percent or greater. Elevated driveways and parking decks may be located within the required front yard or street side-yard setback provided they are no more than 30 inches above the highest adjacent grade.
 - b. Roof overhangs and eaves, pools, patio covers, tennis courts gazebos, awnings, oriel and bay windows, decks, access stairs and stairway landings, fireplace chimneys, canopies, and unenclosed porches may encroach up to 50 percent into the required rear yard setback.
 - c. Roof overhangs and eaves, oriel and bay windows, porches, fireplace chimneys, awnings, and canopies may encroach into the side yard a maximum of 30 inches provided that a minimum 54 inches of clearance is provided for access.
 - d. Setbacks between structures must conform to current International Building Code provisions.
5. Buildings and structures must be set back 20 feet from the highway right-of-way line in accordance with the TRPA Scenic Threshold Roadways standards in chapter 66 of the TRPA Code of Ordinances for designated corridors except when superseded by chapters 1, 2 and 3 of Appendix B, Design Standards and Guidelines, to the Community Plans. Deviation from this standard is only permissible as provided for in the TRPA Code of Ordinances.
6. Buildings, structures and other land coverage or disturbance must be set back from stream environment zones (SEZ's) in accordance with chapter 37 of the TRPA Code of Ordinance. Deviation from this standard is only permissible as provided for in the TRPA Code of Ordinances.
7. Building setbacks from cuts and fills must be as set forth in **chapter 20.690** and as illustrated in Appendix C.

H. Height Standards.

1. Building heights must comply with chapter 37 of the TRPA Code of Ordinances.
 2. Notwithstanding the provisions of subsection A, above, the height of structures must not exceed the height of existing forest cover in the vicinity of the structure, except as permitted under the Tahoe Compact for structures that house gaming.
- I. Specific Standards. Specific standards. In addition to the general development standards in contained in **Section J**: General property development standards, certain uses are subject to the specific standards in **chapters 20.662 through 20.668** inclusive, Specific Standards. The applicable specific standards are shown in Table XXX.

TABLE 20.702.3

TITLE	SECTION	APPLIES
Accessory Dwelling Units		Applies in zoning districts with a prefix of R or M , except C (5) –size limitation, where the parcel size is greater than one acre.
Accessory Structure		Yes
Bed and Breakfast		Yes
Clustered Development		Applies in zoning districts with a prefix of M
Day Care Center		Yes
Golf Courses		Yes
Large Group Care or Group Home		Yes, except for subsection C.2
Manufactured Homes & Manufactured Housing		Yes
Manufactured Home Park Design Standards		Yes
Multi-family Housing		Yes
Recreational Vehicles		Yes
Recreational Vehicle Storage Facilities		Yes
Stationary Tank Storage		Yes
Accessory Dwelling Units		Applies in zoning districts with a prefix of C , T , S , or P
Bed & Breakfast s		Yes
Campgrounds		Yes
Day Care Center		Yes
Large Group Care or Group Home		Yes
Multi-family Housing		Yes
Personal Storage Facility		Yes
Recreational Vehicles		Yes
Recycling Facilities		Yes
Service Stations		Yes
Vehicle Sales		Yes
Stationary Tank Storage		Yes

J. General property development standards.

1. The Property Development Standards at **chapter 20.690** apply unless they conflict with this section or with the TRPA Code of Ordinances.
2. For purposes of interpreting **Table 20.690**, the term Residential Districts as used in the table refers to zoning districts with a prefix of **R** and the term Agricultural Districts refers to zoning districts with a prefix of **M**.

K. Access and circulation standards.

1. Access and circulation standards must comply with **chapter 20.692** except when in conflict with the provisions of this section.
2. Driveways must not exceed 10 percent slope for single-family houses or secondary residences and 5 percent slope for all other uses unless the approving authority finds that a steeper driveway would minimize the amount of grading and site disturbance and not be a threat to public health and safety. A driveway may not exceed 14 percent for a residential use or 8 percent for all other uses.
3. Driveway widths must conform to the following standards:
 - a. Where a single-family residence includes a garage, the driveway must be at least as wide as the garage door for a distance of 10 feet and must taper to the appropriate width, but no less than that allowed in **chapter 20.692**. The access-drive requirements in **chapter 20.692** for residential property also apply to accessory dwelling units located on the property.
 - b. As an alternative to a two-way driveway, driveways for uses other than single-family residences may use one-way driveways with each driveway having a minimum width of 10 feet and a maximum width of 15 feet. Minimum driveway widths may be reduced due to unique site conditions and approval by fire and emergency service providers.
4. Pedestrian circulation systems are required for Commercial, Tourist Accommodation, Public Service and Multi-family residential projects. Sidewalks must be a minimum 48 inches wide, with gradients less than five percent. Ramps for use by the handicapped must not exceed the maximum allowed by the International Building Code, CABO/ANSI Codes, or other applicable codes. Sidewalk dimensional standards are applicable to public and right-of-way easement walkways only, and not to pedestrian facilities and structures within the private property, unless otherwise required by safety and fire codes.
5. Adequate provision must be made for the access and movement of emergency vehicles.

L. Parking standards.

1. Parking standards must comply with **chapter 20.692** except when in conflict with the provisions of this section.
2. General.
 - a. A “parking facility” is defined as a clearly identifiable location for vehicular parking. A parking facility may be a parking area, parking lot, or parking structure.
 - b. A compliance program must apply to new or expansion of existing development that creates a demand for parking, including recreation and public service projects. Projects not involving new or expanded development are required to comply with the standards set forth herein unless the approving authority finds the resultant situation would not otherwise cause or continue to cause significant adverse impacts on traffic, transportation, air quality, or water quality.
3. Parking requirements.
 - a. The number of required parking spaces is set forth in **chapter 20.660**, except as

modified by **Table XXXX: Required parking.**

b. In lieu of meeting the above requirements in subsection C.1, an applicant may prepare and submit a technically adequate parking analysis including a parking demand estimate, proposed alternatives to standards, and methods to ensure compliance with alternatives. This analysis must be approved concurrently with any other development permit or building permit under consideration.

USE	PARKING REQUIREMENTS
Broadcasting Studios	1 space per 300 s.f. of gross floor area
Business Support Services	1 space per 300 s.f. of gross floor area
Developed Campgrounds Recreational Vehicle Parks	1 space per campsite, cabin or RV site, and 1 space per full-time employee, and 1 space per 3 part-time employees, and 1 space per 10 campsites, cabins, or RV sites
Employee Housing	Same as Multi-family Dwelling
Gaming B Nonrestricted Only	1 space per 250 s.f. of casino floor area, and 1 space per 1.5 full-time employees, and 1 space per 3 part-time employees
Mail Order and Vending	1 space per 500 s.f. of non-storage area, and 1 space per 1,000 s.f. of storage area
Marinas	1 space per 3 moorings or slips, and 1 space per full-time employee
Outdoor Retail Sales	1 space per 500 s.f. gross sales area, and 1 space per employee
Timeshare Tourist Accommodation	1 space per bedroom, and 1 space per 15 units

c. Joint use of parking facilities, in accordance with the provisions of **section 20.692.070**, are encouraged in order to limit ground coverage and reduce runoff.

e. Parking requirements for uses other than single-family dwellings may be reduced 20 percent if a traffic analysis indicates public transit service exists within 300 feet of the property and is a viable alternative for the parking reduction. For each space reduced, the project must contribute annual fees to the County.

f. Off-site parking is not considered in determining the adequacy of parking facilities except as follows:

1. Off-site parking may be permitted for a temporary use on the basis of an approved parking analysis.
2. Based upon an approved parking analysis, off-site parking may be allowed, provided an appropriate deed restriction is recorded which documents the relationship of the two parcels.
3. Off-site parking provided pursuant to an assessment district and a related parking analysis may be approved.
4. Off-site location may be approved if the approving authority finds that it will not violate other TRPA applicable standards. Such parking must be located within 300 feet of the facility it serves or must be directly connected by transit during the hours of operation. Off-site parking may

occur on public roadways or on the shoulders of public roads, provided it does not interfere with snow removal or emergency services, or exceed 25 percent of the total required parking.

g. Except for single-family driveways all maneuvering must be accomplished on site. Backing out onto a street is not allowed.

h. Wheel stops must not be allowed in parking facilities in order not to interfere with snow removal.

i. Uncovered parking facilities and snow storage areas must be sloped on average at least 2 percent to prevent ponding and icing.

j. Commercial, tourist accommodation, public service, recreation and multi-residential projects must provide, within the project area, snow storage areas of a size adequate to store snow removed from parking, driveway and pedestrian access areas, or arranged by means of recorded easements or an equivalent to remove and store accumulated snow off-site. The minimum area required for snow storage is 25 percent of all uncovered parking and driveway areas.

M. Loading standards.

1. Loading requirements and standards must comply with **chapter 20.692** except when in conflict with the provisions of this section or as determined as part of project review by a loading analysis.

2. The number of loading spaces is based upon the operating characteristics of the individual use, as anticipated for an average business day. **Chapter 20.660** must be used as a guide in determining the number of spaces.

3. Parcels with uncovered loading spaces must provide snow storage areas of a size adequate to store snow removed from the loading areas, or arrange by means of recorded easements or an equivalent to remove and store accumulated snow off-site. The minimum area required for snow storage is 25 percent of all uncovered loading areas.

N. Landscape standards.

1. Landscape standards must comply with **chapter 20.694** except when in conflict with the provisions of this section, in which case these provisions apply.

2. Street trees are not required.

3. Plant species listed in the TRPA Recommended and Approved Native and Adapted Plants for the Tahoe Basin must be used for lawns and landscaping. Plant species not found on the TRPA recommended native and adapted plant list may only be used for landscaping as accent plantings. Such plants must be limited to borders, entryways, flowerbeds, and other similar locations to provide accents to the overall native or adapted landscape design.

4. For projects other than single-family home projects, a minimum of 5 percent of the disturbed area of an entire site and 15 percent of the parking and driveway area must be landscaped.

5. Required landscaping must meet the following requirements at the time of planting:

a. All container-grown stock must be grown in its container for at least six months prior to planting. At time of planting, container-grown stock must be in the following minimum container sizes:

1. Trees must be in minimum 15-gallon containers;

2. Shrubs must be in minimum 5-gallon containers; and

3. Ground covers must be in minimum 1-gallon containers or 4-inch pots.

b. Field grown or bare root native trees are acceptable if, in the judgment of a licensed landscape architect or certified arborist, they are suitable for specific site conditions and may adapt faster than container plants to challenging growing conditions.

6. An irrigation system is required in landscaped areas. Sections 20.694.070 and 20.694.080 apply.

7. Landscaping in parking lots must meet the following standards:

a. Planting beds must have a minimum width of 6 feet for perimeter beds and 4 feet for interior beds, with a minimum area of 25 square feet.

b. Each planting bed abutting traffic areas must be enclosed by concrete or masonry curbing a minimum 6 inches in width and 6 inches in height above the paving surface or other approved materials. Alternatives may be considered on a case-by-case basis.

c. Each planting bed must contain a minimum of one tree per 400 square feet of planting area.

8. In addition to other standards in this section, parking areas for commercial, tourist accommodation, public service and multi-residential projects must comply with the following:

a. Perimeter landscaping of parking areas should be provided to reduce the visual impact of large expanses of paved area and to provide shade. Planting should include trees, shrubs, and ground covers. Shrub coverage from ground level to a height of 3 feet should be dense and opaque in order to screen the zone of most intense visual impact.

b. On-site parking areas must be provided with landscaped perimeters of a minimum of 6 feet in width. Where adjacent parking areas share a joint landscape perimeter, a minimum width of 10 feet is required.

c. On-site parking areas greater than 3 acres in size must be provided with landscaped islands designed in accordance with TRPA's Handbook of Best Management Practices.

d. Any off-street parking that abuts or faces a residential lot must provide a planting screen, landscaped fence or wall at least 4 feet in height along the side facing the residential lot.

e. Existing or proposed plant materials within public rights-of-way adjacent to a landscaping project must be included on the landscape plan but will not be counted toward the required landscape area.

f. Plant materials must be used to screen utility boxes, storage areas, refuse areas, trash receptacles, and irrigation control boxes that would not enhance the appearance of the site.

g. All landscape plantings must achieve the desired landscaping or buffering effect within five years.

9. No vegetation in excess of 2 feet high may be placed within a triangular area formed by the street and driveway at property line and a line connecting them at points 25 feet from their intersection, except that trees pruned high enough to permit driver visibility are acceptable.

O. Visual impact and screening.

1. All external mechanical equipment, including trash enclosures, electrical transformer pads and vaults, satellite receiving dishes, communication equipment, and utility hardware on roofs, buildings or the ground must be screened from public view from all directions through the architectural design elements of the project.
2. Service yards, maintenance yards, warehousing, outdoor storage, and trash and refuse collection areas which are visible to the public from view corridors and public thoroughfares must be screened by the use of walls, fencing, landscape plantings, berming, topographic screening, or combinations thereof. Screening must be effective in both winter and summer.
3. Service yards, maintenance yards, warehousing, and outdoor storage areas must be located in areas which are not highly visible from major transportation corridors, scenic turnouts, public recreation areas or the waters or lakes in the region.
4. Adequate refuse handling facilities must be provided to prevent the accumulation of trash and litter.
5. Roofs, including mechanical equipment and skylights, must be constructed of non-glare finishes that minimize reflectivity.
6. All metal flashings and mechanical equipment visible to the public from view corridors and public thoroughfares must be painted to match the exterior colors of the structure.

P. Lighting standards.

1. Exterior lighting must be deflected away from all adjacent properties, public streets and public rights-of-way. Any light source over 10 feet in height must incorporate a cut-off shield to prevent the light source from being directly visible from areas offsite. Exterior light sources must be directed downward to avoid sky lighting.
2. Exterior lighting must be stationary and not blink, flash, or change intensity.
3. String lights, building or roofline tube lighting, and reflective or luminescent wall surfaces are prohibited. Exterior lighting must not be attached to trees except for the Christmas season.
4. Fixture mounting height must be appropriate to the purpose, but not exceed 15 feet above ground level within 100 feet of residential properties and 25 feet above ground level elsewhere.
5. Exterior lighting must be used for purposes of illumination only and must not be designed for or used as an advertising display. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures is authorized, provided the illuminated area does not exceed 25 feet above grade on a vertical wall and the light source is shielded from public view.
6. The commercial operation of searchlights for advertising or any other purpose is prohibited.
7. Seasonal lighting displays and lighting for special events which conflict with other provisions of this section may be permitted on a temporary basis pursuant to chapter 7 of the TRPA Code of Ordinances.

Q. Grading and drainage standards. Grading and drainage activities must comply with chapter 33 and chapters 60 through 65 of the TRPA Code of Ordinances. Grading and drainage activities must also comply with subsection K, Hillside Grading, of **section 20.690.030** except as they conflict with the TRPA regulations and, to the extent practicable, those standards required in the Douglas County Design Criteria and Improvement Standards.

R. Noise standards.

1. Exterior noise levels must comply with the provisions in the Plan Area Statements, Community Plans, or subsection N of **section 20.690.030**, whichever is most restrictive.
2. Interior noise levels must comply with the provisions in subsection N of **section 20.690.030**.

S. Floodplain standards. All development in floodplains that is allowed by chapter 35 of the TRPA Code of Ordinances must comply with the provisions of Article 6: Flood Plain Management.

T. Snow standards.

1. In addition to the setback requirements in **Section G: Setback standards**, snow shed impact areas must be provided as required to prevent snow from encroaching on adjacent properties.
2. The roofs and eaves of all structures must be designed to avoid snow shedding onto entries, exits, public areas, driveways, parking areas, and walkways.
3. Standards set forth in chapter 8 of the TRPA Code of Ordinances for snow disposal requirements and road paving apply.

5.03 Tahoe Area Plan Regulations

A. Statutory authority and purpose.

1. Pursuant to the Tahoe Regional Planning Agency (TRPA) Regional Plan and Code of Code of Ordinances, Chapter 13, Area Plans, the County adopts the following regulations to implement an Area Plan within Douglas County, Nevada.
2. The TRPA and Douglas County have found that there is a mutually beneficial need to provide Douglas County, and other local jurisdictions, the option to prepare and implement Area Plans, provided such Area Plans conform with and further the goals and policies of the TRPA Regional Plan.
3. This chapter establishing an Area Plan, in association with a Memorandum of Understanding (MOU) approved by the County and TRPA, enables TRPA to transfer limited development permitting authority to the County subject to appeal provisions to the TRPA.
4. The development activities delegated to the County within an Area Plan has been found to not have a substantial effect on the natural resources in the Lake Tahoe Region. Permitting authority as allowed and set forth in an MOU enables TRPA to focus its resources on projects of regional concern, while still maintaining an active and effective oversight role in the implementation of Area Plans.

B. Applicability.

1. **Applicability to land area.** The provisions of the Tahoe Area Plan Regulations apply to those lands within Douglas County that are subject to an Area Plan adopted by the TRPA Governing Board.
 - a. The boundaries of an adopted Area Plan shall be depicted on the Official Douglas County Zoning Map.
2. **Applicability to other regulations.** All development within the Lake Tahoe Region is required by federal and state law to comply with the Tahoe Regional Planning Compact (Public Law 96-551), Regional Plan, Code of Ordinances, and other provisions of the TRPA.
 - a. No Area Plan may limit TRPA's responsibility to enforce the Tahoe Regional Planning Compact, TRPA Regional Plan, and TRPA Code of Ordinances.
 - b. All regulations in the TRPA Code of Ordinances shall remain in effect unless superseded by the provisions of an Area Plan.

c. Other chapters and sections of this code, the Douglas County Design Criteria and Improvement Standards (DCDCIS) manual, and TRPA Code of Ordinances apply to the area within a conforming Area Plan only to the extent that a provision meets the purpose and intent of this chapter.

e. In case of conflicts between the provisions of this chapter and other code provisions, the most restrictive provision applies.

f. All Community Plans and Plan Area Statements shall remain in effect and are subject to the Tahoe Basin Regulations, consisting of Articles 5.01 through 5.03 of this code, unless superseded by the provisions of an Area Plan subject to this chapter.

C. Definitions. Definitions of the words used in this chapter are defined in this chapter or contained in the TRPA Code of Ordinances, Chapter 90, Definitions. In cases where the words are not defined in this chapter or the TRPA Code of Ordinances, refer to the definitions in Appendix A of this code. The Director has the authority to interpret the words or phrases used in this chapter to give them the meaning they have in common usage and to give this chapter its most reasonable application.

D. Tahoe zoning districts.

1. The following zoning districts have been established to implement an Area Plan within Douglas County:

DISTRICT	PURPOSE
"T-F"	<i>Tahoe-Forest</i> This district is for federal, state, or county lands managed for conservation and passive public recreation purposes.
"T-MU"	<i>Tahoe – Mixed Use</i> This district is for areas that are targeted for redevelopment and that may include a mix of tourist, recreation, commercial, light industrial, public service, and residential uses.
"T-MFR"	<i>Tahoe-Multi-Family Residential, maximum density of 15 dwelling units du)/acre</i> This district is for existing and future multi-family housing.
"T-R"	<i>Tahoe – Recreation</i> This district is for private and public recreation areas, such as golf courses, beaches, state parks, and ski resorts.
"T-RR"	<i>Tahoe – Resort Recreation</i> This district is limited to Edgewood Mountain parcels and allows for tourist, commercial and residential uses provided in conjunction with a recreation use. New development must be the result of development transfers that result in the retirement of existing development.
"T-SFR-8,000"	<i>Tahoe-Single-Family Residential, 8,000-square foot minimum parcel size</i> This district is for existing and future single-family homes.
"T-T"	<i>Tahoe-Tourist</i> This district is for existing and future tourist-oriented uses.
"T-PF"	<i>Tahoe-Public Facility</i> This district is for existing and future public facilities.

2. The following overlay zoning districts have been established to implement an Area Plan within Douglas County:

OVERLAY DISTRICT	PURPOSE
HDT (High Density Tourist) Overlay	This overlay district contains existing hotel/casino towers and is targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern, provides greater access

	to recreational opportunities, and provides economic opportunities. The district is the appropriate location for the Lake Tahoe Region's highest intensity development.
TC (Town Center) Overlay.	This overlay district is for areas targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities and future development that will bring environmental gain to the Region.
PD (Planned Development) Overlay.	This overlay district contains planned developments approved before December 12, 2012. All new planned developments within the Lake Tahoe Region are subject to the provisions of Chapter 39, Subdivision, of the TRPA Code of Ordinances and Chapter 20.676, Planned Development (PD) Overlay District, of this code.

3. The following shall be depicted on the Official Douglas County Zoning Map:

- a. Specific and Master Plans.** The boundaries of specific and master plans, including the Heavenly Mountain Resort Master Plan (updated in 2007), developed pursuant to Chapter 14, Specific and Master Plans, of the TRPA Code of Ordinances.
- b. TRPA Jurisdictional Boundary.** The TRPA jurisdictional boundary as established by the Tahoe Regional Planning Compact.

E. South Shore Area Plan.

- 1. South Shore Area Plan development standards (Table).**
- 2. South Shore Area Plan permitted, development permitted, and special use permitted uses (Table).**
 - a.** The following list represents those uses in the South Shore Area Plan which are permitted by right (P), require a County Special Use Permit (S), or are prohibited (blank space). "TRPA" is placed before any use requiring a TRPA review or Special Use Determination. Uses not listed are prohibited. Uses listed as permitted may require a Design Review pursuant to Chapter 20.614, Design Review, of this code. In cases where a TRPA review or Special Use Determination is required, a County Design Review or Special Use Permit shall not be required. In all cases, the County is responsible for Building Permit and Site Improvement Permit review and approval.

F. Accessory uses. Accessory uses may be permitted per Sections 21.3.1. through 21.3.8. of the TRPA Code of Ordinances.

G. List of primary uses and use definitions. (Table)

H. Design Standards and guidelines.

- 1.** All development under the jurisdiction of the TRPA must comply with the provisions of the DCDICIS manual, unless a stricter provision has been adopted in this section or by the TRPA, including, but not limited to:
 - a.** BMPs shall be required pursuant to Section 60.4, Best Management Practice Requirements, of the TRPA Code of Ordinances and as described in the Handbook of Best Management Practices (2012), and as amended.
- 2.** In order to ensure quality design and bring the South Shore Area Plan into threshold attainment, all future development within the South Shore Area Plan shall be designed to meet the provisions of Part I, Planning Design Criteria, Division 7, South Shore Design Standards and Guidelines, of the DCDICIS manual.

I. Parking and loading.

1. The number of required parking and loading spaces shall be based on the requirements set forth in **Chapter 20.692**, Off-Street Parking and Loading, of this code. In cases where parking and loading standards for a use listed in this Chapter are not addressed in **Chapter 20.692**, the Director may determine parking requirements based on a similar use or require a parking analysis, pursuant to Subsection 1 below, to determine minimum parking requirements.
2. In lieu of meeting the above requirements in Subsection I, an applicant may prepare and submit a parking analysis including:
 - a. A parking demand estimate;
 - b. Proposed alternatives to reduce or relax minimum parking standards, which may include:
 1. Joint use of parking facilities (see **Section 20.692.070** of this code);
 2. In-lieu payment to meet parking requirements;
 3. On-street parking (see **Section 20.692.050.B.3.** of this code);
 4. Free or discounted transit; and
 5. Paid parking management; and
 - c. Methods to ensure compliance with alternatives.
3. Parking requirements for uses other than single-family dwellings may be reduced 20 percent if a parking analysis indicates public transit service exists within 300 feet of the property and is a viable alternative for the parking reduction.
4. Off-site parking locations may be approved if it can be found that it will not violate other TRPA applicable standards. Such parking must be located within 300 feet of the facility it serves or must be directly connected by transit during the hours of operation.
5. Commercial, tourist accommodation, public service, recreation and multi-residential projects must provide, within the project area, snow storage areas of a size adequate to store snow removed from parking, driveway and pedestrian access areas, as required by the Part I, Planning Design Criteria, Division 2, Non-Residential, Section 2.8, Snow Storage, of the DCDCIS Manual.
6. Bicycle access and racks shall be provided with all commercial, recreation, and multi-family residential projects in accordance with Part I, Planning Design Criteria, Division 2, Non-Residential, Section 2.6, Bicycle Access, of the DCDCIS Manual. (Ord. 1400, 2013)

J. Landscape and irrigation plans. Landscape and irrigation plans are required with all non-residential projects and must comply with **Chapter 20.694**, Landscape Standards, of this code, except when in conflict with a TRPA provision, in which case the TRPA provision applies. Plant species listed in the TRPA Recommended and Approved Native and Adapted Plants for the Tahoe Basin must be used for lawns and landscaping. Plant species not found on the TRPA recommended native and adapted plant list may only be used for landscaping as accent plantings. Such plants must be limited to borders, entryways, flowerbeds, and other similar locations to provide accents to the overall native or adapted landscape design.

K. Lighting standards.

1. Exterior lighting must be deflected away from all adjacent properties, public streets and public rights-of-way. Any light source must incorporate a cut-off shield to prevent the light source from being directly visible from areas offsite. Exterior light sources must be directed downward to avoid sky lighting.
2. Exterior lighting must be stationary and not blink, flash, or change intensity.
3. String lights, building or roofline tube lighting, and reflective or luminescent wall

surfaces are prohibited. Exterior lighting must not be attached to trees except for the Christmas season, which is between Thanksgiving and March 1 of the following year.

4. Fixture mounting height must be appropriate to the purpose, but not exceed 15 feet above ground level within 100 feet of residential properties and 25 feet above ground level elsewhere.

5. Exterior lighting must be used for purposes of illumination only and must not be designed for or used as an advertising display. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures is authorized, provided the illuminated area does not exceed 25 feet above grade on a vertical wall and the light source is shielded from public view.

6. The commercial operation of searchlights for advertising or any other purpose is prohibited.

7. Seasonal lighting displays and lighting for special events which conflict with other provisions of this section may be permitted on a temporary basis pursuant to Chapter 22 of the TRPA Code of Ordinances.

L. Signage.

1. The installation, modification, or replacement of a sign requires review and approval as a project by either TRPA or the county in accordance with Chapter 38, Signs, of the TRPA Code of Ordinances, or substitute sign standards adopted as part of an Area Plan, including the signage standards in the South Shore Design Standards and Guidelines and Subsections F through K below.

2. TRPA shall review all signage associated with a project that has not been delegated to the county through an MOU. The county shall not require a sign permit, pursuant to **Chapter 20.618**, Sign Permit, of this code, for signage approved by the TRPA.

3. For all signage associated with a project delegated to the county through an MOU, the county shall require a sign permit as required by **Chapter 20.618**, Sign Permit.

4. For all non-residential developments containing three or more units, the county shall require a master sign plan to ensure the consistent design of signage throughout a project, pursuant to **Section 20.696.375**, Master sign plan required, of this code.

5. In all cases, the county is responsible for the review and approval of Building Permits for signage.

6. Changeable Copy (Readerboard) Signs. One changeable copy sign is allowed, instead of a freestanding sign, with a project containing a gaming use, service station (gasoline price signs only), theater marquees, recreational and public uses, and institutional uses within the T-MU/TC Overlay and T-T/HDT Overlay zoning districts. Two changeable copy signs may be permitted as part of a project including both a gaming and theater use. Changeable copy signs include electronic message display signs which display words, symbols, figures, or images that can be electronically or mechanically changed by remote. The message change sequence can be accomplished immediately or by means of fade or dissolve modes. The maximum speed of a revolution, frame or motion of the electronic message display area may not exceed 12 cycles per hour. The electronic message display area must have automatic photocell dimming capabilities based on ambient outside light set at seventy-five percent of full capacity for daytime (full sun) and 40 percent for nighttime, or equivalent for other lighting technologies. Certification from the sign contractor that the sign's light intensity has been factory pre-set not to exceed the limits noted above is required. In no case shall a changeable copy sign be visible from the shoreline of Lake Tahoe.

7. In the T-HDT district, the sign provisions in chapter 38, Signs, of the TRPA Code of Ordinances shall apply, except as follows:

- a. Building frontage.** For purposes of this section, "building-frontage" shall include frontage on a street, parking lot, alley or driveway.
- b. Building signs.** Each primary use within a project area may be allowed one square foot of sign area for each one lineal foot of building frontage up to a maximum of 300 square feet of sign area per building frontage for each distinct use with a total floor area greater than 500,000 square feet. Each primary use may be allowed a maximum of four building frontages. Signage that is placed on a diagonal of more than one frontage, may be divided equally between the two frontages, but shall not exceed 450 square feet.
- c.** Each project area may be allowed one square foot of sign area for each one lineal foot of building frontage separate and distinct from (1) above, up to a maximum of 120 square feet of sign area per building frontage for other primary use with a total floor area greater than 50,000 square feet. Each use may be allowed a maximum of four building frontages. Signage that is placed on a diagonal of more than one frontage, may be divided equally between the two frontages, but shall not exceed 300 square feet.
- d.** Maximum height of building signs shall be 40 feet above grade or to the top of the wall on which the sign is located, whichever is less.
- e.** Up to 50 percent of the maximum allowable sign area for building signs may be used in a projecting sign.
- f.** Existing tower signs (signs existing and/or approved as of the effective date of this chapter), defined as business name or corporate logo, located in proximity of building roof line and within building profile, may remain and are not included in the calculation of allowable building sign area. Such signs may be maintained and replaced in kind, but any relocation or reconfiguration is subject to the provisions of this chapter.
- g. Freestanding signs.** Each project area which is greater than five acres in size and which has an existing and/or approved freestanding sign fronting Highway 50 may retain one freestanding sign on Highway 50, provided the signage is not enlarged, is incorporated into a landscape planter or monument, does not exceed 600 square feet in area, and has a maximum sign height of 30 feet exclusive of appurtenances and/or architectural features. Each project area which is greater than five acres in size may be permitted 40 square feet of freestanding signage per major entry point other than along Highway 50 provided the signage is incorporated into a landscape planter or monument. If major entry points are shared by property owners, the signage may be increased by 50 percent. Maximum height shall be 20 feet.

8. In the T-MU/TC Overlay district (Kingsbury Town Center), the sign provisions in chapter 38, Signs, of the TRPA Code of Ordinances shall apply, except as follows:

- a. Building frontage.** For purposes of this section, "building frontage" shall include frontage on a street, parking lot, alley or driveway.
- b. Building signs.** Each primary use within a project area may be allowed one square foot of sign area for each one lineal foot of building frontage up to a maximum of 200 square feet of sign area per building frontage for each distinct use with a total floor area of 50,000 square feet. Each parcel or project area may

be allowed a maximum of four building frontages. Maximum height of building signs shall be 30 feet above grade or to the top of the wall on which the sign is located, whichever is less. Up to 50 percent of the maximum allowable sign area for building signs may be used in a projecting sign.

c. Freestanding signs. Each project area with is greater than five acres in size and which has an existing and/or approved freestanding sign fronting Highway 50 may retain one freestanding sign on Highway 50 provided the signage is not enlarged, is incorporated into a landscape planter or monument, does not exceed 300 square feet in area, and has a maximum sign height of 20 feet exclusive of appurtenances and/or architectural features. Each project area which is greater than five acres in size may be permitted 40 square feet of freestanding signage per major entry point other than along Highway 50 provided the signage is incorporated into a landscape planter or monument. If major entry points are shared by property owners, the signage may be increased by 50 percent. Maximum height shall be 20 feet.

9. Direction and/or safety signs. In the T-HDT and T-MU/TC Overlay (Kingsbury Town Center) districts, directional and/or safety signs, which are no greater than 24 square feet in area, no greater than 12 feet in height, contain no advertising copy, and have a consistent set of colors and materials, may be allowed, and shall not be included in the total allowable sign area for each use. The height of direction and/or safety signs on buildings, parking garages and porte cochere entrances/exits may exceed 12 feet but shall be the minimum necessary to identify the entrance/exit and safely facilitate pedestrian and vehicular circulation. The number and area of direction and/or safety signs shall be limited to the minimum necessary to safely facilitate pedestrian and vehicular circulation and ensure safety.

10. Regulation of existing, non-conforming signs in the T-HDT and T-MU/TC Overlay (Kingsbury Town Center) districts.

a. Any signs which do not conform with the applicable requirements of this chapter, chapter 38 of the TRPA Code of Ordinances, and the South Shore Design Standards and Guidelines, as applicable, are considered non-conforming.

b. Non-conforming signs must be removed or replaced with conforming signs upon the occurrence of any of the following:

- 1.** The non-conforming sign is destroyed or damaged to an extent in excess of 50 percent of the sign value;
- 2.** The non-conforming sign is relocated;
- 3.** The non-conforming sign is altered structurally; or
- 4.** More than 50 percent of the non-conforming sign's copy is altered, except for changeable copy signs and maintenance.

c. Exceptions. Exceptions to the requirements of subsection 2 above may be approved for modification or replacement of existing signs, provided the following findings can be made for a sign package for the entire project area. Once an exception is approved, the non-conforming sign or signs shall be considered conforming.

- 1.** The exception is in harmony with the purpose and intent of this chapter, chapter 38 of the TRPA Code of Ordinance, and the South Shore Design Standards and Guidelines;

2. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that are not contemplated or provided for by this chapter;
3. The approval of the exception will not be materially detrimental to the public health, safety, and welfare;
4. Alternative signage concepts that comply with the provision to which the exception is requested have been evaluated and undue hardship would result if the strict adherence to the provision is required;
5. A scenic quality analysis demonstrates that the exception, if approved, will be consistent with the threshold attainment findings listed in the Scenic Resources Management Package Final Environmental Impact Statement, 1989;
6. The exception which is approved shall not increase the number, area, and height of the existing sign or signs for which the exception is requested;
7. The exception which is approved for a building site shall not exceed the total permissible sign area for all signs; and
8. The exception is the minimum departure from the standards.

11. Points of Interest (Wayfinding) and Community Entry Sign. Points of interest (wayfinding) signs and a community entry sign are subject to the following:

- a. Signs identifying special points of interest and a community entry point may be approved as identified in an integrated community facility sign plan, as proposed or amended by the Tahoe Chamber of Commerce and approved by the Board. The Chamber of Commerce will be responsible for the placement and maintenance of all signs authorized by this section.
- b. The approval of the Board is subject to the following:
 1. Before the installation of any sign structure, the location, size, height, width and general design must be approved by the county as being in conformance with the general purpose of this chapter. Where applicable, an encroachment permit must be obtained.
 2. The maximum area for a community entry monument sign is 100 square feet and the total sign structure height must not exceed 20 feet measured from the adjacent natural grade.
 3. All signs must have proper access and maintenance easements.
 4. Signs along an NDOT right-of-way must be approved by NDOT.

M. Scenic quality.

1. The county shall require a scenic assessment with all project applications requiring a scenic assessment, pursuant to Chapter 66, Scenic Quality, of the TRPA Code of Ordinances.
2. Prior to approving a project that may potentially affect an identified scenic resource, the county shall find that a project is consistent with applicable recommendations in the scenic assessment for preserving or improving the scenic quality of the identified scenic resource.

N. Area-wide water quality.

1. Area-wide water quality treatments and funding mechanisms may be established in lieu of certain site-specific BMPs, subject to the provisions of Section 13.5.3.B.3., Area-wide Water Quality Treatments and Funding Mechanisms, of the TRPA Code of

Ordinances.

2. The Stateline Stormwater Association, formed by the Stateline Regional Stormwater Treatment Disposal System Agreement (Document No. 405734), is recognized as providing area-wide water quality treatment for properties, subject to the terms of the agreement and applicable Nevada Division of Environmental Protection (NDEP) permit, within the South Shore Area Plan.

O. Noise. All provisions of chapter 68, Noise Limitations, of the TRPA Code of Ordinances shall apply to projects subject to the provisions of this chapter.

1. CNEL noise standards. All applications for projects, including those delegated to the county through an MOU, must demonstrate compliance with the following noise standards: 65 CNEL for the T-T/HDT Overlay and T-MU/TC Overlay zoning districts; 55 CNEL for the T-RR and T-R zoning districts; 65 CNEL for the U.S. 50 Highway and Lake Parkway corridor; and 55 CNEL for the State Route 207 corridor. Highway corridors are limited to the area within 300 feet from the edge of right-of-way.

2. Single-event noise. All applications for projects, including those delegated to the county through an MOU, must demonstrate compliance with the single-event noise standards set forth in section 68.3.1 of the TRPA Code of Ordinances.

3. Exemptions. The standards set forth in chapter 68 of the TRPA Code of Ordinances shall not apply to approved construction or maintenance projects or the demolition of structures provided such activities are limited to the hours between 8:00 a.m. and 6:30 p.m. The standards set forth in chapter 68 shall not apply to safety signals, warning devices, or emergency pressure relief valves, and other similar devices. Emergency work to protect life or property shall be exempt from noise standards, as shall be fireworks used in accordance with an authorized permit.

P. TRPA Code of Ordinances. **Sections Q through V** specify the provisions of the TRPA Code of Ordinances that the county will enforce as part of a conforming area plan.

Q. General provisions.

1. Applicability of the TRPA Code of Ordinances. For projects delegated to the county pursuant to an MOU, the director shall review projects delegated to the Executive Director of the TRPA, the Commission shall review projects delegated to the advisory planning commission and hearings officer, and the board shall review projects reviewed by the TRPA governing board pursuant to the provisions of the TRPA Code of Ordinances.

2. Exempt activities. The county may approve exempt activities and qualified exempt activities identified in sections 2.3.1. through 2.3.8., Exempt Activities, of the TRPA Code of Ordinances, or as further specified in an MOU.

3. Environmental documentation. For projects delegated to the county, the county shall require environmental documentation be submitted with project applications to ensure compliance with chapter 3, Environmental Documentation, of the TRPA Code of Ordinances and require that they are prepared in accordance with article 6, Environmental Impact Statement, of the TRPA Code of Ordinances, Rules and Procedures.

4. Required findings. For projects delegated to the county through an MOU, the county shall require a statement of justification addressing all applicable findings within this Code and the TRPA Code of Ordinances, including chapter 4, Required Findings, to ensure compliance with both County and TRPA standards.

5. Compliance. The TRPA shall specify the provisions of chapter 5, Compliance, of the

TRPA Code of Ordinances that the county is responsible for enforcing in an MOU.

6. Tracking, accounting, and banking. The information that the county is responsible for tracking, accounting, or banking shall be specified in an MOU to ensure that the TRPA is provided the necessary information to comply with the provisions of chapter 6, Tracking, Accounting, and Banking, of the TRPA Code of Ordinances.

7. Timelines. In the review of projects delegated to the county by TRPA through an MOU, the county shall follow all timelines established in the TRPA Code of Ordinances.

8. Expiration of approvals. All project approvals shall expire if they do not meet the provisions of Section 2.2.4., Expiration of TRPA Approvals, of the TRPA Code of Ordinances.

R. Planning.

1. TRPA regional plan maps. The TRPA and county shall coordinate GIS data to ensure that both agencies have access to the official TRPA maps listed in chapter 10, TRPA Regional Plan Maps, of the TRPA Code of Ordinances as well as other information necessary to implement conforming area plans.

2. Plan area statements and community plans. The provisions of chapter 11, Plan Area Statements and Plan Area Maps, and chapter 12, Community Plans, of the TRPA Code of Ordinances shall not be applicable once community plans and plan area statements are replaced by a conforming area plan.

3. Area plans. The county, in coordination with TRPA, shall prepare an area plan, and modifications to a conforming area plan, in accordance with chapter 13, Areas Plans, of the TRPA Code of Ordinances.

4. Specific and master plans. The TRPA, in coordination with the county, shall process all requests for specific and master plans in accordance with chapter 14, Specific and Master Plans, of the TRPA Code of Ordinances.

5. Environmental improvement program. The TRPA is responsible for coordinating the environmental improvement program as discussed in chapter 15, Environmental Improvement Program, of the TRPA Code of Ordinances. The county is responsible for developing and implementing environmental improvement projects to assist in the attainment and maintenance of the environmental threshold carrying capacities.

6. Regional plan and environmental threshold review. The TRPA is responsible for conducting regional plan and environmental threshold review in accordance with chapter 16, Regional Plan and Environmental Threshold Review, of the TRPA Code of Ordinances.

S. Land uses.

1. Permissible uses. The permissible uses in chapter 21, Permissible Uses, of the TRPA Code of Ordinances are superseded by the permissible uses identified and defined in this chapter.

2. Temporary uses, structures, and activities. The county may issue a temporary use permit for a temporary use, structure, or activity if the temporary use, structure, or activity meets the provisions of chapter 22, Temporary Uses, Structures, and Activities, of the TRPA Code of Ordinances and is not located within an area subject to TRPA review, as outlined in an MOU.

T. Site development.

1. Land coverage. All applications for projects, including those delegated to the county through an MOU, must demonstrate compliance with Chapter 30, Land Coverage, of the TRPA Code of Ordinances through the submittal of a land capability and land

coverage verification completed by TRPA, or a TRPA-Certified Contractor.

2. Density. Maximum densities set forth in an Area Plan must not exceed the maximum densities established in Chapter 31, Density, of the TRPA Code of Ordinances.

3. Basic services. All projects proposing a new structure or reconstruction or expansion of an existing structure shall provide basic services in accordance with **Chapter 20.100, Public Facilities and Improvement Standards**, of this code, the DCDCIS manual, and Chapter 32, Basic Services, of the TRPA Code of Ordinances.

4. Grading and construction. Grading and construction in the Lake Tahoe Region shall meet the provisions of this code, the DCDCIS manual, and TRPA Code of Ordinances, Chapter 33, Grading and Construction. Excavation, filling, and clearing of vegetation or other disturbance of the soil shall not occur between October 15 and May 1 of each year, unless approval has been granted by TRPA.

5. Driveway standards. Driveways must be constructed in accordance with the DCDCIS manual and this code. The provisions of Chapter 34, Parking and Driveway Standards, of the TRPA Code of Ordinances shall not apply.

6. Natural hazard standards and floodplain management. All development in floodplains that is allowed in chapter 35, Natural Hazards, of the TRPA Code of Ordinances must comply with the provisions of Article 6, Floodplain Management, of this Code.

7. Design standards. Design standards and guidelines for an area plan, including the South Shore Design Standards and Guidelines, shall supersede the provisions of chapter 36, Design Standards, of the TRPA Code of Ordinances.

8. Height. The height standards in chapter 37, Height, of the TRPA Code of Ordinances shall be followed in cases where substitute height standards have not been adopted as part of an Area Plan.

9. Signs. See **Section L: Signage**, for signage standards.

10. Subdivision. All requests for subdivisions are limited to the provisions in chapter 39, Subdivision, of the TRPA Code of Ordinances. Subdivisions in the T-RR zoning district are limited to air space condominium divisions; no lot and block subdivisions are allowed. If a request for a subdivision complies with the TRPA Code of Ordinances, then the provisions of **chapters 20.704 through 20.770**, Procedures for the Division of Land, of this Code shall apply.

U. Growth Management.

1. The TRPA is responsible for enforcing and implementing Growth Management regulations, Chapters 50 through 53, of the TRPA Code of Ordinances.

2. For commodities allocated to the county by TRPA, including residential allocations and commercial floor area, the county is responsible for allocating commodities to projects and maintaining records of allocations which shall be transmitted to TRPA annually or as specified in an MOU.

V. Resource management and protection. In the review of projects delegated to the county through a conforming Area Plan and MOU, the county shall ensure compliance with the provisions of the Resource Management and Protection regulations, Chapters 60 through 68, of the TRPA Code of Ordinances.

W. Shorezone. The TRPA is responsible for enforcing and implementing Shorezone regulations, chapters 80 through 85, of the TRPA Code of Ordinances.

X. Rules and procedures. For projects delegated to the county through an MOU by the TRPA, the county shall process the applications in accordance with the procedures in the TRPA Code

of Ordinances, Rules and Procedures, Article 5, Project Review.

Y. Authority to condition development permits.

1. Whenever this Title or TRPA Code of Ordinances authorizes the Director, the Planning Commission, Board, or other body to condition applications for development permits, the official or entity, after review of the application and other pertinent documents and any evidence made part of the record of the public hearing, may, in addition to those standards and special conditions required for particular types of development permits, impose additional conditions reasonably necessary to assure the following:

- a.** Conformity with the goals and policies embodied in the TRPA Regional Plan and Code of Ordinances;
- b.** Standards which are generally or specially applicable to particular uses including specific conditions relative to operation of the use;
- c.** Compatibility between the proposed development and adjacent development and neighborhoods;
- d.** Preservation of the character and integrity of adjacent development and neighborhoods; and
- e.** Protection of the health, safety and general welfare of the citizens of the county.

2. Where additional conditions are imposed, the body imposing the conditions shall make findings which embody the basic purpose of the conditions placed on the application. The conditions imposed by recommendation of the Director or Planning Commission may be modified subsequently by the final decision-maker or by the appellate body upon appeal of those conditions.

3. The Director shall include a copy of the approved conditions with the record of the decision which is filed with the secretary of the final decision-maker and the applicant.

Z. Conformity review for an amendment to an Area Plan. Following approval of an Area Plan by the TRPA Governing Board, any subsequent amendment to a plan or ordinance contained within an approved Area Plan approved by the Board shall be forwarded to the TRPA and reviewed by the Advisory Planning Commission and Governing Board for conformity with the requirements of the TRPA Regional Plan.

AA. Activities requiring TRPA approval.

1. Projects that meet one of the following criteria require review and approval by TRPA:

- a.** All development within the High Density Tourist District, Resort Recreation, Conservation, and Backcountry Land Use Districts shown on Map 1, Conceptual Regional Land Use Map, of the TRPA Regional Plan;
- b.** All development within the Shorezone of Lake Tahoe; and
- c.** All development meeting the criteria in the following table:

INSERT TABLE - "THRESHOLDS FOR TRPA GOVERNING BOARD REVIEW OF PROJECTS"

2. The TRPA must approve all plans associated with a Building Permit or Site Improvement Permit for projects that meet the criteria in Subsection A and that are not delegated to the county through an MOU, before the county will issue a Building Permit or Site Improvement Permit.

BB. Notification to TRPA and Washoe Tribe of proposed activities. Douglas County shall send to TRPA and the Washoe Tribe notice of all proposed activities within an Area Plan that require public notification, pursuant to **Chapter 20.20**, Notice Provisions, of this code, no less than ten days prior to a hearing to provide TRPA and the Washoe Tribe adequate time to comment.

CC. Monitoring. On at least a quarterly basis, Douglas County shall send to TRPA copies of all building permits and development information that TRPA needs to measure compliance with the terms of a conforming Area Plan. At minimum, such building permits shall contain and make clear the necessary development information that TRPA needs to measure compliance with the terms of the Area Plan, such as additional land coverage, commercial floor area, residential units, or tourist accommodation units (TAUs).

DD. Variances. Douglas County may process variances to setbacks and parking standards for projects within a conforming Area Plan in accordance with the provisions of Chapter 20.606, Variance, of this code, as long as it can be found that the granting of a variance will not negatively impact an environmental threshold.

EE. Appeals.

1. An "aggrieved person" as defined in Article VI(j)(3) of the Tahoe Regional Planning Compact, by a final determination on a development permit by the Director or Commission made pursuant to TRPA's delegated authority as provided for in the provisions of this chapter, may appeal the final determination of the Director or Commission to the appellate body, which is the Board or the Board of Adjustments, and the county shall process the appeal in accordance with the procedures established in Subsections C through E of Section 20.28.020, Appeals to county, of this code.
2. Any final decision by the Board or Board of Adjustment made pursuant to TRPA's delegated authority as provided for in the provisions of this chapter, may be appealed to the TRPA pursuant to Sections 13.9.1 through 13.9.10, Appeals, of the TRPA Code of Ordinances.
3. An appeal of a final determination on a development permit based on independent local, state or federal law, exclusive of the Tahoe Regional Planning Compact (Public Law 96-551), must be made and processed pursuant to Sections 20.28.020 and 20.28.030 of this code.



5.04 Community Plan Consolidated Land Use Table

LAND USE													
(P) Permitted*		() Blank Space Prohibited											
(D) Design Review*		(TRS) TRPA Special Use Permit***											
(S) Special Use**		(TR) TRPA Review											
(T) Temporary		(RM) Residential Managed Resource											
D P	Split Cells (Diagonal): A diagonal split cell indicates that the use may be subject to more than one review procedure. Consult the corresponding use-specific standard and/or table footnote to determine which review type applies to your proposal.												
* TRPA review required. ** County Special Use Permit, and County design review required. *** TRPA special use permit, and County design review required.		Resource Management		Residential		Commercial		Recreation		Tourist Accommodation		Public Service	
		C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2
I. RESIDENTIAL													
Domestic Animal Raising													
Employee Housing				D TRS	D TRS								
Mobile Home Dwelling													
Multiple Family Dwelling				D TRS	D TRS								
Multi-Person Dwelling					D TRS								
Nursing & Person Care				D TRS	D TRS								
Residential Care				D TRS	D TRS								
Single Family Dwelling					P TR								
Summer Home													
II. TOURIST ACCOMODATION													
Bed & Breakfast Facilities										D TR	D TR		
Hotel, Motel, & Other Transient Dwelling Units										D TRS	D TRS		
Time Sharing (Hotel or Motel Design)										D TRS	D TRS		
Time Sharing (Residential Design)										D TRS	D TRS		
III. COMMERCIAL													
A. Retail													
Auto, Mobile Home & Vehicle Dealers													
Building Materials & Hardware						D TRS	D TRS						
Eating & Drinking Places						D TR	D TR						
Food and Beverage Retail Sales						D TR	D TR						

LAND USE														
(P) Permitted*		(-) Not Allowed												
(D) Design Review*		(TRS) TRPA Special Use Permit***												
(S) Special Use**		(TR) TRPA Review												
(T) Temporary		(RM) Residential Managed Resource												
D P	Split Cells (Diagonal): A diagonal split cell indicates that the use may be subject to more than one review procedure. Consult the corresponding use-specific standard and/or table footnote to determine which review type applies to your proposal.													
* TRPA review required. ** County Special Use Permit, and County design review required. *** TRPA special use permit, and County design review required.		Resource Management												
			C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2
Furniture, Home Furnishings							D TR	D TR						
General Merchandise Stores							D TR	D TR						
Mail Order and Vending							D TR	D TR						
Nursery							D TRS	D TRS						
Outdoor Retail Sales							D TRS							
Service Stations (A. Retail)							D TR							
B. Entertainment														
Amusements and Recreation							D TR	D TRS						
Gaming - Nonrestricted														
Community Plan							RM	RM						
Privately Owned Assembly & Entertainment							D TRS	D TRS						
Outdoor Amusements							D TRS							
C. Services														
Animal Husbandry Services						D TRS	D TRS							
Auto Repair & Service						D TRS	-							
Broadcasting Studios						D TR	D TR							
Business Support Services						D TRS	D TR							
Contract Construction Services														
Financial Services						D TR	D TR							
Health Care Services						D TR	D TR							
Laundries and Dry Cleaning Plant														
Personal Services						D TR	D TR							
Professional Offices						D TR	D TR							

LAND USE													
(P) Permitted*	(-) Not Allowed	Resource Management C-071 SA1	Residential C-071 SA2	Commercial C-071 SA1	Commercial C-071 SA2	Recreation C-071 SA1	Recreation C-071 SA2	Tourist Accommodation C-071 SA1	Tourist Accommodation C-071 SA2	Public Service C-071 SA1	Public Service C-071 SA2		
(D) Design Review*	(TRS) TRPA Special Use Permit***												
(S) Special Use**	(TR) TRPA Review												
(T) Temporary	(RM) Residential Managed Resource												
D P	Split Cells (Diagonal): A diagonal split cell indicates that the use may be subject to more than one review procedure. Consult the corresponding use-specific standard and/or table footnote to determine which review type applies to your proposal.												
* TRPA review required. ** County Special Use Permit, and County design review required. *** TRPA special use permit, and County design review required.													
Repair Services					D TRS	D TRS							
Sales Lots													
Schools - Business & Vocational					D TR	D TR							
Secondary Storage					D TRS	D TR							
D. Light Industrial													
Batch Plants													
Food and Kindred Products													
Fuel & Ice Dealers													
Industrial Services													
Printing & Publishing													
Recycling & Scrap													
Small Scale Manufacturing					D TRS	D TRS							
E. Wholesale; Storage													
Storage Yards													
Vehicle & Freight Terminals													
Vehicle Storage & Parking					D TRS	D TRS							
Warehousing					D TRS	D TRS							
Wholesale & Distribution					D TRS								
IV. PUBLIC SERVICES													
A. General													
Airfields, Landing Strips & Heliports (New non-emergency sites prohibited)													
Cemeteries													
Churches											D TR	D TR	

LAND USE															
(P) Permitted*		(-) Not Allowed		Resource Management		Residential		Commercial		Recreation		Tourist Accommodation		Public Service	
(D) Design Review*		(TRS) TRPA Special Use Permit***													
(S) Special Use**		(TR) TRPA Review													
(T) Temporary		(RM) Residential Managed Resource													
D P	Split Cells (Diagonal): A diagonal split cell indicates that the use may be subject to more than one review procedure. Consult the corresponding use-specific standard and/or table footnote to determine which review type applies to your proposal.														
* TRPA review required. ** County Special Use Permit, and County design review required. *** TRPA special use permit, and County design review required.				C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2		
Collection Stations													D TRS	D TRS	
Cultural Facilities													D TR	D TR	
Day Care Centers or Pre-schools													D TR	D TR	
Government Offices													D TR	D TR	
Hospitals															
Local Assembly & Entertainment													D TRS	D TRS	
Local Post Office													D TR	D TR	
Local Public Health & Safety Facilities													D TR	D TRS	
Membership Organizations													D TR	D TR	
Power Generating															
Publicly Owned Assembly & Entertainment													D TRS		
Public Utility Centers															
Regional Public Health & Safety Facilities													D TRS	D TRS	
Schools - Colleges													D TRS		
Schools - Kindergarten through Secondary													D TRS	D TRS	
Social Service Organizations													D TR	D TR	
B. Linear Public Facilities															
Pipelines & Power Transmission													D TRS	D TRS	
Transit Stations & Terminals													D TR	D TR	
Transmission & Receiving Facilities													D TRS	D TRS	
Transportation Routes													D TRS	D TRS	
V. RECREATION															
Beach Recreation															
Boat Launching Facilities															

LAND USE																								
(P) Permitted*		(-) Not Allowed																						
(D) Design Review*		(TRS) TRPA Special Use Permit***																						
(S) Special Use**		(TR) TRPA Review																						
(T) Temporary		(RM) Residential Managed Resource																						
D P Split Cells (Diagonal): A diagonal split cell indicates that the use may be subject to more than one review procedure. Consult the corresponding use-specific standard and/or table footnote to determine which review type applies to your proposal.		Resource Management		Residential		Commercial		Recreation		Tourist Accommodation		Public Service												
* TRPA review required. ** County Special Use Permit, and County design review required. *** TRPA special use permit, and County design review required.														C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	
Cross Country Ski Courses																			D TRS	D TRS				
Day Use Areas																			D TR	D TR				
Developed Campgrounds																								
Downhill Ski Facilities																								
Golf Courses																								
Group Facilities																								
Marinas																								
Off-road Vehicle Courses																								
Outdoor Recreation Concessions								D TRS	D TRS															
Participant Sports Facilities								D TRS	D TRS															
Recreation Centers								D TRS	D TRS															
Recreational Vehicle Parks									D TRS															
Riding and Hiking Trails								P TR	P TR															
Rural Sports									D TRS															
Snowmobile Courses																								
Sport Assembly																								
Undeveloped Campgrounds																								
Visitor Information Centers								D TR	D TR															
VI. MANAGED RESOURCE																								
A. Timber Management																								
Reforestation		P TR	P TR																					
Regeneration Harvest																								
Sanitation Salvage Cut		P TR	P TR																					
Selection Cut																								

LAND USE															
(P) Permitted*		(-) Not Allowed		Resource Management		Residential		Commercial		Recreation		Tourist Accommodation		Public Service	
(D) Design Review*		(TRS) TRPA Special Use Permit***													
(S) Special Use**		(TR) TRPA Review													
(T) Temporary		(RM) Residential Managed Resource													
D P	Split Cells (Diagonal): A diagonal split cell indicates that the use may be subject to more than one review procedure. Consult the corresponding use-specific standard and/or table footnote to determine which review type applies to your proposal.														
* TRPA review required. ** County Special Use Permit, and County design review required. *** TRPA special use permit, and County design review required.				C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2		
Special Cut															
Thinning				P TR	P TR										
Timber Stand Improvement				P TR	P TR										
Tree Farms															
B. Wildfire & Fishes															
Early Successional Vegetation Management (B. Wildfire & Fishes)				P TR	P TR										
Nonstructural Fish Habitat Management (B. Wildlife & Fishes)				P TR	P TR										
Nonstructural Wildlife Habitat Management (B. Wildlife & Fishes)				P TR	P TR										
Structural Fish Habitat Management (B. Wildlife & Fishes)				P TR	P TR										
Structural Wildlife Habitat Management (B. Wildlife & Fishes)				P TR	P TR										
C. Range															
Farm or Ranch Structures (C. Range)				-	-										
Grazing (C. Range)				-	-										
Range Pasture Management (C. Range)				-	-										
Range Improvement (C. Range)				-	-										
D. Open Space															
All				P TR	P TR										
E. Vegetation Protection				-	-										
Fire Detection & Suppression				P TR	P TR										
Fuels Treatment or Management				P TR	P TR										
Insect & Disease Suppression				P TR	P TR										
Prescribed Fire or Burning Management				-	-										
Sensitive Plant Management				P TR	P TR										
Uncommon Plant Community Management				P TR	P TR										

LAND USE

(P) Permitted*		(-) Not Allowed		Resource Management		Residential		Commercial		Recreation			Tourist Accommodation			Public Service	
(D) Design Review*		(TRS) TRPA Special Use Permit***															
(S) Special Use**		(TR) TRPA Review															
(T) Temporary		(RM) Residential Managed Resource															
D P	Split Cells (Diagonal): A diagonal split cell indicates that the use may be subject to more than one review procedure. Consult the corresponding use-specific standard and/or table footnote to determine which review type applies to your proposal.																
* TRPA review required.				C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2	C-071 SA1	C-071 SA2				
** County Special Use Permit, and County design review required.																	
*** TRPA special use permit, and County design review required.																	

F. Watershed Improvements

[illegible]



5.05 Plan Area Statement Consolidated Land Use Table

(P) Permitted* (TRPA Review Required)	() Blank Space Prohibited
(D) Co.Design Review (TRPA Review)	(T) TRPA Special Use Permit (Co. Design Required)
(S) Co. Special Use Permit & Co. Design Review	
Definitions of the uses are contained in chapter 21 in the TRPA Code of Ordinances.	
This table does not include the uses allowed or subject to special use provisions for shorezone tolerance district (zoning districts with a TD suffix). The uses in these areas shall be determined by referring to the applicable Plan Area Statement.	

LAND USE M Managed Resource T Tourist Accomodation R Residential S Sports Oriented or Recreation C Commercial P Public Service																																								
	S - 057	R - 058	R - 059	M - 060	R - 060 SA1	R - 061	R - 061 SA1	R - 62	R - 063	C - 063 SA1	R - 064	R - 065	C - 066	R - 067	C - 067 SA1	T - 067 SA2	S - 068	R - 069	R - 070A	S - 070B	P - 072	R - 073	P - 073 SA1	R - 074	P - 075	R - 077	R - 078	M - 079	R - 080	R - 080 SA1	R - 081	R - 082	C - 083	R - 084	R - 084 SA1	C - 086	R - 088			
	Spooner Lake	Glenbrook	Shakespear Point	Genoa Lake	Genoa Lake	Logan Creek	Logan Creek	Cave Rock	Lincoln	Lincoln	Lakeridge	Skyland	Zephyr Cove	Maria Bay-Zephyr-Heights	Maria Bay-Zephyr-Heights	Maria Bay-Zephyr-Heights	Round Mound	Elk Point	Edgewood	RABE	Round Hill-Tahoe Dempsey	Lake Village	Lake Village	Round Hill Residential	Douglas Co. Sewer Imp. Dist.	Oliver Park	Middle Kingsbury	Chimney Rock	Kingsbury Drainage	Kingsbury Drainage	Kingsbury Village	Upper Kingsbury	Kingsbury Heights	Palisades	Palisades	Heavenly Valley Nevada	Tahoe Village			
I. RESIDENTIAL																																								
Domestic Animal Raising				T	T								T				T													T	T									
Employee Housing	T	T											T				T					T				T														
Mobile Home Dwelling									T	T																T	T						T							
Multiple Family Dwelling		T*																			T	S	D	T		D												T		
Multi-Person Dwelling																										T														
Nursing & Person Care																																								
Residential Care																																								
Single Family Dwelling		P	P	T	P	P	P	P	P	P	P	P	T	P	P	P	T	P	T	T	P	P	P	P		P	P	P	T	T	P	P	P	P	P		P			
Summer Home				T													T														T	T								
II. TOURIST ACCOMODATION																																								
Bed & Breakfast Facilities																																			T	T				
Hotel, Motel, & Transient Dwelling Units													T			T	T	T																						
Time Sharing (Hotel or Motel Design)																																								
Time Sharing (Residential Design)																					T																D			

(*Only on lots designated as elegeble for multi-density on the approved subdivision map.)

LAND USE																																						
	S - 057	R - 058	R - 059	M - 060	R - 060 SA1	R - 061	R - 061 SA1	R - 62	R - 063	C - 063 SA1	R - 064	R - 065	C - 066	R - 067	C - 067 SA1	T - 067 SA2	S - 068	R - 069	R - 070A	S - 070B	P - 072	R - 073	P - 073 SA1	R - 074	P - 075	R - 077	R - 078	M - 079	R - 080	R - 080 SA1	R - 081	R - 082	C - 083	R - 084	R - 084 SA1	C - 086	R - 088	
M Managed Resource	Spoon Lake	Glenbrook	Shakespear Point	Genoa Lake	Genoa Lake	Logan Creek	Logan Creek	Cave Rock	Lincoln	Lincoln	Lakeridge	Skyland	Zephyr Cove	Marla Bay-Zephyr-Heights	Marla Bay-Zephyr-Heights	Marla Bay-Zephyr-Heights	Round Mound	Elk Point	Edgewood	RABE	Round Hill-Tahoe Dempsey	Lake Village	Lake Village	Round Hill Residential	Douglas Co. Sewer Imp. Dist.	Oliver Park	Middle Kingsbury	Chimney Rock	Kingsbury Drainage	Kingsbury Drainage	Kingsbury Village	Upper Kingsbury	Kingsbury Heights	Palisades	Palisades	Heavenly Valley Nevada	Tahoe Village	
T Tourist Accomodation																																						
R Residential																																						
S Sports Oriented or Recreation																																						
C Commercial																																						
P Public Service																																						
Health Care Services																						T																
Laundries and Dry Cleaning Plant																																						
Personal Services																T																			T			
Professional Offices		T									T						D							D								T			T			
Repair Services																																						
Sales Lots																																						
Schools - Business & Vocational																																						
Secondary Storage													T																									
D. Light Industrial																																						
Batch Plants																																						
Food and Kindred Products																																						
Fuel & Ice Dealers																																						
Industrial Services																																						
Printing & Publishing																																						
Recycling & Scrap																																						
Small Scale Manufacturing																																						
E. Wholesale Storage																																						
Storage Yards																															T							
Vehicle & Freight Terminals																																						
Vehicle Storage & Parking																										T												
Warehousing																																						
Wholesale & Distribution																																						
IV. PUBLIC SERVICES																																						
A. General																																						
Airfields, Landing Strips & Heliports **																																						

**New non-emergency sites prohibited)

LAND USE																																									
	S - 057	R - 058	R - 059	M - 060	R - 060 SA1	R - 061	R - 061 SA1	R - 62	R - 063	C - 063 SA1	R - 064	R - 065	C - 066	R - 067	C - 067 SA1	T - 067 SA2	S - 068	R - 069	R - 070A	S - 070B	P - 072	R - 073	P - 073 SA1	R - 074	P - 075	R - 077	R - 078	M - 079	R - 080	R - 080 SA1	R - 081	R - 082	C - 083	R - 084	R - 084 SA1	C - 086	R - 088				
M Managed Resource T Tourist Accomodation R Residential S Sports Oriented or Recreation C Commercial P Public Service	Spooer Lake	Glenbrook	Shakespear Point	Genoa Lake	Genoa Lake	Logan Creek	Logan Creek	Cave Rock	Lincoln	Lincoln	Lakeridge	Skyland	Zephyr Cove	Maria Bay-Zephyr-Heights	Maria Bay-Zephyr-Heights	Maria Bay-Zephyr-Heights	Round Mound	Elk Point	Edgewood	RABE	Round Hill- Tahoe Dempsey	Lake Village	Lake Village	Round Hill Residential	Douglas Co. Sewer Imp. Dist.	Oliver Park	Middle Kingsbury	Chimney Rock	Kingsbury Drainage	Kingsbury Drainage	Kingsbury Village	Upper Kingsbury	Kingsbury Heights	Palisades	Palisades	Heavenly Valley Nevada	Tahoe Village				
Cemeteries		S											T																												
Churches											T		T				T				T				T																
Collection Stations																									T																
Cultural Facilities	T												T							T					T																
Day Care Centers or Pre-schools												T		T	T	T								T																	
Government Offices													T			T									D																
Hospitals																																									
Local Assembly & Entertainment																									T																
Local Post Office	T	T	D																			T						T	T			T	T	T	T	T	T				
Local Public Health & Safety Facilities	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Membership Organizations													T								T																				
Power Generating																																							T		
Publicly Owned Assembly & Entertainment													T																												
Public Utility Centers		T	T			T	T	T	T	T	T	T	T	T	T	T		T	T	T	T	T		T	D		T	T	T			T	T	T	T	T	T	T	T	T	T
Regional Public Health & Safety Facilities																									D						T										
Schools - Colleges													T																												
Schools - Kindergarten thru Secondary													T							T						D															
Social Service Organizations																																									
B. Linear Public Facilities																																									
Pipelines & Power Transmission	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	P		T	T	T	T			T	T	T	T	T	T	T	T	T
Transit Stations & Terminals	T	T	T		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	P		T	T	T				T	T	T	T	T	T	T	T	T
Transmission & Receiving Facilities	T	T	T		T	T	T	T	T	T	T	T	T	T	T	T		T	T		T	T	T	T	P		T	T	T	T			T	T	T	T	T	T	T	T	T
Transportation Routes	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	P		T	T	T	T			T	T	T	T	T	T	T	T	T
V. RECREATION																																									
Beach Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P																					
Boat Launching Facilities	T			T	T				P	P																															
Cross Country Ski Courses																	T			T	T	T				T					T	T							T		

LAND USE																																							
	Spoon Lake	Glenbrook	Shakespear Point	Genoa Lake	Genoa Lake	Logan Creek	Logan Creek	Cave Rock	Lincoln	Lincoln	Lakeridge	Skyland	Zephyr Cove	Maria Bay-Zephyr-Heights	Maria Bay-Zephyr-Heights	Maria Bay-Zephyr-Heights	Round Mound	Elk Point	Edgewood	RABE	Round Hill-Tahoe Dempsey	Lake Village	Lake Village	Round Hill Residential	Douglas Co. Sewer Imp. Dist.	Oliver Park	Middle Kingsbury	Chimney Rock	Kingsbury Drainage	Kingsbury Drainage	Kingsbury Village	Upper Kingsbury	Kingsbury Heights	Palisades	Palisades	Heavenly Valley Nevada	Tahoe Village		
M Managed Resource T Tourist Accomodation R Residential S Sports Oriented or Recreation C Commercial P Public Service	S - 057	R - 058	R - 059	M - 060	R - 060 SA1	R - 061	R - 061 SA1	R - 62	R - 063	C - 063 SA1	R - 064	R - 065	C - 066	R - 067	C - 067 SA1	T - 067 SA2	S - 068	R - 069	R - 070A	S - 070B	P - 072	R - 073	P - 073 SA1	R - 074	P - 075	R - 077	R - 078	M - 079	R - 080	R - 080 SA1	R - 081	R - 082	C - 083	R - 084	R - 084 SA1	C - 086	R - 088		
Day Use Areas	D	D	D	D	D		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	T	T	D	D	D	D	D	D	D	D
Developed Campgrounds	D												D				D			D										T	T								
Downhill Ski Facilities																																						D	
Golf Courses		D																	D																				
Group Facilities	T												T			T	T			T	T									T	T								
Marinas							T						T				T			T	T																		
Off-road Vehicle Courses	T			T	T																									T	T								
Outdoor Recreation Concessions	D	T							T	T			D			T	P			D	D					T													
Participant Sports Facilities			T	T		T	T	T	T	T	T	T	T	T	T	T		T	T	T	T	T	T		T	T	T	T	T			T	T	T	T	T	T	T	T
Recreation Centers													D																										
Recreational Vehicle Parks													T																	T	T								
Riding and Hiking Trails	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Rural Sports	T					T	T						T				T			T										T	T								
Snowmobile Courses	T			T	T								T						T	T										T	T							T	
Sport Assembly																										T													
Undeveloped Campgrounds	D			D	D								D				P			P										T	T								
Visitor Information Centers	T																			T																			
VI. MANAGED RESOURCE																																							
A. Timber Management																																							
Reforestation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Regeneration Harvest																																						P	
Sanitation Salvage Cut	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Selection Cut	T			P	P								P						T	P																		P	
Special Cut	P	P	P	T		P	P	P	P	P	P	P	P	P	P	P	P	P	T	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P
Thinning	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P		P	P	P	P	P	P	P	P	P	P

Article 6 - Floodplain Management

6.01 Floodplain Management Definitions

Adverse impact - A cumulative effect from new construction, substantial improvements, or other development, including fill, that results in an increase in the water surface elevation of the Base Flood (100-year flood) of more than 1.00 feet at any point within the community. Adverse impact does not include a reduction in the base flood elevation or the floodplain on property not owned by the applicant.

Alluvial fan - A fluvial geomorphologic feature characterized by a cone or fan-shaped deposit of clay, silt, sand, gravel, boulders and woody debris that have been eroded from mountain slopes, transported by flood flows, and deposited on the valley floor. And which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment and bedload movement and deposition, and channel migration.

Apex - The highest point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Area of shallow flooding - Designated zones AO and AH on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Backwater effect - The rise in water surface elevation upstream caused by some obstruction such as a narrow bridge opening, buildings or fill material that limits the area through which the water must flow.

Basement -

- A. A story partly or completely underground. A basement shall be counted as a story for purposes of height measurement where any portion of a basement has more than ½ of its height above grade.
- B. For the purposes of flood management, a basement shall be considered any area of the building having in its floor subgrade (below ground level) on all sides.
- C. A sub grade crawlspace is considered a basement unless it meets the minimum technical requirements defined in FEMA Technical Bulletin 11-01 (Crawlspace Construction for Buildings Located in Special Flood Hazard Areas, 2001).

Base flood - A flood which has a one-percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) - The elevation (in relation to mean sea level) shown on the Flood Insurance Rate Map for Zone AE and AH that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Base floodplain - The floodplain that would be inundated by a one-percent chance flood.

Breakaway walls - A wall that is not part of the structural support of the building and is intended through design and construction to collapse under specific hydrodynamic lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Carson River Regional Hydraulic Model (Model) - A single unified HEC-RAS model encompassing portions of the Carson River within Alpine County, California, Carson City, Nevada, Douglas County, Nevada, and Lyon County, Nevada. The Model has its downstream terminus at Lahontan Reservoir, its upstream extent for the West Fork of the Carson River at approximately the USGS stream gage (10310000), West Fork Carson River At Woodfords, California, and its upstream extent for the East Fork of the Carson River at approximately the USGS stream gage (10309000), East Fork Carson River Near Gardnerville, Nevada.

Carson River Regional Hydraulic Model – Model Management, Distribution, And Update Guide (Guide) - The document that provides guidance and procedures regarding the use, management, distribution, modification, submission and review of the Model.

Channel - A natural or artificial watercourse with definite bed and banks to confine and conduct flowing water.

Channel capacity - The maximum flow that can pass through a channel without overflowing the banks.

Conditional Letter of Map Amendment (CLOMA) - A letter from FEMA stating that a proposed structure that is not to be elevated by fill would not be inundated by the base flood if built as proposed.

Conditional Letter of Map Revision (CLOMR) - Procedures by which contractors, developers and communities can request review and determination by the Federal Insurance Administrator or scientific and technical data for a proposed project, when complete and functioning effectively, would modify the elevation of individual structures and parcels of land, stream channels, and floodplains on the FIRM.

Conditional Letter of Map Revision (Based on Fill CLOMR-F) - A letter from FEMA stating that a parcel of land or proposed structure that is to be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

Conveyance Shadow - An area upstream or downstream of an existing obstruction to flood flows.

Critical structures - Any structure for which even a slight chance of flooding would reduce or eliminate its designed function of supporting a community in an emergency. Such structures included but are not limited to fire stations, hospitals, municipal airports, police stations, communication antennas or towers, elderly care facilities, fuel storage facilities, schools designated as emergency shelters, fresh waster and sewage treatment facilities.

Cross lot drainage - A drainage system that conveys site run-off towards the lower lot line which it is captured in a drainage channel, pipe, or similar structure and directed across lot lines to an approval point of discharge, or detention or retention structure.

Cumulative Substantial Damage - The total cost of all repairs to a repetitive loss structure shall not cumulatively increase the market value of the structure more than 49 percent of the market value during the life of the structure. When the improvements, modifications, additions, reconstruction or repairs equals or exceeds the 49 percent substantial damage threshold, the entire structure must be brought up to current floodplain standards. This term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any repair of flood damage to a “historic structure,” provided the repair will not preclude the structure’s continued designation as a “historic structure.”

For the purposes of determining substantial damage, market value pertains only to the structure in question. It does not include the land, landscaping, or detached accessory structures on the property.

Cumulative Substantial Improvement - Improvements, modifications, or additions to existing building are counted cumulatively for at least ten years, and reconstruction and repairs to damaged buildings are counted cumulatively for a least ten years. When the improvements, modifications, additions, reconstruction or repairs equals or exceeds the 49 percent substantial improvement threshold, the entire structure must be brought up to current floodplain standards. For the purposes of determining substantial improvements, market value pertains only to the structure in question. It does not include the land, landscaping or detached accessory structures on the property.

Date of construction - For flood management purposes, the date that the building permit was issued provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date.

Design Flood Elevation (DFE) - The elevation to which development in the regulatory floodplain is built. The minimum requirement for this elevation in NFIP communities is the base flood elevation (BFE). In areas where a higher degree of protection is promoted or required, a freeboard is added; in this case, the DFE is some height (1, 2, or more feet) above the BFE.

Designated Floodway - The channel (including the thalweg) of a stream and the portion of the adjoining floodplain designated by a regulatory agency to be kept free of further development to provide for unobstructed passage of flood flows.

Development - The placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous liquid, solid or thermal waste, grading, removing, dredging, or mining or extraction of any soil or materials; change in the density or intensity of use of land, including, but not limited to any other division of land, change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure including any facility of any private, public or municipal utility; for the purposes of hillside management, any alteration to vegetation. As used in this development code, structure includes but is not limited to any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Digital Flood Insurance Rate Map (DFIRM) - The official map, in digital format, on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. The DFIRM is the legal equivalent of the FIRM in communities where a DFIRM is available (See Flood Insurance Rate Map).

Elevation Certificate - The elevation certificate is required in order to properly rate post-FIRM buildings, which are buildings constructed after publication of the Flood Insurance Rate Map (FIRM), for flood Zones A1—A30, AE, AH, A (with BFE), VE, V1—V30, V (with BFE), AR, AR/A, AR/AE, AR/A1—A30, AR/AH, and AR/AO. A community's permit file must have an official record that shows new buildings and substantial improvements in all identified Special Flood Hazard Areas (SFHAs) are properly elevated. This elevation information is needed to show compliance with the floodplain management ordinance. FEMA encourages communities to use the Elevation Certificate developed by FEMA to fulfill this requirement since it also can be used by the property owner to obtain flood insurance. Communities participating in the Community Rating System (CRS) are required to use the FEMA Online Elevation Certificate. The elevation certificate is not required for pre-FIRM buildings unless the building is being rated under the optional post-FIRM Flood insurance rules.

Enclosure - That portion of an elevated building below the lowest elevated floor that is either partially or fully shut-in by rigid walls (including breakaway walls). Enclosures below the Base Flood Elevation can only be used for parking, building access, and storage and must meet other construction requirements.

Encroachment - For the purposes of flood management only, an encroachment is any physical object placed in the floodplain that hinders the passage of water or otherwise affects flood flows, such as fill, excavation, equipment, materials or buildings.

Erosion - The process of the gradual wearing away of any landmass.

Federal Emergency Management Agency (FEMA) - The federal agency under which the National Flood Insurance Program (NFIP) is administered.

Federal Insurance Administration (FIA) - The government unit, a part of Federal Emergency Management Agency (FEMA), that administers the National Flood Insurance Program (NFIP).

Five-hundred-year flood - A flood with a 0.2% (or 1 in 500) annual chance of occurrence. The area of flooding caused by this flood is used to designate base floodplains of lesser hazards, such as areas protected by levees from the 100-year flood, or shallow flooding areas with average depths of less than one foot or drainage areas less than one square mile.

Flash flood - A flood that crests in a short length of time and is often characterized by high velocity flows. It is often the result of heavy rainfall in a localized area.

Flood or flood waters - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; the unusual and rapid accumulation or runoff of surface waters from any source and mudslides.

Flood Boundary and Floodway Map (FBFM) - An official map of a community where the boundaries of the flood, mudslide and related erosion areas having special hazards have been designated zones A, M, or E.

Flood control - Keeping flood waters away from specific developments or populated areas by the construction of flood storage reservoirs, channel alterations, dikes and levees, bypass channels, or other engineering works.

Flood depth - The difference in height between the water surface elevation at the time of flooding and the normal grade elevation of the flooded area.

Flood frequency - A statistical expression of the average time period between floods equaling or exceeding a given magnitude.

Flood Impact Analysis (FIA) - An analysis indicating the BFE data that must be prepared by a professional engineer licensed in the State of Nevada for all proposed developments, subdivisions, and structures.

Flood Insurance Rate Map (FIRM) - An official map on which the Federal Emergency management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) - The official report provided by the Federal Insurance Administration that includes flood profiles and the water surface elevation of the base flood.

Flood proofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and the content. Refer to FEMA Technical Bulletins TB-1 (Openings in Foundation Walls and Walls of Enclosures, 2008), TB-3 (Non-residential Floodproofing - Requirements and Certification, 1993), and TB-7 (wet Floodproofing Requirements, 1993) , and all subsequent amendments and revisions, for guidelines on dry and wet floodproofing. (Ord. 1514, 2018; Ord. 763, 1996; Ord. 472, 1987)

Flood resistant - Building materials capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. The term prolonged contact means at least 72 hours, and the term significant damage means any damage requiring more than low-cost cosmetic repair (such as painting).

Flood venting - See applicable Standards for Construction, **Section V**.

Flood zones -

1. **Flood zone A** - Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
2. **Flood zones AE** - Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
3. **Flood zone AH** - Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
4. **Flood zone AO** - Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined. For areas of alluvial fan flooding, velocities are also determined.
5. **Flood zone AR** - Special flood hazard areas that result from the decertification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete,

these areas will still experience residual flooding from other flooding sources.

6. **Flood zone D** - Areas in which flood hazards are undetermined, but possible.
7. **X-shaded flood zone** - A moderate flood hazard area between the limits of the 100-year and 500-year flood zones with average depth of flood of less than 1 foot or with contributing drainage area less than 1 square mile. Also known as Zone B and includes areas protected by levees from the base flood.
8. **X-unshaded flood zone** - Area of minimal flood hazard determined to be outside the 500-year floodplain. This area may have localized ponding or flooding.

Floodplain and flood-prone area - Means any land area susceptible to being inundated by water from any source – see Flood, or flood waters.

Floodplain administrator - The individual appointed to administer and enforce the floodplain management regulations.

Floodplain management - The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations and ordinances.

Floodplain management regulations - This chapter, and any federal, state or local regulations plus community zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a grading and erosion control) and other applications of police power which control development in flood-prone areas to prevent and reduce flood loss and damage.

Floodway - The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

Flood-related erosion - The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal wave action, or by some similarly unusual and unforeseeable event which results in flooding.

Flood-related erosion area management - The operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

Flood-related erosion prone area - A land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

Freeboard - A margin of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent use - For flood management purposes, a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only marina facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and boat building and boat repair facilities, but does not include long-term storage or related manufacturing facilities.

Hardship - For flood management purposes as related to Variances, an exceptional hardship would result from a failure to grant the requested variance. The Board of Commissioners requires the variance to be exceptional, unusual, and pertain only to the property involved.

HEC-RAS - One of the family of water surface modeling tools publicly available through the US Army

Historic structure - For flood management purposes, any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved State program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Hydrology - The science of the behavior of water in the atmosphere, on the earth's surface, and underground.

Hydrostatic loads - Forces imposed on structures due to the weight of the water.

Letter of map amendment (LOMA) - The procedure by which any owner or lessee of property who believes his property has been inadvertently included in a special flood hazard may submit scientific and technical information to the Federal Insurance Administrator for review to remove the property from said area. The administrator will not consider a LOMA if the information submitted is based on alteration of topography or new hydrologic or hydraulic conditions since the effective date of the FIRM.

Letter of map revision (LOMR) - An official revision to a currently effective FIRM. A LOMR officially changes flood zone, floodplain and floodway designations, flood elevations and planimetric features.

Letters of map revision (Based on Fill) (LOMR-F) - A letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood.

Levee - A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system - A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

Lowest floor - In Special Flood Hazard Areas or X-shaded flood zones, the lowest floor is determined based on the following type of construction methods:

- A. **Below grade crawlspace construction** - Subgrade enclosures are prohibited that are not constructed to meet the provisions of Section V (Standards for Construction). If constructed to meet Section V (Standards for Construction) the lowest floor is the top of the subfloor.
- B. **Crawlspace construction placed on fill** - The lowest floor is the bottom of the crawlspace.
- C. **Manufactured homes** - The lowest floor for manufactured homes is the base of the manufactured home including all duct work, and electrical wiring, etc., providing that the skirting or foundation is wet floor proofed (vented).
- D. **Slab on grade construction** - the lowest floor is the top of the slab.
- E. **Structures with basements** - The lowest floor is the top of the basement slab. An unfinished or flood resistant enclosure used solely for parking of vehicles, access, or storage in an area other than a basement areas, is not considered a building's lowest floor.

Market value - For flood management purposes and determining substantial improvement, market value pertains only to the structure in question. It does not pertain to the land, landscaping, or detached accessory structures on the property. For determining improvement, the value of the land must always be subtracted. Acceptable estimates of market value can be obtained from the following sources:

- A. Independent appraisals by a professional appraiser; or

- B. Detailed estimates of the structure's Actual Cash Value (used as a substitute for market value based on the preference of the community); or
- C. Property appraisals used for tax assessment purposes (Adjusted Assessed Value: used as a screening tool); or
- D. The value of buildings taken from NFIP claims data (used as a screening tool); or
- E. "Qualified estimates" based on sound professional judgment made by staff of the local building department or local or State tax assessor's office.

As indicated above, some market value estimates should only be used as screening tools to identify those structures where the substantial improvement ratios are obviously less than or greater than fifty percent (50%) (e.g., less than forty percent (40%) or greater than sixty percent (60%)). For structures that fall between the forty percent (40%) and sixty percent (60%) range, more precise market value estimates should be used.

Mean sea level - For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1928 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mudslide - A condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Federal Insurance Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

National Flood Insurance Program (NFIP) - The NFIP is a program that makes federally-backed flood insurance available in those states and communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage. It is the program of flood insurance coverage and floodplain management administered under the Act and applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations, Subchapter B.

National geodetic vertical datum (NGVD) - As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

1. NAVD88 - North American Vertical Datum of 1988.
2. NGVD29 - National Geodetic Vertical Datum of 1929.

Natural drainage - Water which flows by gravity in channels by the surface topography of the earth prior to changes made by the efforts of man.

Net site area - The total area within the lot lines of a lot or parcel of land after public street easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

New construction - For floodplain management purposes, structures for which the start of construction commenced on or after the effective date of the floodplain management regulations adopted by the county, and includes any subsequent improvements so such structures, where the construction involves an increase in gross floor area of greater than 100 square feet.

No-Rise Certification - A certification, supported by technical data and signed by a professional engineer licensed in the State of Nevada, demonstrating that a proposed encroachment in the vicinity of a regulatory floodway will result in no increase in flood heights (zero net change in Base Flood Elevation, 0.00 feet of change) upstream, downstream, or adjacent to the parcel. The supporting technical data and floodplain impact analysis must be based on a FEMA-approved model used to develop the 100-year floodway.

Obstruction - Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Physical Map Revisions (PMR) - A reprinted NFIP map incorporating changes to floodplains,

floodways, or flood elevations. Because of the time and cost involved to change, reprint, and redistribute an NFIP map, a PMR is usually processed when a revision reflects large scope changes.

Ponding hazard - A flood hazard that occurs in flat areas when there are depressions in the ground that collect "ponds" of water. The ponding hazard is represented by the zone designation AH on the FIRM.

Post-FIRM Construction - Construction or substantial improvement that started on or after the effective date of the initial Flood Insurance Rate Map (FIRM) of the community or after March 28, 1980, whichever is later.

Predeveloped adjacent grade - The natural elevation of ground surface prior to construction next to the proposed walls of a structure.

Pre-FIRM Construction - Construction or substantial improvement which started on or before March 28, 1980 or before the effective date of the initial Flood Insurance Rate Map (FIRM) of the community, whichever is later.

Regulatory floodplain - The floodplain to which a community applies their floodplain development regulations. A community participating in the NFIP is required to adopt the floodplain on their FIRM or use a more restrictive (larger aerial extent or higher floodplain water surface elevations) floodplain.

Repetitive loss - Flood-related damages sustained by a structure on two separate occasions during a 10-year period that has had at least 2 paid flood losses of more than \$1,000 for each claim.

Requirements for areas below the lowest floor - All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB-1 (Openings in Foundation Walls and Walls of Enclosures, 2008) and TB-7 (Wet Floodproofing Requirements, 1993) and must either be certified by a licensed professional engineer or architect to meet or exceed the following minimum criteria: (1) Must have a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding; and (2) The bottom of all such openings will be no higher than one (1) foot above the lowest adjacent finished grade.

Special flood hazard area (SFHA) - An area having special flood, mudslide, or flood-related erosion hazards, and shown on a FHBM or FIRM as zones A, AO, A1-A30, AE, A99, E or M.

Start of construction - For flood management purposes, start of construction includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - For the purposes of flood management, a structure shall be a walled and roofed building that is principally above ground and includes gas or liquid storage tank and manufactured homes.

Substantial Damage - Damage of any origin sustained by a structure whereby the cumulative cost of restoring the structure to its pre-damaged condition equals or exceeds 49 percent of the market value of the structure before the damage occurred. The cumulative period for repairs to a repetitive loss structure

is the life of the structure.

Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cumulative cost of which equals or exceeds 49 percent of the market value of the structure before the start of construction of the improvement. The market value pertains only to the structure in question, excluding the land, landscaping, or detached accessory structures. The cumulative period for improvements is five years. Exceptions: Projects to correct existing health/safety code violations or repairs to historic structures that maintain their historic designation.

Violation - The failure of a structure or other development to be fully compliant with this chapter. A structure or other development in an SFHA without an elevation certificate or other required certifications or other evidence of compliance is presumed to be in violation until such documentation is provided.

Water surface elevation - The height, in relation to the national geodetic vertical datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse - A lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. A watercourse includes specifically designated areas in which substantial flood damage may occur.

6.02 Administration

1. Statutory Authority.

Pursuant to Nevada Revised Statutes Chapters 278, 244, and 543, including Sections 278.020, 244A.057, and 543.020 the county adopts the following floodplain management regulations.

2. Purpose, Intent, and Statement of Fact.

- A. Purpose:** The purpose of this chapter is to promote the public health, safety, and general welfare, and to minimize public and private losses in flood prone areas due to flooding by;
1. Protecting human life and health, and minimizing adverse impacts to the floodplain.
 2. Minimizing public expenditures for flood control projects; and associated rescue/relief efforts.
 3. Maintaining a stable tax base and providing for the sound use and development of special flood hazard areas (SFHAs) and X-shaded flood zones.
 4. Ensuring property owners are notified when property is located in SFHAs and that those who occupy these areas assume responsibility for their actions.
 5. Coordinating with local partners to implement the Carson River Regional Floodplain Management Plan.
 6. Maintaining qualifying standards for participation in the National Flood Insurance Program (NFIP) and with applicable Code of Federal Regulations.
- B. Statement of Fact:** Portions of Douglas County are subject to periodic inundation by flood waters, from riverine and alluvial fan sources, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief. These losses are primarily caused by existing uses that are inadequately protected and by the cumulative effect of proposed obstructions which could increase flood depths and velocities.
- C. Intent:** The intent of this chapter is to incorporate development standards that:
1. Restrict or prohibit uses that are dangerous due to flooding, or that result in damaging increases in erosion or flood depths and / or velocities due to others modifying the floodplain.

2. Require that uses vulnerable to floods, including facilities that serve such uses, are protected against flood damage at the time of initial construction.
 3. Minimize and control the alteration of natural floodplains, alluvial fans, existing wet and dry stream channels.
 4. Minimize and control filling, grading, dredging, and other development that may increase flood damage on others.
 5. **Conflict Resolution:** this chapter is not intended to repeal, abrogate, or impair other ordinances, easements, covenants, or deed restrictions. However, where this chapter and other ordinances conflict or overlap, the more stringent restriction or higher standard shall prevail.
 6. **Severability:** Should any section of this ordinance be declared unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole.
- 3. Applicability and Adoption of Maps.** This chapter applies to all properties within the county located within a Federal Emergency Management Agency (FEMA) designated Special Flood Hazard Area (SFHA) and to all construction and development projects within the designated SFHA and X-shaded flood zone. The Douglas County, Nevada and Incorporated Areas Flood Insurance Study (FIS) dated June 18, 2025 and accompanying current effective Flood Insurance Rate Maps (FIRMs) dated January 20, 2010, June 15, 2016, or June 18, 2025 (and all subsequent amendments and revisions), are adopted by reference and declared to be a part of this chapter. The FIS and FIRMs represent the minimum area of applicability, along with other floodplain impact analysis as developed as projects are proposed. These documents are on file with the Community Development Department.
- 4. Warning and Disclaimer of Liability.**
The degree of flood protection required by this chapter is considered reasonable and is based on available engineering and scientific information. Larger floods can and will occur. This Chapter does not imply that land outside SFHAs or uses permitted within these areas will be free from flooding or flood damages. This Chapter does not create liability on the part of the county, any officer or employee, the state, the Federal Insurance Administration, or FEMA for any flood damages resulting from reliance on this ordinance or any lawful administrative decision.
- 5. Designation of Floodplain Administrator.**
The Director of the Community Development Department is appointed as the County Floodplain Administrator (referred to hereafter as "Administrator") and is responsible for the administration and implementation of this chapter.
- 6. Duties and Responsibilities of the Administrator.**
The duties and responsibilities of the Administrator or designee include, but are not limited to:
- A. Permit Review:** Reviewing permit applications to ensure completeness, consistency with this chapter, issuance of all required state and federal permits, and confirmation that the proposed development will result in no adverse impact.
 - B. Inspections and Stop Work Orders:** Conducting periodic inspections to monitor compliance and issuing stop work orders for any development not in compliance with this chapter or proceeding without a valid permit.
 - C. Documentation:** Obtaining, retaining, and making available for public inspection documentation, including permits, certificates of compliance, elevation certifications, flood-proofing certifications, no-rise certifications, variances, and CLOMR/LOMR documentation.
 - D. Map Determinations and Technical Data:** Making map interpretations where needed and submitting new technical or scientific data to FEMA confirming physical changes that affect the Base Flood Elevation (BFE) as soon as practical. The data submitted to FEMA shall meet the required notebook-style format.

E. Appeals: Processing appeals of the Administrator's decision in accordance with **Chapter 20.28** of this code.

7. Floodplain Development Review Permit Required.

A Floodplain Development Review must be conducted before any construction (residential or non-residential), land division, building permit, or site improvement permit, including substantial improvements, or other development, is undertaken on a parcel contained within, or that proposes construction within any portion of the Special Flood Hazard Area (SFHA), or flood prone area.

Exception: A permit is not required for certain agricultural activities, including cleaning irrigation ditches, leveling fields, construction/maintenance of irrigation structures, or storage areas for agricultural products produced onsite by the property owner. De minimis structural improvements, projects such as signposts, telephone poles, and at-grade driveways/parking areas or other site grading alterations as approved by the Floodplain Administrator.

8. Floodplain Development Review Application and Procedures.

A. Application Submission: Application must be made on forms furnished by the Administrator and submitted by the property owner or their authorized representative to the Community Development Department. The application must contain:

1. Legal description, street address, APN or similar description definitively locating the proposed site.
2. Flood Impact Analysis
3. Identification of the SFHA, BFE (if known), floodway, elevation of the proposed site, and elevation/flood-proofing requirements of the proposed project.
4. For properties located adjacent to a regulatory flood plain, the county engineer can determine if the Floodplain Development Review permit is required.

B. Required Application: A Floodplain Development Review application is required for all:

1. CLOMRs, LOMRs, CLOMR-Fs, LOMR-Fs.
2. LOMAs (only when the property is located in the regulatory floodway (cross hatched AE SFHA on the FIRM).
3. Flood Impact Analyses (FIA) showing an increase in BFE greater than 0.49 feet in increased water surface elevation.
4. No-rise certification shall be supported by technical data and signed by a professional engineer licensed in the State of Nevada. The supporting technical data shall be based on a FEMA approved model used to develop the 100-year floodway shown on the FIRMs and the results tabulated in the study. In a special flood hazard area, a no-rise certification must be submitted for any construction or other development that is permitted to proceed without a CLOMR on a form approved by the administrator and prepared by a professional engineer licensed in the State of Nevada.

C. Zone A Requirements (No BFE Data): When no base flood elevation data is available for SFHA Zone A from any source, a Flood Impact Analysis (FIA) indicating the BFE data must be prepared by a professional engineer licensed in the State of Nevada for all proposed developments, subdivisions, and structures.

9. Map Revision and Technical Study Requirements (CLOMR, CLOMR-F LOMR, LOMR-F, LOMA).

A. Flood Impact Analysis (FIA) or Hydrology and Hydraulic (H&H) Studies: All FIA referenced in this chapter must be prepared by a professional engineer licensed in the State of Nevada, meet FEMA standards, and utilize the current acceptable version of HEC-RAS 2D or prior written authorization from the floodplain administrator allowing use of the alternative modeling method.

1. Exceptions: In cases where de minimis improvements are made to A-19, FR-19 or FR-

40 zoned properties where the county engineer can determine the improvements will not affect the floodplain in a manner that will have an impact on the adjacent property, typically for smaller projects like raised mound septic systems that are located sufficient distance from the parcels property line to ensure no impact to the neighbors property.

B. CLOMR/LOMR Requirement: A Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) must be obtained from FEMA when an FIA demonstrates:

1. The proposed development will cause an increase of greater than 0.49 feet in the BFE owned by others.
2. The proposed development will expand the floodplain boundary of the effective FIRM (a LOMR is required in this case).
3. The property is located within or a portion of the project is within the regulatory floodway (SFHA zone AE with cross hatch boundary on FIRM).

C. CLOMR Procedure:

1. A FEMA CLOMR application must be submitted to the County for initial review (within 60 days) and approval (within 30 days for resubmittals) prior to signature and transmittal to FEMA by the applicant. An Engineering or Building Permit, on the subject site, will not be issued until the CLOMR is approved by FEMA.
2. When a CLOMR is required, the applicant must provide written notice to any landowner whose property will have a BFE increase of 0.49 feet or more.

D. LOMR Procedure: When a CLOMR is required, a LOMR application must be submitted to the Community Development Department review and FEMA application signature, and submitted to FEMA for review prior to the issuance of the Notice of Completion or Certificate of Occupancy for the project. In the case there the final BFE is less than that shown on the current effective FIRM, the LOMR must be approved by FEMA prior to the issuance of a Notice of Completion or Certificate of Occupancy for the project.

E. CLOMR Exemptions: A FEMA-approved CLOMR is not required for minor projects or construction that a certified FIA shows a BFE impact of 0.49 ft or less. This includes, but is not limited to:

1. Fences that do not block flow (not allowed to cross the flow channel or drainage easement).
2. Accessory buildings/additions in a conveyance shadow that do not impact flood flows (demonstrated by prior FIA, or as determined by the administrator).
3. De minimis projects such as signposts, telephone poles, and at-grade driveways/parking areas.
4. Lawfully created Ranch Heritage or Agricultural 2-acre parcels provided no more than one foot of fill is used, and construction meets the standards of **Section O (Duties and responsibilities of the county floodplain administrator)**.

F. CLOMR-F and LOMR-F: Prior to filing a Conditional Letter of Map Revision based on Fill (CLOMR-F) or a Letter of Map Revision based on Fill (LOMR-F) to FEMA, the property owner must submit the application to Douglas County for review and signature for the FEMA application.

G. Letter of Map Amendment (LOMA): A LOMA may be submitted by the property owner to the FEMA for review if the property is believed to have been inadvertently included in the SFHA and is not located within a floodway. This procedure does not apply in alluvial fan areas, or sites previously modified by fill to raise the elevation of the structure, or when the topography has been altered since the effective date of the FIRM.

10. Special Requirements for Land Division with Special Flood Hazard Areas.

A. Submission Requirements: For proposed land divisions (residential or commercial/industrial) in an SFHA, the applicant must submit:

1. A Floodplain Development Review/Permit application, including an FIA prepared by a licensed engineer, demonstrating that the developed project will minimize flood damage within the flood prone area.

If the FIA shows a BFE change greater than 0.49 feet (0.50 feet or more), injury to other property or alterations or expansion of the floodplain boundary of the effective FIRM utilizing the Corrected Effective Model or the Effective Model, as recognized by FEMA the applicant must comply with Section 20.05.100 (CLOMR/LOMR). The final map cannot be recorded, or work permitted, until a required CLOMR is approved by FEMA. Applicants must notify all impacted property owners and communities, and as applicable: Nevada's State Floodplain Manager, Nevada Division of Water Resources, FEMA, and other regulatory agencies of any proposed changes to the floodplain on a form provided by the County, and provide proof of the notification. For site improvement permits, construction of improvements outside of the SFHA can commence prior to the issuance of the CLOMR.

2. Tentative subdivision or serial parcel maps and grading plans that clearly identify the SFHA, stormwater management routing, X-shaded areas, BFE, and the elevation of proposed structures/building pads are required on the proposed development plan.

B. Restrictions on Residential Division: Land may not be divided for residential purposes that results in a parcel less than 19 net acres unless the applicant demonstrates:

1. The parcels are lawfully created (e.g., Ranch Heritage or Agricultural 2-acre parcels).
2. The land within the SFHA is contained on a single parcel, retained in its natural state (no solid fencing), and held in common or single ownership with any overlying drainage easement, which must be a recorded document specifying maintenance responsibility.
3. A property owner's association or similar entity is legally responsible for maintenance of the land in the SFHA in its natural state.

11. Development Standards in Special Flood Hazard Areas.

When construction, substantial improvements, or other development is proposed within an SFHA, the applicant must comply with all provisions of this chapter and provide the following minimum information, unless inapplicable:

A. Boundary Delineation: A map produced by a professional engineer or surveyor licensed in the State of Nevada that clearly shows the location and limits of all regulatory floodways and SFHAs, site topography, BFE, and other best available information.

B. Site Plans: Plans drawn to scale in duplicate showing the location, dimension, and existing elevations of the area, existing or proposed structures, and location of utilities (water, sewer, etc.).

C. Grading and Drainage: Grading information showing existing and proposed contours, any proposed fill, and drainage facilities, extending 100 feet surrounding the parcel, downstream conveyance and capacities.

D. Elevation Details: Submitting the required lowest floor elevation details as specified in Section 20.05.160.

E. Zone A BFE Data: When BFE data is not available from any source for a parcel located in Zone A, the BFE data must be determined by an FIA, prepared by a professional engineer licensed in the State of Nevada.

12. Development in and Around Watercourses.

A. Permit Requirements: The Administrator may not issue a floodplain development review/permit for altering or relocating a watercourse unless, in addition to all other requirements:

1. FEMA has approved a CLOMR.
2. The applicant has notified all affected property owners, communities, Nevada's State Floodplain Manager, Nevada Division of Water Resources, and FEMA.
3. The applicant provides a description of the extent to which the watercourse will be altered or relocated.
4. The applicant provides computations by a professional engineer licensed in the State of Nevada that demonstrate the altered or relocated segment will provide **equal or greater capacity** than the original watercourse.
5. The applicant provides a legally enforceable assurance that the conveyance capacity of the altered or relocated stream segment will be maintained.
6. For watercourses identified as blue line streams on the USGS topographic maps, a letter of determination for jurisdictional authority must be provided by the US Army Corps of Engineers.

13. Development in Floodways.

The Administrator may not issue a floodplain development review/permit for any encroachment in the adopted regulatory floodway, including fill, new construction, substantial improvements, or storage of equipment/supplies, unless:

- A.** The applicant has demonstrated through a hydrology and hydraulics study (FIA) and a No-Rise Certification (see Section 20.05.060) that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge, or
- B.** FEMA has approved a CLOMR.

14. Development in Alluvial Fan Areas (Zone AO).

A. Review: All permit applications will be reviewed to determine if the proposed development is located within an alluvial fan area (often designated as Zone AO) to determine if the site, improvements, and adjacent properties will be reasonably safe from erosion, sediment deposition, or flood hazards.

B. Minimum Requirements for Development in Zone AO:

1. A site investigation must be made by persons qualified in geology and soils engineering.
2. Proposed grading, excavations, new construction, and substantial improvements must be adequately designed and protected against erosion and flood damages both on-site and off-site.
3. Proposed development must not aggravate the existing hazard by creating either on-site or off-site disturbances; and drainage, planting, watering, and maintenance must not endanger ground or slope stability.
4. **Elevation by Fill:** Elevating a parcel of land or a structure by fill will not serve as a basis for removing areas subject to alluvial fan flooding from an area of special flood hazards, as a LOMR-F is not permitted in Zone AO.

15. Standards for Construction, Utilities, and Critical Structures.

In all special flood hazard areas, the following minimum standards apply:

- A. Anchoring:** All new construction, substantial improvements, manufactured homes, and portable storage containers, propane tanks, must be adequately anchored to prevent flotation, collapse, or lateral movement from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. Construction Materials and Methods:** All new construction and substantial improvements,

including manufactured homes, must be constructed to meet FEMA requirements:

1. With materials, mechanical equipment, and utility equipment that satisfy flood-proofing requirements, and minimize flood damage.
2. To ensure electrical, heating, ventilation, plumbing, air conditioning, and other service facilities are designed or located so as to prevent water from entering or accumulating within the components during flooding.
3. Within flood zones AH or AO, with adequate drainage conveyance structures to convey flood waters around and away from proposed structures.

C. Elevation Requirements for Lowest Floor: Residential construction with living areas, including manufactured homes, sunrooms, and new or substantial improvements, must have the lowest floor elevated as follows:

1. **Zone AO:** Elevated above the pre-developed highest adjacent grade to a **height at least one foot above the depth number specified in feet on the FIRM**, and shown on a submitted Elevation Certificate provided by a professional land surveyor or engineer licensed in the State of Nevada.
2. **Zones A, AH, AE:** Elevated at least **one foot above the Base Flood Elevation (BFE)** as specified on the FIRM as determined by a professional engineer licensed in the State of Nevada and shown on a submitted Elevation Certificate.
3. **X-Shaded Flood Zones:** One of the following minimum criteria must be met:
 - a. Slab on grade must be one foot minimum above the pre-developed highest adjacent grade, or;
 - b. Bottom of crawlspace must be one foot minimum above pre-developed highest adjacent grade, or;
 - c. Flood proofed materials must be one foot above pre-developed highest adjacent grade.

D. Substantial Improvement Flood-Proofing: For a residential structure that requires substantial improvement, the entire structure must be flood-proofed to one foot above the BFE or depth (if Zone AO), as determined by a professional engineer licensed in the State of Nevada.

E. Lowest Floor Certification: An elevation certificate certifying the lowest floor meets the requirements must be submitted for structures in an SFHA at the construction drawing phase of the proposed improvement, building under construction, to be certified prior to the stemwall or mono slab pour, and at finished construction when the heating and cooling equipment and ducting in place, finished grade of the construction is complete. The administrator may waive the elevation certificate requirement for the following:

1. Non-habitable agriculture structures (barn, garage or shed) in Zone A if the following requirements are met:
 - a. The proposed structure has a minimum 24-inch that meet specific stem-wall of flood-proof material (stone, brick, cement, etc.), is built with pier foundations, or the structure is entirely of metal or other flood-proofed material.
 - b. All, mechanical or electrical equipment is located 24 inches above the pre-developed highest adjacent grade or one foot above the base flood elevation whichever is greater.
 - c. The structure has flood vents installed to a minimum of 2 openings having a total net area of not less than 1 square inch of every square foot of enclosed area subject to flooding and the bottom of all such openings, is no higher than one foot above the lowest adjacent finished grade and installed below the base flood elevation.

2. Monument signs located within a special flood hazard area if the bottom of the monument sign is elevated one foot above the base flood elevation, is parallel to flow, does not block flow, and is constructed of flood proofed materials, and electrical is installed 12 above the BFE.
- F. Enclosed Areas Below Lowest Living Floor:** Fully enclosed areas below the lowest living floor (excluding basements) used solely for parking, access, or storage must be designed to automatically equalize hydrostatic and hydrodynamic flood forces by allowing for the entry and exit of flood waters.
1. Designs must be certified by a professional engineer or architect, OR meet the minimum criteria: A minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 2. The bottom of all such openings must be no higher than one foot above the exterior lowest adjacent finished grade and installed below the BFE.
- G. Nonresidential Flood-Proofing:** New nonresidential construction and substantial improvement to existing structures must either be elevated to conform with paragraph C, or be flood-proofed below the BFE so that the structure and attendant utility/mechanical and sanitary facilities are watertight and capable of resisting hydrostatic/hydrodynamic loads including the effects of buoyancy; and be certified by a professional engineer or architect licensed in the State of Nevada.
- H. Standards for Utilities:**
1. All public utilities and facilities must be located and constructed to minimize flood damage.
 2. All new and replacement water supply and sanitary sewage systems must be designed to prevent infiltration and intermingling of flood waters.
 3. On-site individual sewage disposal systems must be designed, constructed, and located to avoid impairment and reduce contamination during flood events.
 4. All heating, venting, air conditioning (HVAC) systems and other above-ground mechanical and electrical equipment must be constructed to minimize damage by flooding and be located at least one foot above the BFE.
- I. Standards for Critical Structures:** Critical structures are not permitted within an SFHA unless all alternative locations in X-unshaded and X-shaded zones have been considered and rejected. If a critical structure must be located in a floodplain, it must be designed to higher protection standards (e.g., elevated one foot above the 1000-year floodplain as determined by adopted reference ASCE 7 if that elevation is not available on the FIRM) and have flood evacuation plans.
- J. Special Standards for Manufactured Homes:**
1. All manufactured homes that are placed or substantially improved, within zones A, AH, AO and AE as shown on the FIRM must have the lowest floor (crawl space area) elevated one foot above the base flood elevation, as determined by a professional engineer licensed in the state of Nevada on a permanent, full perimeter foundation and be securely anchored to a foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A, AH, AO and AE as shown on the community's FIRM are not subject to the provisions of subparagraph 1 above, provided

that the following is met:

- a. The lowest point of the floor framing of the manufactured home is at least one-foot (1-foot) above the base flood elevation; and
- b. The manufactured home chassis is supported by reinforced flood-proofed piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

K. Recreational Vehicles: All recreational vehicles placed on sites within Zones A, AH, AO, and AE must:

1. Be on the site for fewer than 180 consecutive days, or
2. Be fully licensed and ready for highway use A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devised and has not permanently attached additions, or
3. Meet the full anchoring and elevation requirements of Section 20.05.160.J.1.

L. Below-Grade Crawlspace Construction: Requires:

1. Interior grade must not be more than two feet below the lowest adjacent exterior grade.
2. Height from interior grade to top of foundation wall must not exceed four feet at any point.
3. An adequate drainage system (verified by a professional engineer) that removes floodwaters from the interior.
4. Floodwater velocity at the site may not exceed five feet per second (5 fps), verified by a professional engineer.

M. Breakaway Walls: Breakaway walls must have a safe design loading resistance of not less than 10 and no more than 20 pounds per square foot. Use must be certified by a professional engineer or architect and ensure the elevated portion of the building will not incur structural damage due to combined wind and water loads during the base flood event.

N. Landscaping and Berms: Landscaping in an SFHA must consider the least resistance to stormwater flow. Landscaping berms must be designed to consider the direction of stormwater flow and will not be allowed to divert flow. Berms must be included in the Flood Impact Analysis (FIA) for the site and show no adverse impact to the floodplain.

O. Multiple Flood Zones: Proposed development on a parcel within multiple flood zones must be constructed to the standards of the most restrictive flood zone covering the proposed structure's footprint.

16. Variances.

A. Nature of Variances: A variance may be granted for a parcel with physical characteristics so unusual that complying with this chapter would create an exceptional hardship to the applicant or surrounding property owners. The characteristic must be unique to the land itself, not to the structure or the owner.

B. Standard of Review: The Planning Commission and Board of County Commissioners will strictly limit variances due to the serious implications of building below flood level. The Board of County Commissioners is the hearing board. In evaluating requests, the board must consider all technical evaluations and factors, including: the danger of materials being swept onto adjacent properties, increased threat to public safety, increased susceptibility of the facility to flood damage, and increased cost to the county for emergency services.

C. General Provisions:

1. Variances may be issued for new construction or substantial improvements on lots

contiguous to or surrounded by lots with existing structures built below the base flood level, provided all procedures of this chapter are met.

2. Variances may be issued for the repair or rehabilitation of “historic structures” provided the designation is maintained and the variance is the minimum necessary to preserve the historic character.
 3. **No Variance in Floodway:** Variances may not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
 4. **Minimum Necessary:** Variances may only be approved upon a determination that the variance is the **minimum necessary** considering the flood hazard to afford relief.
- D. Required Findings:** In approving a variance, the board must make findings of fact demonstrating: good and sufficient cause; that failure to grant the variance would result in exceptional hardship; that the variance will not result in increased flood heights, public safety threats, or extraordinary public expense; and that the applicant has signed and recorded a disclosure statement acknowledging increased flood insurance rates and risks to life and property.

17. Violations and Penalties.

- A. Compliance:** No structure may be constructed, located, extended, converted, or altered, and no land may be altered without full compliance with the terms of this chapter and other applicable regulations. A violation of this ordinance is a criminal misdemeanor.
- B. Enforcement:** All violations will be addressed pursuant to the provisions of this chapter, including stop work orders, Section 20.800.101, or other applicable law. If a violation is not remedied, the Administrator may request the Board of Commissioners to:
 1. Take any necessary action to affect the abatement of the violation;
 2. Issue a variance in accordance with the provisions of Section 20.05.170; or
 3. Submit a declaration for denial of insurance to the Federal Insurance Administration, pursuant to section 1316 of the National Flood Insurance Act of 1968.