

BILL NO. 2015-01

ORDINANCE #179

AN ORDINANCE AMENDING CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF CALIENTE, NEVADA, SETTING FORTH THE PLANNING COMMISSION AND ZONING FOR THE CITY OF CALIENTE. THE ORDINANCE REVISES AND UPDATES ANY AND ALL PORTIONS OF CHAPTER 15 TO REFLECT CURRENT AND FUTURE PLANNING AND ZONING NEEDS OF THE CITY; REVISES THE MAKEUP AND PURPOSE OF THE PLANNING COMMISSION; AND OTHER RELATED ITEMS.

Sponsored By:

Summary:

Amends/Revises/Updates Chapter 15 of the Caliente Municipal Code to reflect current zoning and planning needs of the City of Caliente.

Amends/Revises/Updates the makeup and purpose of the City Planning Commission, and other related items.

THE CITY COUNCIL OF THE CITY OF CALIENTE DOES ORDAIN AS FOLLOWS:

SECTION 1: All sections of Chapter 15 of the Municipal Code of the CITY OF CALIENTE, as published in 1991, and any ordinances previously amending Chapter 15 of the Municipal Code of the CITY OF CALIENTE are hereby REPEALED.

SECTION 2: Chapter 15 of the Municipal Code of the CITY OF CALIENTE, as published in 1991, along with any ordinances amending Chapter 15 of the Municipal Code as above repealed are hereby replaced in its entirety by the revised and proposed Chapter 15 of the Municipal Code of the CITY OF CALIENTE attached hereto as Exhibit 1.

PASSED, ADOPTED AND APPROVED this 2nd day of APRIL, 2015.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 5th day of March, 2015. City of Caliente Bill No. 2015-01, Ordinance #176 was published in the Lincoln County Record the 27th day of March, 2015. At the regular meeting of the City Council on 2nd day of April, 2015, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

Councilman Voting "AYE":

Steve R. Rowe
[Signature]
Pat Alger
Victor [Signature]

Councilman Voting "NAY":

Councilman Absent:

APPROVED:

Stana Hurlburt
Mayor Stana Hurlburt

ATTEST

Kelli Haluzak
Kelli Haluzak, City Clerk

EXHIBIT “A” To Bill 2015-01

CHAPTER 15

PLANNING COMMISSION AND ZONING

INDEX

SUBCHAPTER	A:	PLANNING COMMISSION
SUBCHAPTER	B:	DEFINITIONS
SUBCHAPTER	C:	PURPOSE AND APPLICABILITY
SUBCHAPTER	D:	BOARD OF ADJUSTMENT
SUBCHAPTER	E:	CONDITIONAL USE PERMITS
SUBCHAPTER	F:	BUILDING PERMITS; BUILDING INSPECTOR
SUBCHAPTER	G:	EXISTING NONCONFORMING BUILDINGS AND STRUCTURES
SUBCHAPTER	H:	GENERAL LOT AND SPACE RESTRICTIONS
SUBCHAPTER	I:	PARKING RESTRICTIONS
SUBCHAPTER	J:	ESTABLISHMENT OF ZONES
SUBCHAPTER	K:	AGRICULTURAL
	L:	RESIDENTIAL ESTATES
SUBCHAPTER	M:	R-1 ZONE
SUBCHAPTER	N:	R-3 ZONE
SUBCHAPTER	O:	A-P ZONE
SUBCHAPTER	P:	C-3 ZONE
SUBCHAPTER	Q:	HC ZONE
SUBCHAPTER	R:	I ZONE
SUBCHAPTER	S:	MOBILE HOME ZONE
SUBCHAPTER	T:	PLANNED UNIT DEVELOPMENT STANDARDS
SUBCHAPTER	U:	SPECIAL RESTRICTIONS
SUBCHAPTER	V:	SIGNS
SUBCHAPTER	W:	PENALTIES
<u>SUBCHAPTER</u>	<u>A:</u>	<u>PLANNING COMMISSION</u>
S	15.010	Planning Commission – Creation, Name
S	15.020	Planning Commission – Membership; Compensation, Terms of Office; Removal; Vacancies
S	15.030	Planning Commission – Powers and Duties
<u>SUBCHAPTER</u>	<u>B:</u>	<u>DEFINITIONS</u>
S	15.210	“Zoning”
S	15.220	“Agriculture”
S	15.230	“Apartment House”
S	15.240	“Basement”
S	15.250	“Boarding House”
S	15.260	“Building”
S	15.270	“Building, Accessory”
S	15.280	“Building, Height Of”
S	15.290	“Building, Main”
S	15.300	“Building, Public”

S	15.310	"Carport"
S	15.320	"Child Nursery"
S	15.330	"Conditional Use"
S	15.340	"Court"
S	15.350	"Dairy"
S	15.360	"District"
S	15.370	"Dwelling"
S	15.380	"Dwelling, Single-Family"
S	15.390	"Dwelling, Two-Family"
S	15.400	"Dwelling, Multiple-Family"
S	15.410	"Dwelling Unit"
S	15.420	"Family"
S	15.430	"Frontage"
S	15.440	"Garage, Private"
S	15.450	"Grade"
S	15.460	"Home Occupation"
S	15.470	"Hotel"
S	15.480	"Household Pets"
S	15.490	"Junkyard"
S	15.500	"Junk"
S	15.510	"Kennel"
S	15.520	"Livestock Feedyard"
S	15.530	"Lot"
S	15.540	"Lot, Corner"
S	15.550	"Lot, Interior"
S	15.560	"Mobile Home"
S	15.570	"Mobile Home Lot"
S	15.580	"Mobile Home Park"
S	15.590	"Mortuary"
S	15.600	"Natural Waterways"
S	15.610	"Nonconforming Building or Structure"
S	15.620	"Nonconforming Use"
S	15.630	"Parking Lot"
S	15.640	"Parking Space"
S	15.650	"Sign, Advertising"
S	15.660	"Sign, Business"
S	15.670	"Sign, Identification"
S	15.680	"Sign, Name Plate"
S	15.690	"Sign, Property"
S	15.700	"Sign, Public Information"
S	15.710	"Sign, Temporary"
S	15.720	"Stable, Public"
S	15.730	"Story"
S	15.740	"Story, Half"
S	15.750	"Street"
S	15.760	"Structure"
S	15.770	"Structural Alterations"
S	15.780	"Use, Accessory"
S	15.790	"Width of Lot"
S	15.800	"Yard"
S	15.810	"Yard, Front"

S	15.820	"Yard, Rear"
S	15.830	"Yard, Side"
S	15.840	"Zone"
S	15.850	- 15.890, Inclusive: RESERVED

SUBCHAPTER C: PURPOSE AND APPLICABILITY

S	15.900	Purpose
S	15.910	Interpretation
S	15.920	Conflict
S	15.930	Effect of Chapter
S	15.940	Lots in Separate Ownership; Vested Rights
S	15.950	Yard Space for One Building Only
S	15.960	Validity
S	15.970	Changes and Amendments
S	15.980	Areas Annexed
S	15.990	RESERVED

SUBCHAPTER D: BOARD OF ADJUSTMENT

S	15.1000	Organization
S	15.1010	Duties and Powers of Board
S	15.1020	RESERVED

SUBCHAPTER E: CONDITIONAL USE PERMITS

S	15.1030	Purpose of Conditional Use Permit
S	15.1040	Conditional Use Permit
S	15.1050	Application
S	15.1060	Development Plan
S	15.1070	Fee
S	15.1080	Planning Commission Action
S	15.1090	Appeals
S	15.1100	Inspection
S	15.1110	Time Limit
S	15.1120	Revocation
S	15.1130	- 15.1140, inclusive: RESERVED

SUBCHAPTER F: BUILDING PERMITS; BUILDING INSPECTOR

S	15.1150	Building Permit Required
S	15.1160	Certificate of Occupancy Required
S	15.1170	Building Inspector to Enforce
S	15.1180	Permits to Comply with Ordinance
S	15.1190	Powers and Duties of Building Inspector
S	15.1200	Licensing
S	15.1210	- 15.1220; inclusive: RESERVED

SUBCHAPTER G: EXISTING NONCONFORMING BUILDINGS AND STRUCTURES

S	15.1230	Maintenance Permitted
---	---------	-----------------------

S	15.1240	Repairs and Alterations
S	15.1250	Additions, Enlargements, and Moving
S	15.1260	Alterations Where Parking Insufficient
S	15.1270	Restoration of Damaged Buildings
S	15.1280	One Year Warranty
S	15.1290	Continuation of Use
S	15.1300	Occupation Within One Year
S	15.1310	Change of Use
S	15.1320	Nonconforming Use Of Land
S	15.1330 - 15.1340,	inclusive: RESERVED

SUBCHAPTER H: GENERAL LOT AND SPACE RESTRICTIONS

S	15.1350	Lot Requirements
S	15.1360	Separately Owned Lots – Exceptions
S	15.1370	Yards to be Unobstructed – Exceptions
S	15.1380	Wall, Fence or Hedge
S	15.1390	Retaining Walls
S	15.1400	Area of Accessory Buildings
S	15.1410	Exception to Height Limitations
S	15.1420	Minimum Height of Main Buildings
S	15.1430	Clear-View of Intersecting Streets
S	15.1440	Sale or Lease of Required Space
S	15.1450	Group Dwellings
S	15.1460	Coverage Regulations
S	15.1470 - 15.1490,	inclusive: RESERVED

SUBCHAPTER I: PARKING RESTRICTIONS

S	15.1500	Off-Street Parking Required
S	15.1510	Parking Space for Dwelling
S	15.1520	Parking Space for Buildings or Uses Other than Dwellings
S	15.1530	Location of Parking Space
S	15.1540	Parking Lot Regulations
S	15.1550	Off-Street Truck Loading Space
S	15.1560	Business Requiring Access
S	15.1570	Roadways and Curbs
S	15.1580 - 15.1590,	inclusive: RESERVED

SUBCHAPTER J: ESTABLISHMENT OF ZONES

S	15.1600	Establishment of Zones
S	15.1610	Boundaries of Zones
S	15.1620	Filing of Zoning Chapter and Map
S	15.1630	Rules for Locating Boundaries

SUBCHAPTER K: 15.1640 Agricultural (AG)

SUBCHAPTER L: RESIDENTIAL ESTATES

S	15.1650	Purpose of Residential Estates
---	---------	--------------------------------

S	15.1660	Permitted Uses
S	15.1670	Conditional Uses
S	15.1680	Height Regulations
S	15.1690	Modifying Regulations in the Residential Estates

SUBCHAPTER M: R-1 ZONE

S	15.1700	Purpose of R-1 Zone
S	15.1710	Permitted Uses in R-1 Zone
S	15.1720	Conditional Uses in R-1 Zone
S	15.1730	Height Regulations in R-1 Zone
S	15.1740	Area, Width and Yard Regulations
S	15.1750	Modifying Regulations

SUBCHAPTER N: RESERVED

SUBCHAPTER O: R-3 ZONE

S	15.1850	Purpose of the R-3 Zone
S	15.1860	Permitted Uses in R-3 Zone
S	15.1870	Conditional Uses in R-3 Zone
S	15.1880	Height Regulations in the R-3 Zone
S	15.1890	Area, Width and Yard Regulations in R-3 Zone
S	15.1900	Modifying Regulations

SUBCHAPTER P: A-P ZONE

S	15.1910	Purpose of A-P Zone
S	15.1920	Permitted Uses in the A-P Zone
S	15.1930	Conditional Uses in the A-P Zone
S	15.1940	Height Regulations in the A-P Zone
S	15.1950	Area, Width and Yard Regulations in A-P Zone
S	15.1960 -	
	15.990, inclusive:	RESERVED

SUBCHAPTER Q: C-3 ZONE

S	15.2000	Purpose of C-3 Zone
S	15.2010	Permitted Uses in C-3 Zone
S	15.2020	Conditional Uses in the C-3 Zone
S	15.2030	Height Regulations in the C-3 Zone
S	15.2040	Area, Width and Yard Regulations in C-3 Zone
S	15.2050	RESERVED

SUBCHAPTER R: HC ZONE

S	15.2060	Purpose of HC Zone
S	15.2070	Permitted Uses in the HC Zone
S	15.2080	Conditional Uses in the HC Zone
S	15.2090	Height Regulations

S	15.2100	Area, Width and Yard Regulations in HC Zone
S	15.2110	RESERVED

SUBCHAPTER S: I ZONE

S	15.2120	Purpose of I Zone
S	15.2130	Permitted Uses in the I Zone
S	15.2140	Conditional Uses in the I Zone
S	15.2150	Height Regulations in the I Zone
S	15.2160	Area, Width and Yard Regulations in I Zone
S	15.2170	Modifying Regulations in the I Zone

SUBCHAPTER T: MOBILE HOME/RV PARK

S	15.2180	Purpose of Mobile Home Chapters
S	15.2190	Relationship to other Chapter
S	15.2200	Building Permit Required
S	15.2210	Duration of Permit
S	15.2220	Bond Requirement
S	15.2230	Exceptions
S	15.2240	
	15.2250	Mobile Home, RV parks and sub-divisions
S	15.2260	Purpose of MH Zone
S	15.2270	Permitted Uses
S	15.2280	Conditional Uses
S	15.2290	Access Roads
S	15.2300	Off-Street Parking
S	15.2310	Playground Required
S	15.2320	Maximum Density
S	15.2330	Height Requirements
S	15.2340	Area, Width and Yard Requirements
S	15.2350	Mobile Home Space Size
S	15.2360	Utilities Required
S	15.2370	Dependent Mobile Homes
S	15.2380	Abutment on Residential Zone
S	15.2390	Minimum Yard Clearance for Mobile Home Park
S	15.2400	Modifying Regulations

SUBCHAPTER U: PLANNED UNIT DEVELOPMENT STANDARDS

S	15.2410	Planned Unit Development Standards
S	15.2420	Permissible Uses
S	15.2430	Minimum Area
S	15.2440	Density
S	15.2450	Minimum Lot Sizes
S	15.2460	Setbacks
S	15.2470	Restrictions
S	15.2480	Site Plans
S	15.2490	Other Restrictions
S	15.2500	RESERVED

S	15.2510	Automobile Wrecking Business
S	15.2520	Mortuaries
S	15.2530	Noisy Business, Where Prohibited
S	15.2540 - 15.2550,	inclusive: RESERVED

<u>Sec.</u>	<u>15.2600</u>	<u>Location of Signs</u>
<u>Sec.</u>	<u>15.2610</u>	<u>Roof and Ground Signs</u>
<u>Sec.</u>	<u>15.2620</u>	<u>Abandoned or non-maintained signs</u>
<u>Sec.</u>	<u>15.2650</u>	<u>Signs Allowed</u>
<u>Sec.</u>	<u>15.2670</u>	<u>Animated, Flashing, Intermittent Signs</u>
<u>Sec.</u>	<u>15.2680</u>	<u>Construction</u>
<u>Sec.</u>	<u>15.2690</u>	<u>Illumination</u>

S	15.2620	-	15.2650, inclusive:	RESERVED
S	15.2660		Penalties	

S	15.2680	Compliance Required
S	15.2680.10	Modifications
S	15.2690	Definitions
S	15.2700	Procedure
S	15.2710	Preliminary Plat
S	15.2720	Final Plat
S	15.2720.10	Checking Fee
S	15.2730	Agreements as to Improvements
S	15.2740	Required Land Improvements
S	15.2750	Parks and Other Improvements
S	15.2760	Lot Size and Area
S	15.2770	Occupancy Permits
S	15.2780	Annexation
S	15.2790	Violations – Penalty

Sec.	15.010	Planning Commission – Creation or Dissolution
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8

1. The Caliente City Planning Commission shall have powers and duties and be governed and controlled in their acts and \procedures as is prescribed by inclusive Nevada Revised Statutes, Chapter 278 and the Caliente City Charter. All members of the commission shall serve as such without compensation excepting reasonable traveling expenses made necessary in the fulfillment of their duties.
2. The city planning commission shall consist of 7 members. All members shall be appointed by the City Council, and no more than 2 of whom may be nonresidents of the city.

SUBCHAPTER B: DEFINITIONS

15.210 Zoning – Definitions

As used in this Chapter, unless the context otherwise requires, the words and terms defined in Sections 15.220 to 15.840, inclusive, of this Chapter, have the meaning ascribed to them in such Sections.

15.220 “Agriculture”

“Agriculture” means the tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

15.230 “Apartment House”

See Dwelling, Multiple-Family

15.240 “Basement”

“Basement” means a story partly underground. A basement shall be counted as a story for purposes of height measurement if its height is one-half (½) or more above grade.

15.250 “Boarding House”

“Boarding House” means a building with not more than five (5) guest rooms, where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.

15.260 “Building”

“Building” mean any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or personal property.

15.270 “Building, Accessory”

“Building, Accessory” means a detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.

15.280 “Building, Height Of”

“Building, Height Of” means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between ridge and eaves of a gable, hip or gambrel roof.

15.290 “Building, Main”

“Building, Main” means the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon a lot.

15.300 “Building, Public”

“Building, Public” means a building owned and operated or owned and intended to be operated by a public agency of the United States of America, the State of Nevada, or any of its subdivisions.

15.310 “Carport”

“Carport” means a private garage not completely enclosed by walls or doors. For the purpose of this chapter, a carport shall be subject to all of the regulations prescribed for a private garage.

15.320 “Child Nursery”

“Child Nursery” means an establishment for the care and/or instruction whether or not for compensation, of six (6) or more children other than members of the family residing on the premises.

15.330 “Conditional Use”

“Conditional Use” means a use of land for which a conditional use permit is required pursuant to Sections 15.1030 and 15.1040 of this chapter.

15.340 “Court”

“Court” means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings. The width of a court is its least horizontal dimension is measured between opposite sides in the same general direction as the yard or lot line on which the court opens. The length of a court is its horizontal dimension measured at right angles to its width.

15.350 “Dairy”

“Dairy” means a commercial establishment for manufacture or processing of dairy products.

15.360 “District”

“District” means a portion of the area of Caliente shown on a map attached to the zoning ordinance and given a district name.

15.370 “Dwelling”

Dwelling means any building or portions thereof that contains a space used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

15.380 “Dwelling, Single-Family”

“Dwelling, Single-Family” means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

15.390 “Dwelling, Two-Family”

“Dwelling, Two-Family” means a building arranged or designed to be occupied by two families, the structure having only two (2) dwelling units.

15.400 “Dwelling, Multiple-Family”

“Dwelling, Multiple-Family” means a building arranged or designed to be occupied by more than two (2) families.

15.410 Dwelling Unit”

Dwelling Unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation

15.420 “Family”

“Family” means one or more persons related by blood, marriage or adoption, occupying a dwelling unit and living as a single housekeeping unit, as distinguished from renters, roomers or as a group occupying a boarding house, lodging house, or hotel, as herein defined.

15.430 “Frontage”

“Frontage” means all property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

15.440 “Garage, Private”

“Garage, Private” means an accessory building designed or used for the storage of vehicles owned and used by the occupants of the building to which it is accessory.

15.450 “Grade”

“Grade” means:

For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.

For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining the streets.

For buildings having no wall adjoining the street, the average level of the ground (finished surface) adjacent to the exterior walls of the building. All walls approximately parallel to and not more than five (5) feet from a street line are to be considered as adjoining a street.

15.460 “Home Occupation”

“Home Occupation” means any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is not display nor stock in trade. The home occupation shall not include the sale of commodities except those which are produced on the premises and shall not involve the use of any accessory building or yard space or activity outside the main building not normally associated with residential use. Home occupation shall include the use of the home by a beauty shop, physician, surgeon, dentist, lawyer, clergyman, engineer, or other professional person for consultation or emergency treatment, but not for the general practice of his trade or profession. Home occupation shall include the care of not more than five (5) children other than members of the family residing in the dwelling. A home occupation in a multiple dwelling (two or more units) will be considered as one of the units in determining the allowable number of units.

15.470 “Hotel”

“Hotel” means a building designed or occupied as the more or less temporary abiding place of fifteen (15) or more individuals who are, for compensation, lodged, with or without meals, in which no provision is made for cooking in any individual room or suite.

15.480 “Household Pets”

“Household Pets” means animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs to constitute a kennel as defined in this chapter. Household pets may also include the keeping of pigeons, rabbits, chickens (no roosters), ducks and geese, so long as the amounts of all animals do not constitute a nuisance to the neighborhood.

15.481 “Household”

A domestic unit consisting of the members of a family who live together along with nonrelatives such as servants.

15.490 "Junkyard"

"Junkyard" means any place, established establishment or business maintained, used or operated for storing, keeping, buying or selling junk, or for the maintenance or operation of any automobile graveyard. The term includes garbage and sanitary fills.

15.500 "Junk"

"Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

15.510 "Kennel"

"Kennel" means the keeping of three (3) or more dogs at least four (4) months old.

15.520 "Livestock Feedyard"

"Livestock Feedyard" means a commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stock yard for sale, etc.

15.530 "Lot"

"Lot" means a parcel of land occupied or to be occupied by a main building or group of buildings (main and accessory), together with such yards, open spaces, lot width and lot area as are required by this chapter and having frontage upon a street.

15.540 "Lot, Corner"

"Lot, Corner" means a lot abutting on two intersections or intercepting streets, where the interior angle or intersection or interception does not exceed one hundred thirty-five (135) degrees.

15.550 "Lot, Interior"

"Lot, Interior" means a lot other than a corner lot.

15.560 "Mobile Home/Manufactured Home."

1. Manufactured home or Mobile Home as used in this section has the same meaning, which is:

- (a) Built on a permanent chassis;
- (b) Designed to be used with or without a permanent foundation as a dwelling when connected to utilities;
- (c) Transportable in one or more sections; and
- (d) Eight feet or more in body width or 40 feet or more in body length when transported, or, when erected on-site, contains 320 square feet or more.

2. The term includes:

- (a) The plumbing, heating, air-conditioning and electrical systems of the structure.
- (b) Any structure:

(1) Which meets the requirements of paragraphs (a), (b) and (c) of subsection 1, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards.

(2) Built in compliance with the requirements of chapter 489 of NRS.

3. The term does not include a recreational park trailer.

15.570 Reserved

15.580 "Mobile Home Park"

"Mobile Home Park" means any area or tract of land used or designated to accommodate two (2) or more trailers, mobile homes, or camping parties.

15.590 "Mortuary"

"Mortuary" means any undertaking parlor, morgue, or place where the dead are received and prepared for burial.

15.600 "Natural Waterways"

"Natural Waterways" means those areas, varying in width, along streams, creeks, springs, gulleys, or washes which are natural drainage channels as determined by the Building Inspector, in which areas no buildings shall be constructed.

15.610 "Nonconforming Building or Structure"

"Nonconforming Building or Structure" means a building or structure or portion thereof, lawfully existing at the time this chapter became effective, which does not conform to all the height, area and yard regulations herein prescribed in the zone in which it is located.

15.620 "Nonconforming Use"

"Nonconforming Use" means a use which lawfully occupied a building or land at the time this chapter became effective and which does not conform with the use regulations of the zone in which it is located.

15.630 "Parking Lot"

"Parking Lot" means an open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

15.640 "Parking Space"

"Parking Space" means space within a building, lot or parking lot for the parking or storage of one (1) automobile.

15.650 "Sign, Advertising"

"Sign, Advertising" means a sign which directs attention to a use, product, commodity, or service not related to the premises.

15.660 "Sign, Business"

"Sign, Business" means a sign which directs attention to a use conducted, product or commodity sold, or service performed upon the premises.

15.670 "Sign, Identification"

"Sign, Identification" means a sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses located upon the premises.

15.680 "Sign, Name Plate"

“Sign, Name Plate” means a sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

15.690 “Sign, Property”

“Sign, Property” means a sign related to the property on which it is located and offering such property for sale, or lease, or advertising contemplated improvements, or announcing the name of the builder, owner, designer, or developer of the project, or warning against trespassing.

15.700 “Sign, Public Information”

“Sign, Public Information” means a sign erected by a public or non-profit agency, service club, etc., giving information to direct the public to both public and private facilities and major uses.

15.710 “Sign, Temporary”

“Sign, Temporary” means temporary signs shall include any sign, banner, pennant or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a short period of time only.

15.720 “Stable, Public”

“Stable, Public” means a stable used for business purposes for which a fee is charged or bartered.

15.730 “Story”

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

15.740 “Story, Half”

“Story, Half” means a story with a least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

15.750 “Street”

“Street” means a public thoroughfare which affords principal means of access to abutting property, and is more than twenty-six (26) feet wide.

15.760 “Structure”

“Structure” means anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

15.770 “Structural Alterations”

“Structural Alterations” means any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

15.780 “Use, Accessory”

“Use, Accessory” means a subordinate use customarily incidental to and located upon the same lot occupied by a main use.

15.790 “Width of Lot”

“Width of Lot” means the distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

15.800 "Yard"

"Yard" means a space on the lot other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

15.810 "Yard, Front"

"Yard, Front" means a space on the same lot with a building, between the front line of the building (exclusive of steps) and the front lot line, and extending across the full width of the lot.

15.820 "Yard, Rear"

"Yard, Rear" means a space on the same lot with a building, between the rear line of the building (exclusive of steps and chimneys) and the rear line of the lot and extending the full width of the lot.

15.830 "Yard, Side"

"Yard, Side" means a space on the same lot with a building, between the side line of the building (exclusive of steps or open stairways) and the side line of the lot and extending from the front yard line to the rear yard line.

15.850 – 890, inclusive: RESERVED

SUBCHAPTER C: PURPOSE AND APPLICABILITY

Sec. 15.900 Purpose

This Chapter is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, property and welfare of the present and future inhabitants of Caliente, Nevada, including among other things the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the city's commercial and industrial growth, and the protection of both residential and non-residential development.

Sec. 15.910 Interpretation

In interpreting and applying the provisions of this Chapter, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

Sec. 15.920 Conflict

This Chapter shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

Sec. 15.930 Effect of Chapter

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zoning regulations appearing elsewhere in this Chapter, and in the Caliente Municipal Code.

Sec. 15.940 Lots in Separate Ownership; Vested Right

The requirements of this Chapter as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land in the event that such lot or parcel of land was held in separate ownership at the time of the adoption of the zoning ordinance.

Sec. 15.950 Yard Space for One Building Only

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Chapter, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

Sec. 15.960 Validity

Should any section, clause, or provision of this Chapter be declared by the courts to be invalid, the same shall not affect the validity of the Chapter as a whole or any part thereof other than the part so declared to be invalid.

Sec. 15.970 Changes and Amendments

This Zoning Chapter, including the maps, may be amended from time to time by the Caliente City Council after thirty (30) days notice and public hearing but all proposed amendments shall be first proposed by the Planning Commission or shall be submitted to the Planning Commission for recommendation which shall be returned to the City Council for its consideration within thirty (30) days. Failure of the Planning Commission to submit its recommendation within the prescribed time shall be deemed approval by such commission of the proposed change of amendment. The City Council may overrule the Planning Commission's recommendations by a majority vote of its member.

Sec. 15.980 Areas Annexed

New areas annexed to the city shall automatically be classified as being in the AG Zone until such classification has been changed by an amendment to the Zoning Chapter as provided by law.

15.990: RESERVED

SUBCHAPTER D: BOARD OF ADJUSTMENT

Sec. 15.1000 Organization

A Board of Adjustment is hereby established and shall consist of the City Council of the City of Caliente.

Sec. 15.1020: RESERVED

SUBCHAPTER E: CONDITIONAL USE PERMITS

Sec. 15.1025 Definition:

A conditional use permit is defined as a permit that allows an exemption to a zoning, parking, traffic or other use of the property that does not conform to the normal zoning requirements. A Conditional use permit is issued to an individual property or business and may not automatically transfer to any use of the property. Any change of the purpose for the original use permit shall require a new conditional use permit application.

Sec. 15.1030 Purpose of Conditional Use Permits

The purpose of the conditional use permit is to provide for the regulation of uses to ensure their compatible integration in the land use pattern of Caliente.

Sec. 15.1040 Conditional Use Permit

An approved conditional use permit shall be required for each conditional use as listed in the zoning categories shown in this Chapter. No building permit or license shall be issued for any use by any officer or employee of Caliente unless a conditional use permit shall have been approved.

Sec. 15.1050 Application

Application for a conditional use permit shall be made at the office of the Caliente City Planning Commission on forms provided for that purpose.

Sec. 15.1060 Development Plan

The applicant for a conditional use permit shall prepare a site plan of the proposed conditional use, drawn to scale and showing all existing and proposed buildings, fences, landscaping, automobile parking and loading areas, and any other information the Planning Commission may deem necessary.

Sec. 15.1070 Fee

The conditional use permit application fee shall be \$150.00.

Sec. 15.1080 Planning Commission Action

The Planning Commission may recommend approval to the City Council, modify and recommend approval, or recommend denial of the conditional use application in public hearing. In approving any conditional use, the Planning Commission shall impose regulations and conditions as are necessary to protect the public welfare. In recommending approval of a conditional use, the Planning Commission shall find:

1. That the proposed use is necessary *and* desirable and will contribute to the general well-being of the community.
2. That the use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.
3. That the proposed use will comply with the regulations of the Chapter.
4. That the proposed use is in harmony with the intent of the master plan.

Sec. 15.1090 RESERVED

Sec. 15.1100 Inspection

The City Building Inspector shall inspect the conditional use during the course of construction to insure that it complies with the conditions of the use permit.

Sec. 15.1110 Time Limit

A conditional use permit shall be null and void one year after approval unless substantial work shall have been accomplished toward its completion.

Sec. 15.1120 Revocation

A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit

Sec. 15.1130 – 15.1140 RESERVED

SUBCHAPTER F: BUILDING PERMITS; BUILDING INSPECTOR

- Sec. 15.1150 Building Permit Required
The construction, alteration, repair, removal, or occupancy of any structure, any part thereof or any property line fence, as provided or as restricted in this Chapter, shall not be commenced or proceeded with except after the issuance of a written permit for the same by the Building Inspector.
- Sec. 15.1151 Flood Elevation Certificate Required
No building permit will be issued until the determination of need for a flood elevation certificate is addressed by the Caliente Floodplain Administrator.
- Sec. 15.1160 Certificate of Occupancy or Completion Required
No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof or the use of the land complies with the provisions of this Chapter or for the renewing, changing, or extending of a nonconforming use. A certificate of occupancy either for the whole or part of a building or structure shall be applied for coincidentally with the application for a building permit, and shall be issued within the ten (10) days after the erection or structural alteration of such building or structure, or part thereof, shall have been completed in conformity with the provisions of this Chapter. A Certificate of Completion may be substituted for a certificate of occupancy for an existing occupied building.
- Sec. 15.1170 Building Inspector to Enforce
The Building Inspector, appointed under the provisions of the Building Code of Caliente City, is hereby designated and authorized as the officer charged with the enforcement of this Chapter, but the City Council, by resolution or ordinance, may from time to time entrust such administration, in whole or in part, to any other office of Caliente City without amendment to this Chapter.
- Sec. 15.1180 Permits to Comply with Ordinance
From *the* time of the effective date of this Chapter the Building Inspector shall not grant a permit for the construction or alteration of any building or structure or the moving of a building or structure onto a lot if such building or structure would be in violation of any of the provisions of the Chapter nor shall any City officer grant any permit or license for the use of any building or land if such use would be in violation of this Chapter, unless such provisional permit is approved by a vote of the City Council.
- Sec. 15.1190 Powers and Duties of Building Inspector
It shall be the duty of the Building Inspector to inspect or cause to be inspected all building in course of construction or repair. He shall enforce all of the provisions of this Chapter, entering actions in the court when necessary, and his failure to do so shall not legalize any violation of such provisions. The Building Inspector shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, and use fully conform to all zoning regulations then in effect.
- Sec. 15.1200 Licensing
All departments, officials, and public employees of Caliente which are vested with the duty or authority to issue permits or licenses shall conform to the provisions, of this Chapter and shall issue no permit or license for uses, building, or purposes where the same would be in conflict with the provisions of the Chapter, and any permit or license which does not conform with the provisions of this Chapter shall be null and void.
- Sec.15.1210 – 15.1220, inclusive: RESERVED

SUBCHAPTER G: EXISTING NONCONFORMING BUILDINGS AND STRUCTURES

Sec. 15.1230 Maintenance Permitted

A nonconforming building or structure may be maintained.

Sec. 15.1240 Repairs and Alterations

Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use, so long as the appropriate building permits are obtained.

Sec. 15.1250 Additions, Enlargements, and Moving

A building or structure nonconforming as to use regulations shall not be added to or enlarged in any manner unless such building or structure, including such additions and enlargements, is made to conform to all the regulations of the zone in which it is located, except as permitted by the Board of Adjustment.

Sec. 15.1260 Alterations Where Parking Insufficient

A building or structure lacking sufficient automobile parking space in connection therewith as required by this Chapter may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this Chapter for such alteration or enlargement.

Sec. 15.1270 Restoration of Damaged Buildings

A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or Act of God or the public enemy, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction, may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

Sec. 15.1280 One Year Vacancy

A building or structure or portion thereof occupied by a nonconforming use which is, or hereafter becomes, vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

Sec. 15.1290 Continuation of Use

The occupancy of a building or structure by a nonconforming use, existing at the time this Chapter becomes effective, and may be continued.

Sec. 15.1300 RESERVED

Sec. 15.1310 Change of Use

The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

Sec. 15.1320 Nonconforming Use of Land

The nonconforming use of land, existing at the time this Chapter became effective, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one (1) year or more, any future use of such land shall be in conformity with the provisions of this Chapter.

Sec.15.1330 – 15.1340, inclusive: RESERVED.

SUBCHAPTER H: GENERAL LOT AND SPACE RESTRICTIONS

Sec. 15.11350 Lot Requirements

Every dwelling shall be located and maintained on a "lot" as defined in this Chapter.

Sec.15.1360 Separately Owned Lots – Reduced Yards

In any lot under a separate ownership from adjacent lots and of record at the time of passage of the zoning Chapter and such lot having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width, provided that on interior lots, the smaller of the two yards shall be in no case less than five (5) feet, or the larger less than eight (8) feet, and for corner lots the side yard on the side street shall be in no case less than fifteen (15) feet or the other side yard be less than five (5) feet.

Sec. 15.1370 Yards to be Unobstructed – Exceptions

Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, roof overhang, chimneys, flues, and other ornamental features which project into a yard not more than four (4) feet and open or lattice enclosed fire escapes, fireproof outside stairways and balconies upon fire towers projecting into a yard not more than five (5) feet.

Sec. 15.1380 Wall, Fence or Hedge

Height of Fences, Hedges, or Shrubs: No fence or wall or other similar structure shall be erected in any required front, rear or side yard to a height in excess of six (6) feet except for accessory buildings and structures permitted herein. Any fence on a front or side yard abutting a street shall have a maximum of forty-two (42) inches in height. Where there is a difference in the grade of the properties on either side of a fence or wall, the height of the fence or wall shall be measured from the average elevation of finished grades of the adjoining properties in question at the fence line.

Sec. 15.1390 Retaining Walls

Where a retaining wall protects a cut below the natural grade and is located on the line separating lots, such retaining wall may be topped by a fence, wall, or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contribution to the permissible height of a fence, solid wall or hedge, providing that in any event a protective fence or wall not more than forty-two (42) inches in height may be erected at the top of the retaining wall. All retaining walls require a building permit.

Sec. 15.1400 Area of Accessory Buildings

No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty-five (25%) of the rear yard.

Sec. 15.1410 Exception to Height Limitations

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and parapet walls, skylights, towers, steeples, flagpoles, chimneys, smoke stacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space. A Conditional Use Permit is required for any such exception.

Sec. 15.1420 Minimum Height of Main Buildings

No dwelling shall be erected to a height less than one (1) story above grade.

Sec. 15.1430 Clear-View of Intersecting Streets

In all zones which require a front yard, no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at a point forty (40) feet from the intersection of the street lines except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers.

Sec. 15.1440 Sale or Lease of Required Space

No space needed to meet the width, yard, area, coverage, parking or other requirements of this ordinance for a lot or building may be sold or leased away from such lot or building.

Sec. 15.1460 Coverage Regulations

In no zone shall a building or group of buildings with their accessory buildings cover more than sixty percent (60%) of the area of the lot.

Sec.15.1470 – 15.1490, inclusive: RESERVED

SUBCHAPTER I: PARKING RESTRICTIONS

Sec. 15.1500 Off-Street Parking Required

There shall be provided at the time of erection of any building or at the time any main building is enlarged or increased in capacity minimum off-street parking space with adequate provisions of ingress and egress by standard sized automobiles as hereinafter provided.

Sec. 15.1510 Parking Space Requirements

Street Parking Spaces Required - Minimum Size - Quantity.

- A. For each dwelling, multiple dwelling, business, industrial or other structure or use there shall be provided and maintained off-street parking facilities to accommodate the motor vehicles used by the occupants, customers, clientele and employees of such structures or uses.
- B. Each required parking space shall not be less than nine feet wide and eighteen feet long, exclusive of access drives, and in addition there shall be adequate space for ingress and egress.
- C. The number of parking spaces for each type of use shall be not less than as provided in the provisions following:

One-family, Two-family, Multiple-family Dwellings and Manufactured Homes. For every dwelling, multiple-dwelling, manufactured home or other structure erected or intended to be used as a dwelling, there shall be provided on the same lot or parcel of land two parking spaces for each dwelling unit. All new construction or major renovation of existing building shall provide for minimum of 2 parking spaces on site.

Rooming houses and Lodging houses. For a rooming-house or lodging house, one parking space shall be provided for each guest room. Each such parking space shall be provided on the same lot or parcel of land with such building or shall be contiguous thereto.

Amusement Places.

- a. For a stadium or an arena or a fair, or other similar place of assembly, one parking space shall be provided for each three and one-half seats-provided therein. Where seating is by means other than individual chairs or seats designed for occupancy by one person (such as, for example, benches or bleacher seats) each eighteen lineal inches of seating space shall count as one seat.
- b. For a dancehall, one parking space shall be provided for each ninety square feet of floor area or fraction thereof. but in no event shall less than fifteen spaces be provided.
- c. For bowling establishment, four parking spaces shall be provided for each lane or alley.

Auditorium and Other Places of Assembly. For an auditorium connected with a church, school, college or university, or for a theater, general auditorium or other similar place of assembly, one parking space shall be provided for each three and one-half seats provided therein. Where seating is by means other than individual chairs or seats designed for occupancy by one person (such as, for example, benches or pews), each eighteen lineal inches of seating space shall count as one seat. Where no permanent seating is provided, each seven square feet of floor space within such auditorium, theater or place of assembly shall count as one seat.

Hospitals or Clinics.

- a. For hospitals, including sanitariums, convalescent homes, homes for the aged or infirm, and all other similar institutions, one parking space shall be provided for every five patient beds, plus at least one additional parking space for each staff and visiting doctor, plus at least one additional parking space for every two employees, including nurses.
- b. For medical and dental clinics, three permanently maintained off-street parking spaces shall be provided for every doctor or dentist having offices in such clinic.

Motels, Hotels, Bed and Breakfast Inns, Tourist Courts or Auto Courts. One parking space shall be provided for each living or sleeping unit on the same lot or parcel of land or contiguous thereto, except that parking space for hotels shall be on the same lot or within five hundred feet of the building.

Office Buildings. For office buildings, including commercial, governmental and professional buildings at least one parking space shall be provided for every three hundred square feet of floor space in the building.

Restaurants or Taverns. For restaurants or establishments that serve meals, lunches or drinks, including bars, night clubs and taverns, to patrons either in their cars or in the building, at least one parking space shall be provided for every one hundred square feet of floor space in the building, or one parking space for every four seats provided for patrons' use, or ten parking spaces, whichever requirement is greater.

Retail Establishments. For retail establishments, including personal service shops, equipment repair shops, retail shops and businesses, banks or other financial or lending institutions, at least one parking space shall be provided for each five hundred square feet of floor area or fraction thereof. Each parking space shall be on the same lot or within five hundred feet of the building.

Other Uses. For all business and industrial uses not listed above, one parking space shall be provided for every two employees working on the highest employment shift, or one parking space for every one thousand square feet of gross floor area, whichever requirement is greater. (Ord. 1990-5 §19.0, 1990)

15.1521 Collective Spaces.

Nothing in this chapter shall prohibit the collective use of space for off-street parking, provided such collectively used space is equal to the sum of the requirements of each individual establishment participating in such collective use.

15.1522 Required Parking in Separate Lot-Recorded.

When the required off-street parking space is provided on a separate lot from the main building, there shall be recorded, in the office of the county recorder, a covenant by the owner or owners-of the lot for the benefit of the city to the effect that such owner or owners will continue to maintain such parking space so long as the building is maintained.

15.1523 Surfacing Requirements.

All off-street automobile parking areas, including automobile sales lots, service stations and other drive-in establishments, shall be surfaced with a bituminous surface treatment or other approved surfacing.

15.1324 Lighting.

All lights used to illuminate the lot shall be arranged so as to reflect away from adjoining premises.

Sec. 15.1580 - 15.1590, inclusive: RESERVED

SUBCHAPTER J: ESTABLISHMENT OF ZONES

Sec. 15.1600 Establishment of Zones

For the purpose of this Chapter, the following zones are created to be applied as necessary to regulate the development of the land in Caliente.

Agricultural	AG
Residential Estates Zones	RE
Single Family Residential Zone	R-1
Multiple Family Residential Zone	R-3
Administrative and Professional Office Zone.	AP
General Commercial Zone	C-3
Highway Commercial Zone	HC
Industrial Zone	I-1
Mobile/Manufactured Home Zone	MH
Recreational Vehicle Park or Sub-Divisions <i>RV Estates</i>	RV
Agricultural zone	AGH

Sec. 15.1610 Boundaries of Zones
 The boundaries of each of the said zones are hereby established as directed herein or shown on the map entitled “*Revised in 2015* Zoning Map of Caliente” SAID MAP WILL BE ATTACHED TO THIS CHAPTER WHEN COMPLETED; and all boundaries, notations, and other data shown thereon are made by this reference as much a part of this Chapter as if fully described and detailed herein.

Sec. 15.1620 Filing of Zoning Chapter and Map
 This Chapter and map shall be filed in the custody of the City Recorder of Caliente and may be examined by the public subject to any reasonable regulations established by the City Council.

Sec. 15.1630 Rules for Locating Boundaries
 Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

1. Where the zone boundary is indicated as being approximately upon the center line of a street, alley, or block, or along a property line, then unless otherwise definitely indicated on the map, the center line of such street, alley or block or such property line shall be construed to be the boundary of such zone.
2. Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal, or other waterway or railroad right-of-way or public park or other public land or any section line, then in such case the center of such stream, canal, or waterway, or of such railroad right-of-way or the boundary lines of such public land or section line be deemed to be the boundary of such zone.
3. Where the application of the above rules does not clarify the zone boundary location, the Board of Adjustment shall interpret the map.

SUBCHAPTER K:

Sec. 15.1640: AGRICULTURAL (AGH)

The “AG” agricultural district is established for areas particularly suited for the raising of crops and animals and other related agricultural activities. (Ord. 2005-10, 1-3-2006)

In the A agricultural district, no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

Accessory agricultural buildings, structures and uses, including farm buildings, garages and implement shelters.

All agricultural uses, including the keeping of cattle, horses, sheep, hogs or other farm stock, including supplementary feeding thereof, but not including hog ranches, commercial cattle or livestock feed yards, animal sales yards or dairies.

Animal hospitals and veterinaries.
Churches and the facilities which are normally accessory to a religious use.
Community centers and grange halls.
Equestrian establishments, including stables or riding academies.
Farm machinery equipment sales and services.
Harvesting, curing, processing, packaging and storage incidental thereto and shipping of agricultural products produced upon the premises.
Home occupations.
One single-family dwelling or manufactured home. A manufactured home must meet the requirements of a manufactured home as indicated in this title, including, but not limited to, conversion to real property.
Signs, not to exceed two (2) signs with a maximum area of twelve (12) square feet each, used only to advertise the products produced or sold on the premises or identifying the premises or occupants.
Storage of petroleum products for use on the premises, but not for resale.
Accessory building, structures and uses, customary and incidental to the above uses.

Uses permitted subject to special use permit:

The following additional uses may be permitted subject to securing a special use permit in each case as provided for in this title:

Additional dwellings and manufactured homes to be used in conjunction with an agricultural operation on the premises.
Agricultural industries and processing plants.
Animal sales yards.
Animal slaughterhouses.
Bed and breakfast inns.
Dairies.
Dumps and refuse disposal areas.
Forest industries and the production of forest products.
Golf courses.
Guest facilities in conjunction with a ranching operation.
Hog ranches.
Livestock feed yards.
Mining and milling operations.
Public utility or public service buildings, structures and uses.
Recreational camps and resorts.
Recreational vehicle parks and campgrounds.
Temporary asphalt concrete plants and cement batch plants for construction projects.

Building height:

Two and one-half ($2\frac{1}{2}$) stories and not to exceed thirty five feet (35'). (Ord. 2005-10, 1-3-2006)

Front yard:

There shall be a front yard of not less than twenty five feet (25') measured from the front property line

Side yard:

There shall be a side yard on each side of a main building not less than twenty feet (20').

Rear yard:

There shall be a rear yard behind every main building of not less than thirty feet (30').

Lot area and width requirements:

The following minimum lot and parcel sizes and widths shall apply in the following agricultural districts:

<u>District</u>	<u>Minimum Lot Area</u>	<u>Minimum Width</u>
A-1	2 ¹ / ₂ acres	200 feet
A-2	5 acres	250 feet
A-3	10 acres	300 feet
A-4	20 acres	600 feet
A-5	40 acres	600 feet

RESIDENTIAL ESTATES

Sec. 15.1650 Purpose of Residential Estates

The purpose of residential estates are to provide for residential estate neighborhoods of rural character together with a limited number of livestock for the benefit and enjoyment of the residents of the neighborhood.

Sec. 15.1660 Permitted Uses

Permitted uses in Residential Estates are:

1. The raising of crops, horticulture and gardening.
2. Private stables subject to the following conditions:
 - (1) All livestock shall be used for personal and recreational purposes only.
 - (2) No livestock may be kept on lots less than 1/3 of an acre, provided the maximum number of horses, cows or other large animals shall not exceed one animal for each 1/3 of a lot.
3. Household pets as per Section 11 of City Code.
Single family dwellings, including manufactured homes as permanent dwellings (14 feet wide minimum)
4. Accessory Buildings and uses.

Sec. 15.1670 Conditional Uses

Conditional uses in Residential Estates are:

1. Church.
2. School.
3. Public utilities.
4. Park and playground.
5. Public buildings.

6. Public riding stable.
7. Golf course.
8. Other uses similar to the above and recommended by the Planning Commission or the City Council to be in harmony with the character and intent of this zone.

Sec. 15.1680 Height and size Regulations

1. No building shall exceed two and one-half stories or thirty-five feet in height.
2. Area, width and yard requirements: Minimum lot area to be 15,000 square feet, minimum width of 80 feet. Minimum side yard of 10 feet (per side) and minimum front 25 feet and rear of 20 feet.
3. Distance between Buildings. No building, structure or enclosure housing animals or fowl shall be constructed closer to a dwelling on the same or adjacent lots closer than 50 feet.
4. Parking Requirements. There shall be provided at the time of erection of any building or at the time any main building is enlarged or increased in capacity a minimum off-street parking space with adequate provisions of ingress and egress by standard sized automobiles as hereinafter provided. All residential estates lots shall provide for total off-street parking of at least two (2) vehicles.

SUBCHAPTER L: R-1 ZONE

Sec. 15.1700 Purpose of R-1 Zone

The purpose of the R-1 zone is to provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations also permit the establishment, with proper controls, of public and semi-public uses such as churches, schools, libraries, parks and playgrounds, which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood.

Sec. 15.1710 Permitted Uses in R-1 Zone

Permitted uses in R-1 Zone are:

1. Single-family dwellings, to include Manufactured homes.
2. Agriculture as defined herein.
3. Home occupations as defined herein.
4. Accessory uses and building.

Sec. 15.1720 Conditional Uses in R-1 Zone

1. Home business.
2. Church.
3. Library.
4. Public building.
5. Park or playground.
6. Public utility.
7. Public school.
8. Other uses approved by the planning commission or City Council as being in harmony with the intent of the zone and similar in nature to the above-listed uses.

Sec. 15.1730 Height Regulations in R-1 Zone

<u>Sec.</u>	<u>15.1740</u>	<u>Area, Width and Yard Regulations</u>
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Parking Requirements. There shall be provided at the time of erection of any building or at the time any main building is enlarged or increased in capacity minimum off-street parking space with adequate provisions of ingress and egress by standard sized automobiles as hereinafter provided. All residential lots shall provide for total off-street parking of at least two (2) vehicles.

<u>Sec.</u>	<u>15.1820 - 15.1840, inclusive:</u>	<u>RESERVED.</u>
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Sec.	15.1850	Purpose of the R-3 Zone
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Sec.	15.1860	Permitted Uses in R-3 Zone
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1. Single family dwellings.
2. Two, three and four family dwelling on an individual lot. All new construction is required.
3. Home occupations as defined herein.
4. Household pets.
5. Accessory uses and buildings.

Sec.	15.1870	Conditional Uses in the R-3 Zone
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| <u>Sec.</u> | <u>15.1880</u> | <u>Height Regulations in the R-3 Zone</u> |
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<u>Sec.</u>	<u>15.1890</u>	<u>Area, Width and Yard Regulations in the R-3 Zone</u>
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1. Front Yards. Minimum of 10' front yard.
2. Side Yards. Main buildings shall have one minimum side yard of 20 feet, and the total of the two side yards shall be 30 feet. Private garages or other accessory buildings located at least 10 feet behind the main building may have a side yard of 5 feet except that the street side yard of a corner lot shall be the same as that required in the zoning district.
3. Rear Yards. Private garages and accessory buildings located at least 10 feet behind the main building may have a rear yard of 2 feet provided that there is a dedicated alleyway between the rearward adjacent property and on a corner lot rearing on the side of another lot, the minimum rear yard for all buildings shall be the minimum side yard required in the zoning district.
4. Area. A 6,000 square foot lot is required for each single family dwelling unit, and an additional 3,000 square feet of lot area is required for each additional unit.
5. Outdoor living Space. A minimum of 1,200 square feet of outdoor living space shall be provided for each dwelling unit, exclusive of any buildings or parking areas, drives, etc.
6. Coverage. Building coverage may not exceed 60 percent (60%) of lot area.

Sec.	15.1995	Group Dwellings
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1. These buildings shall be considered as one building for the purpose of determining front, side and rear yard requirements as required by the zoning district. Each two and one-half (2 ½) story group dwelling unit shall have a minimum court of 30 feet in width, and each one-story group dwelling development shall have a minimum court of 20 feet in width. No two separate dwelling structures shall be closer to each other than 10 feet, and the front yard on any dwelling may not be less than 20 feet from an adjacent dwelling unit.
2. Each dwelling structure shall have a lot area equal to that required in the zone for individual lot. Front, side, and rear yards shall equal those required in the particular zone.
3. One off street parking spaces shall be provided for each of the allowable number of residents of the dwelling unit.
4. All perimeter lot lines shall be enclosed with a six (6) foot visual barrier fence.
5. Landscaped areas shall be provided.
6. The site and architectural plan, with landscaping and fencing shown shall be approved by the Planning Commission or City Council.

SUBCHAPTER O: A-P ZONE

Sec. 15.1910 A-P Zone

The purpose of the A-P zone is to provide appropriate locations for the development of administrative and professional office related uses.

Sec. 15.1920 Permitted Uses in the A-P Zone

All uses in the A-P zone are subject to conditional use permit.

Sec. 15.1930 Conditional Uses in the A-P Zone

Conditional uses in the A-P zone are:

1. Administrative, executive, professional, medical and research offices and businesses of an office type nature.
2. General research, not involving industrial or manufacturing processes.
3. Medical and biological laboratories.
4. Printing companies.
5. Banking institutions.
6. Convalescent home or rest home.
7. Mortuary.
8. Parking lots.
9. Commercial facilities which are related and incidental to the above uses, provided such incidental uses shall not be permitted to display advertising or signs on the outside of the building other than those specifically approved by the Planning Commission. Each such incidental use shall be submitted to the commission for review and approval or disapproval.
10. Other uses similar to the above.

Sec. 15.1940 Height Regulations in the A-P Zone

No building shall be erected to a height greater than two and one-half (2 ½) stories or thirty-five (35) feet without a conditional use permit.

Sec. 15.1950 Area, Width and Yard Regulations in A-P Zone

Area, width and yard regulations in the A-P zone are:

1. Minimum lot size shall be 6,000 square feet.
2. Parking requirements: Minimum of 2 parking spaces per building to be provided off site, plus a minimum of 2 parking spaces on site per building, and comply with parking as required in Subchapter "I" of this code.
3. Front yard, minimum of 20 feet.
4. Side yard, minimum of 10 feet per side.
5. Rear yard, minimum of 10 feet.

Sec.15.1960 - 15.1990, inclusive: RESERVED

SUBCHAPTER P: C-3 ZONE

Sec. 15.2000 Purpose of C-3 Zone

The purpose of the C-3 zone is to provide appropriate areas where commercial activities may be established, maintained and protected.

Sec. 15.2010 Permitted Uses in the C-3 Zone

Retail or Professional uses to the general public.

Sec. 15.2020 Conditional Uses in the C-3 Zone

All uses in the C-3 zone are subject to a conditional use permit, so long as the property is used for the same business type. Should the use change, a conditional use will be required.

Sec. 15.2030 Height Regulations in the C-3 Zone

No building or structure shall be erected to a height greater than two and one-half (2 ½) stories or thirty-five (35) feet.

Sec. 15.2040 Area, Width and Yard Regulations in C-3 Zone

1. Area: Lot size minimum to be predicated on business type, but in no instance to be less than 3000 square feet.
2. Width: Minimum width of 40 feet.
3. Yards: Front No minimum except when abutting "R" zoning, then 25 feet.
4. Side: No minimum except when abutting "R" zoning, then 10 feet.
5. Rear: No minimum except when abutting "R" zoning, then 10 feet.
6. See parking requirements in Section "I".

Sec. 15.2050: RESERVED.

SUBCHAPTER Q: HC ZONE

Sec. 15.2060 Purpose of HC Zone

The purpose of the HC zone is to provide commercial areas on major highways for the location of travel services and highway oriented commercial uses.

Sec. 15.2070 Uses in the HC Zone

Retail, Commercial, or Professional uses to the general public.

Sec. 15.2080 Conditional Uses in the HC Zone

1. Restaurant or drive-in café.
2. Motels.
3. New and used automobile agency.
4. Farm machinery and equipment sales.
5. Nurseries and greenhouses.
6. Mobile home sales.
7. Overnight camping facilities.

8. Drive-in theater.
9. Bowling alley or other commercial recreation facilities.
10. Automobile service station, auto accessories.
11. Accessory buildings and uses.

Sec. 15.2090 Height Regulations

No building or structures shall be erected to a height greater than two and one-half (2 ½) stories or thirty-five (35) feet.

Sec.15.2100 Area, Width and Yard Regulations in HC Zone

1. Area and width: Size minimum to be predicated on business type.
2. Yards: Front No minimum except when abutting "R" zoning, then 25 feet.
3. Side: No minimum except when abutting "R" or "AG" zoning, then 10 feet.
4. Rear: No minimum except when Abutting "R" or "AG" zoning, then 10 feet.

Sec. 15.2110: RESERVED

SUBCHAPTER R: Industrial Zone ("I")

Sec. 15.2120 Purpose of "I" Zone

The purpose of the I zone is to provide areas where industries necessary and beneficial to the local economy may locate and operate. I zone is intended to provide for the development of agricul uses which do not in their maintenance, assembly, manufacture, or planned operation create smoke, gas, odor, dust, sound vibration, smut, or lighting to any degree which might be obnoxious or offensive to persons residing in or conducting business in either this or any other zone.

Sec. 15.2130 Permitted Uses in the "I" Zone

All permitted uses in the "I" zone are subject to a conditional use permit.

15.2130 Permitted Uses In The I Zone

All permitted uses in the I zone are subject to conditions covenants and restrictions (CC&R's) as may, in the sole discretion of the City of Caliente, be enacted by ordinance by the City of Caliente from time to time, in order to control, regulate, encourage, and provide for industrial development within the City of Caliente.

Such conditions covenants and restrictions may be more restrictive than the general provisions of Chapter 15 of the Municipal Code of the CITY OF CALIENTE, as published in 1991, modified in 2014, and may be applied to or modified for specific parcels of property as the City of Caliente shall decide.

Sec. 15.2150 Height Regulations in the I Zone

Buildings and structures shall have a height not greater than sixty feet. Within one hundred feet of the boundary of any adjoining zone, no building shall exceed a height limit established for main building in such adjoining zone.

Sec. 15.2160 Area, Width and Yard Regulations in I Zone

None, except that for any parcel in the I zone having a lot line in common with a lot in an adjoining zone or lying across the street or alley from such adjoining zone, the front, side and rear yards as prescribed for such adjoining zone shall be maintained in the I zone.

Sec. 15.2170 Modifying Regulations in the I Zone

Modifying regulations in the "I" zone are:

1. All processing assembly of goods shall be conducted completely within a building that is enclosed on all four sides unless otherwise specified.
2. All buildings which house the processing and/or assembly of goods shall be located not less than one hundred feet from any residential zone boundary.
3. Outdoor storage of materials or semi-finished or finished goods shall be located not less than one hundred feet from any residential zone boundary. All storage areas shall be enclosed by a solid six-foot fence or wall in a manner that such materials shall not be visible from any point beyond the boundaries of the property.

SUBCHAPTER S: MOBILE HOME/RV PARK

Sec. 15.2180 Purpose of this Chapter

This chapter is developed for the purpose of protecting the health, safety and welfare of the present and future residents of the city, by setting forth conditions of location, installation and the use of mobile/manufactured homes and RVs.

Sec. 15.2190 Definitions

As used in this subchapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

1. Camper means a mobile living unit designed to be mounted upon and conveyed by a vehicle. No camper unit shall be occupied in the City as a permanent dwelling
2. Travel Trailer is a mobile home designed for human occupancy, and not more than eight feet in width nor more than forty five feet in length. No travel trailer shall be occupied in the city on a permanent basis except as provided by code in mobile home or RV parks,
3.
 1. Manufactured home or Mobile Home as used in this section has the same meaning, which is:
 - (a) Built on a permanent chassis;
 - (b) Designed to be used with or without a permanent foundation as a dwelling when connected to utilities;
 - (c) Transportable in one or more sections; and
 - (d) Eight feet or more in body width or 40 feet or more in body length when transported, or, when erected on-site, contains 320 square feet or more.
 2. The term includes:
 - (a) The plumbing, heating, air-conditioning and electrical systems of the structure.
 - (b) Any structure:
 - (1) Which meets the requirements of paragraphs (a), (b) and (c) of subsection 1, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards.
 - (2) Built in compliance with the requirements of NRS chapter 461
 3. The term does not include a recreational park trailer.

Sec. 15.2190 Relationship to Other Chapter(s)

A mobile/manufactured home may be permitted to locate on any parcel of land in the city of Caliente, provided that all conditions of the Caliente zoning ordinance, subdivision ordinance, building codes and all other ordinances or laws of Caliente and the state of Nevada are complied with in full.

Sec. 15.2200 Building Permit Required

No manufactured home shall be located as a permanent dwelling anywhere in Caliente until the owner or dealer shall have first obtained a building permit from the office of the Caliente city building inspector, and from the Nevada Division of Manufactured Housing. Upon issuance of a building permit, the following conditions shall be complied with:

1. Unless installed in a mobile home park, all mobile homes shall be located upon a permanent foundation of concrete or masonry construction to include a concrete or masonry stem wall.
2. All towing devices, lights, license plate frames, wheels and other devices used in mobile home transportation shall be removed.
3. All electrical connections, water connections, sewer line connections, and where applicable, septic disposal systems, shall be inspected by the building inspector to determine compliance with the building code and with safe practices.
4. Provision shall be made in the placement of all mobile homes to provide protection against wind and flood damage by use of suitable anchors or restraints, approved by the building inspector.
5. Provisions of NRS.489 and regulations of the Nevada State Division of Manufactured Housing and Mobile Home Regulations shall be complied with in all cases.

Sec. 15.2210 Duration of Permit

The approval of issuance of a building permit authorizing the installation of a mobile home in Caliente shall be valid for a period of one year from the date of issuance, provided:

1. An extension of the one year period may be requested by the applicant on a year-to-year basis. Such extension must be approved by the Caliente planning commission and the city council.
2. When manufactured homes are installed according to the provisions of this subchapter, the building inspector shall inspect the dwelling unit upon completion or by the end of one year, whichever occurs first, to determine that the provisions of this subchapter have been met and complied with.
 - (1) If all conditions have been met, the building inspector shall approve the installation as permanent.
 - (2) If all conditions of this subchapter have not been met, the permit may be extended as provided in subsection 1 of this section, or the permit may be revoked and the manufactured home required to be removed. [Ord. 127]

Sec. 15.2220 Bond Requirement

The city of Caliente shall have the authority to require that the applicant post bond for one hundred percent of the required improvements to be made in connection with mobile home installation. Said bond shall be posted with the Caliente city clerk and shall be in a form approved by the city attorney. Such bond shall be released upon final inspection and approval of the building inspector for permanent installation. [Ord. 127]

Sec. 15.2230 Exceptions

Exceptions to the requirements for manufactured homes are:

Any person requesting a building permit for the installation of a manufactured home as a permanent dwelling in Caliente may, because of specific conditions relating to that installation and not generally encountered in other circumstances, make a request in writing to the Caliente city council for a variance to any of the above requirements. If the council finds that the public safety and welfare will not be impaired by the requested variance, it may grant the same. [Ord. 127]

Sec. 15.2240 Mobile Home Parks

Purpose of the Mobile Home Park Zone

Mobile home parks are areas intended for the development of spaces for mobile homes and/or recreational vehicles for rent. Mobile home parks are a permitted use or a use permitted subject to a conditional use review in certain zone districts. This chapter provides standards and conditions under which mobile home parks may be developed as a permitted use or a use permitted subject to conditional use review. In addition to this chapter mobile home parks must meet the standards of the manufactured housing division, state of Nevada.

Uses Permitted:

The following uses will be permitted in an approved mobile home park:

A recreational vehicle park may be made a part of an approved mobile home park as a secondary use, provided the area of such recreational vehicle park is separate and distinct from the area for mobile homes and does not exceed twenty five percent (25%) of the combined area of the mobile home park and such secondary recreational vehicle park. Any such recreational vehicle park must meet the requirements of Section 15.33.50

Accessory uses which are clearly incidental to the operation of the park, and which are for the exclusive use of the residents of such park, including, but not limited to: such uses as recreation and laundry buildings, swimming pools, storage areas for recreational vehicles, boats and trailers, vending machines and limited packaged dry goods sales.

Location:

The mobile home park shall be located on a well drained site, and shall be located so that its drainage will not constitute an unreasonable hazard or nuisance to persons, property or water supply in the immediate vicinity of the site. The site shall be free from marshes. Mobile home park sites shall not be subject to undue flooding, fire or safety hazards, and shall not be exposed to nuisances, such as undue noise, smoke, fumes or odors. The topography of the site should be favorable to minimum grading, mobile home placement and ease of maintenance. Initial site grades shall not exceed eight percent (8%).

Minimum And Maximum Size:

The minimum area required for a mobile home park is two (2) acres and the maximum size allowed is fifteen (15) acres.

Distance From Property Line:

A setback of twenty five feet (25') of all buildings from all property boundaries of the mobile home park is required.

Enclosure Requirements:

Each mobile home park shall be completely enclosed within a fence, hedge, wall or combination thereof; provided, that such fence, hedge or wall shall be six feet (6') in height, except within any required front yard the required enclosure shall be four feet (4') in height.

Distance Between Buildings And Between Buildings And Mobile Homes:

A. There shall be a minimum distance of ten feet (10') between each mobile home and any building, excepting mobile home accessory structures.

B. The minimum distance required for the separation of a mobile home from any other mobile home shall be:

1. Fifteen feet (15') from side to side;
2. Fifteen feet (15') from side to rear; and
3. Ten feet (10') from rear to rear.

D. The tongue of the mobile home must be at least three feet (3') from any sidewalk.

E. There shall be a minimum of ten feet (10') from any other point on the mobile home to the pavement of any adjacent access road serving more than one mobile home space.

Mobile Home Space Area And Width Requirements:

Each mobile home space shall contain a minimum of three thousand (3,000) square feet and have a minimum width of thirty feet (30').

Recreational Vehicle Space Area And Width Requirements:

Spaces designed for exclusive use of recreational vehicles shall contain a minimum of one thousand two hundred (1,200) square feet and a minimum width of fifteen feet (15').

Outdoor Living Area:

Each mobile home space shall include an outdoor living area of least three hundred (300) square feet. The minimum horizontal dimension of such area shall not be less than fifteen feet (15'). Such outdoor living area shall be properly drained, located for convenience and optimum use, and walled, fenced or planted to provide reasonable privacy. This area shall not be used as the required parking spaces.

Common Recreation Area(S):

At least ten percent (10%) of the gross area of the mobile home park shall be developed for common recreational areas for use by residents of the mobile home park. The area(s) shall be twenty feet (20') in the least dimension and shall contain not less than one thousand (1,000) square feet. Such area(s) shall be used for playgrounds, swimming pools, community buildings, play areas for small children, horseshoe pits, or paths for pedestrians and cyclist, away from streets and thoroughfares. The park owner shall maintain common recreation areas.

Streets:

A. The mobile home park site shall have at least two (2) direct accesses to a public street or highway.

B. All streets and accessways providing ingress to and egress from the mobile home park shall be constructed in accordance with city specifications for like streets and accessways on public ways, and shall be completed within a period of two (2) years after the date of approval of the mobile home park.

Parking and Access Drive Requirements:

A. A minimum of two (2) parking spaces shall be provided upon each mobile home space. A minimum of one parking space shall be provided upon each recreational vehicle space. Each parking space shall have a dimension at least nine feet by twenty feet (9' x 20'). Required parking spaces may be side by side, in tandem, or separate.

B. Parking spaces reserved for guests shall be interspersed throughout the mobile home park at a ratio of one guest parking space per four (4) mobile home park spaces.

C. All access drives within a mobile home park shall be not less than twenty four feet (24') in width, and must be completed within two (2) years after the date of approval of the mobile home park.

D. All mobile home spaces shall have a frontage on internal private drives. No mobile home space shall have direct access to a public street or public alley.

E. All vehicular parking areas and drives shall be improved with paved surfacing.

F. Each mobile home park shall have at least one street access for each twenty five (25) mobile home or recreational vehicle spaces contained within the park.

Walkways:

Walkways at least four feet (4') wide shall be provided from all mobile home spaces to service buildings and other community areas, and along all access roads.

Sign Regulations:

Signs in the mobile home park zone shall be limited to two (2) signs not to exceed a total area of fifty (50) square feet and shall contain information related only to the name of the owner or business and address of the premises. No sign shall exceed a maximum height of ten feet (10'), measured from grade to top of sign.

Utility Installation Requirements:

All public utility transmission lines located within the park shall be placed underground. Utility connections to each mobile home space or recreational vehicle space shall be placed underground.

Landscaping Requirements:

Landscaping shall include trees in number not less than a ratio of one tree for each mobile home or recreational vehicle space within the park, plus conditional landscaping (trees and shrubs) in the common recreation area.

Conformance With Other Regulations:

In addition to the regulations set out in this chapter, all mobile home parks must conform to any state regulations covering the construction and installation of mobile home parks such as regulations adopted pursuant to Nevada Revised Statutes section 489, and subsequent revisions. Mobile home parks must also conform to flood hazard regulations.

Water Supply:

An applicant must demonstrate to the satisfaction of the planning commission that the proposed mobile home park meets all the applicable conditions of the water supply regulations governing subdivisions, division of health, state of Nevada, as revised. In addition to these requirements:

- A. If a new community water supply system is to be installed, the method of financing, system of construction, maintenance and operation must be outlined. The City Council may require a bond or similar security to the value of these improvements be held in escrow until such time as the system is installed to the standards approved at the time of subdivision review.
- B. If private water supply systems are to be used, the applicant must demonstrate to the satisfaction of the City Council that proposed wells have the flow and supplies adequate to meet the demand of the proposed subdivision in all seasons.

Wastewater Disposal:

An applicant must demonstrate to the satisfaction of the planning commission that the proposed subdivision/mobile home park meets all the applicable conditions of sewerage system regulations governing subdivisions and division of health of the State of Nevada, as revised. In addition to these requirements:

- A. If a new community sewerage system is to be constructed, the applicant must outline the method of financing all system construction, operation and maintenance. The City may require a bond or similar security to the value of these improvements be held in escrow until such time as the improvements are installed to the standards described at the time of subdivision approval.
- B. If an existing approved community sewerage system is to be utilized, the applicant must outline who will bear the cost of any extension lines necessary to connect the proposed subdivision/park to the existing system.
- C. If individual or onsite wastewater disposal systems are to be used, the State of Nevada, Division of Environmental Protection must approve an engineered system.

Facilities for Recreational Vehicles & Recreational Vehicle Lots:

Mobile home parks containing spaces for recreational vehicles must provide shower and laundry facilities and wastewater disposal facilities. The City Council may determine whether these facilities can be included as part of the ten percent (10%) common recreation area or whether they must be on common land over and above the ten percent (10%).

RV parks or spaces set aside in mobile home parks for overnight or temporary use are exempt from lot sizes specified in this subchapter, but must comply with lot sizes as shown in RV Park Section 15.2250. Under no circumstances shall these temporary spaces be occupied by the same vehicle or travel trailer for a period exceeding ninety continuous days. Under no circumstances shall these temporary spaces be occupied at any time by a vehicle or mobile home larger than eight ½ feet wide and forty five(45) feet long.

15.2250 Recreational Vehicle Parks and Sub-division/Estates

Purpose of the Recreational Vehicle Parks and Sub-division/Estates

The purpose and scope of Chapter 15.2250 shall be to provide certain minimum standards, provisions, requirements, and arrangements of recreational vehicle parks and subdivision/estates, establish requirements for the design, construction, alteration, expansion and maintenance of recreational vehicle park and subdivision areas and related utilities and facilities; and to authorize the issuance of permits for construction, alteration and expansion of recreational vehicle parks and subdivisions; and other matters properly related thereto.

15.2250.40 Definitions:

For the purpose of this chapter certain terms used herein shall have the meanings ascribed to them in this section. All words used in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular shall include the plural number unless otherwise clearly indicated in the context. Any gender shall include the other gender:

1. "Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.
2. "Camping trailer" means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
3. "City" means the city of Caliente, Nevada, a municipal corporation of the state of Nevada.
4. "Community planning and development department" means the community planning and development department of the city of Caliente.
5. "Dependent unit" means a travel trailer which may not operate independently of connections to electricity, water and sewer.
6. "Health department" means the department established by the State of Nevada and any health department that may be created by the City of Caliente, and entrusted with the regulations, control or supervision of all matters pertaining to the general health of citizens.
7. "Independent unit" means a travel trailer which may operate independently of connections to electricity, water and sewer for a period of from one to seven days. Such a travel trailer has its own battery and/or gas system to operate lights, refrigerator, stove and heater, a large water tank with a demand or pressure system and a holding tank with a toilet.
8. "Motor home" means a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.
9. "Operator" means the person who is in continuous, responsible charge of the recreational vehicle park or subdivision; includes the words manager, agent and/or employee.
10. "Private street" means a street not dedicated to public use.
11. "Public street" means a street accepted for dedication or otherwise by the city council of the city of Caliente.
12. "Recreational vehicle" means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by

another vehicle. The basic entities are: travel trailer, camper, truck camper, motor home, tent trailer, boat, boat trailer, snowmobile, snowmobile trailer, camping trailer, stock trailer with living quarters, and/or a unit used for any similar purpose.

13. "Recreational vehicle park" means any lot or parcel of land used or intended to be used for the accommodation of two or more recreational vehicles for transient dwelling purposes.
14. "Recreational vehicle site" means a plot of land in a recreational vehicle park or subdivision used or intended to be used for accommodations of not more than one recreational vehicle and its accessory structures.
15. "Recreational vehicle subdivision/estates" means a parcel of land which has been improved for the placement of recreational vehicles where each recreational vehicle site is under individual ownership and can be used for long term residence.
16. "State" means the state of Nevada.
17. "Travel trailer" means a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle with a length of forty (40) feet or less and with a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms.
18. "Truck camper" means a portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pick-up truck.

Section 15.2250.50 Minimum property development standards and procedures

A recreational vehicle park must be developed in accordance with all provisions of this code, including the zoning ordinance and all model construction codes (Building, Fire, Mechanical, Plumbing, Electric) adopted by the city.
Minimum Size of Development: Three acres.

1. Density. The maximum density shall be twenty (20) units per gross acre. Recreational Vehicle Site (Space). The size of recreational vehicle sites (spaces) shall not be less than the following standards:
2. Drive-Through Spaces: Minimum width, twenty-five (25) feet; minimum depth, sixty (60) feet.
3. Back-in spaces: Minimum width, thirty-five (35) feet; minimum depth, fifty-five (55) feet.
4. Setbacks. The following setbacks shall be required:
 1. Separation. A minimum of ten (10) feet shall be required between recreational vehicles. Any attachment to the recreational vehicle shall be considered a part of such vehicle when determining the clearance between recreational vehicles.
 2. A minimum of five feet shall be maintained between the recreational vehicle and any lot line of the recreational vehicle space and/or private street.
 3. There shall be a minimum setback of twenty (20) feet between any recreational vehicle site and any public street.
 4. There shall be a minimum setback of fifteen (15) feet from the exterior property lines of the park except as provided in (3) above.
5. Surfacing. All recreational vehicle sites should be provided with a paved or other suitable all-weather surface of adequate size to support the recreational vehicle. The surfaced portion of the recreational vehicle site shall be either, bituminous mix, cement concrete or compacted graded stone as approved by the building official. The paved surface within the space shall be wide enough to assure occupants firm footing when stepping from or into their recreational vehicle.
6. H. Off-Street Parking.
 1. There shall be provided at each recreational vehicle site a minimum of one off-street parking space, paved in accordance with the city zoning ordinance requirements.
 2. There shall be provided a paved, centrally located parking area for additional occupant vehicle parking, boat parking and visitor parking.
 3. Parking shall be provided at a ratio of one parking space for each five recreational vehicle sites.

7. Screening, Fencing and Landscaping.

1. Every recreational vehicle park shall be completely enclosed within a fence, hedge, wall or combination thereof provided that such fence, hedge or wall shall be six feet (6') in height except for permitted areas of ingress and egress, required enclosure shall be four feet (4') in height. Along any exterior property lines of park which is public street frontage. Wall shall be set back a minimum of ten (10) feet in order to provide for a landscaped area.

8. Adequate Landscaping, as determined by the City approved site plans, shall be provided and maintained at the office, recreational area and throughout the park.

9. Service Building-Recreation Area. There shall be provided on the site of every recreational vehicle park a centrally located service building and recreational area containing the following: Management offices; storage areas; sanitary facilities; and recreational facilities. All such facilities shall be constructed in accordance with the requirements of the zoning ordinance, applicable building code and fire regulations of the city.

10. Sanitary Facilities.

1. All liquid wastes from service buildings and recreational vehicles, including sink wastes, shall be discharged into a public sewer or private sewage disposal system approved by the City and state Division of Health.

2. A sanitary dumping station for the discharge of toilet wastes from recreational vehicle retention tanks shall be provided in accordance with state division of health.

3. Independent Units Only. Where a recreational vehicle park is designed for and exclusively limited to use by independent units only, the following minimum emergency sanitary facilities shall be required: For each one hundred (100) sites or fraction thereof there shall be a minimum of one flush toilet and one lavatory for each sex. Such facilities shall be constructed in accordance with applicable building and plumbing codes.

4. Independent and Dependent Units. Where a recreational vehicle park permits either or both independent and dependent units, toilet, lavatory and shower facilities shall be provided in accordance with state health department regulations and City building codes requirements.

5. Refuse Areas. Every recreational vehicle park shall contain an adequate number of airtight, watertight, covered trash receptacles located within a centralized trash area. The centralized trash area shall be screened from public view by a block wall enclosure.

11. Utilities. In order to promote the health, safety, convenience and general welfare of all recreational vehicle park inhabitants and to improve the aesthetic appearance of the development, all electric, gas and communication distribution lines, including television service facilities, wires, cables, pipe and service extensions shall be installed underground.

12. Accessory Uses. Management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities and other uses and structures customarily incidental to the operation of recreational vehicle parks are permitted as accessory uses in any district in which recreational vehicle parks are allowed. In addition, stores, shops and other convenience establishments shall be permitted as accessory uses in recreational vehicle parks where such uses are not allowed as principle uses, subject to the following restrictions:

1. Such establishments and the parking areas primarily related to their operations shall not occupy more than ten (10) percent of the area of the park.

2. Dependent upon their location, such establishments shall present no signs or other visible evidence of their commercial character which would attract customers other than occupants of the park. The intent is to limit unnecessary traffic within the interior of the recreational vehicle park. Any accessory use building must be constructed in accordance with the applicable ordinances of the city of Caliente.

13. Enclosures Prohibited. No attachment, lean-to or other enclosure shall be allowed on any recreational vehicle site which are not portable in nature or approved for accessory use by the building department. Any permitted accessory structure, awning, shade or other attachment shall comply with the minimum setbacks as set forth in subsection E of this section.

14. Animals Running-At-Large Prohibited. Dogs or other animals at no time shall be permitted to run-at-large in any recreational vehicle park. All animals shall be on a leash and the owners of said animals shall keep the recreational vehicle site sanitary at all times.

15. All Recreational Vehicle sites, whether rented on a daily, weekly or longer basis, are subject to City room tax fees.

Section 15.2250.60 Supervision

A. Person-In-Charge. The owner or operator of every recreational park or subdivision, before allowing any recreational vehicle therein, shall file with the license department the name of the person who will be in continuous, responsible charge of said park or subdivision and who is authorized to act for him. Any change in such person-in-charge will be immediately reported to the above mentioned license department.

B. Office - Park Register. In every recreational vehicle park or subdivision, there shall be an office building in which shall be located the office of the person-in-charge of said park or subdivision. The park register shall at all times be kept in said office.

C. Duties of Operator. It is the duty of the owner, operator, or person-in-charge of any recreational vehicle park or subdivision:

1. To keep at all times a register of all persons staying in the park or subdivision, which register shall at all times be open to the officers and officials of the city. Said register shall record the names and home address of all persons staying in said recreational vehicle park or subdivision, the date of their arrival, date of their departure, the number of and state in which the driver's license of such persons was issued, the license number of all recreational vehicles in said park or subdivision, the name of the state or county in which they are registered, the make and model and recreational vehicle site on which each is located;
2. To maintain said park or subdivision in a clean, orderly, litter-free and sanitary condition at all times;
3. To allow no more than one recreational vehicle and one tow vehicle on any one recreational site at any one time;
4. To require that all such recreational vehicles and automobiles are located on their respective recreational vehicle sites as required by the terms of this chapter;
5. To require every plumbing fixture in any recreational vehicle park or subdivision to be connected to the park or subdivision sewer during its entire stay in said park or subdivision. Units with no sewer hook-up shall use dump station;
6. To see that all required lights are kept lighted;
7. To see that all garbage and trash is properly disposed of in the trash receptacles as required by this chapter. To maintain the trash areas in a neat and sanitary condition at all times and to see that all such receptacles are collected and cleaned regularly;
8. To maintain or be in charge of the continuing maintenance of all landscaped areas;
9. To allow domestic animals to be kept in the park or subdivision only as provided by this chapter and in compliance with all other city ordinances;
10. To report promptly to the proper authorities any violations of the law;
11. To see that the intent and purpose of being transitory accommodations is not violated by not allowing an occupant to remain longer than three months in a recreational vehicle park;
12. To see that no inoperable vehicles, machinery, equipment or parts thereof are kept or stored. Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair, or to attach the vehicle to the ground for stabilizing purposes, is hereby prohibited. The recreational vehicle's lowest floor is elevation to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement;
13. To see that the accessory uses and buildings as permitted herein are operated in accordance with the restrictions as set forth in this chapter;
14. To prohibit the use of portable kerosene heaters or portable electrical heaters on less than thirty (30) amp service;
15. To provide a copy of this section to every occupant of a recreational vehicle site and to post in a waterproof holder in a conspicuous place in the recreational vehicle park or subdivision.
16. Animals Running-At-Large Prohibited. Dogs or other animals at no time shall be permitted to run-at-large in any recreational vehicle subdivision. All animals shall be on a leash and the owners of said animals shall keep the recreational vehicle site sanitary at all times.

15.2270 Recreational vehicles on private property

A. Storage. In areas zoned for residential purposes, including multiple-family areas, a recreational vehicle may be stored in a garage, side or rear yard.

Recreational vehicles shall not be stored in the front yard of any lot, unless stored on a driveway. Such recreational vehicles shall not occupy more than ten percent of the area of the lot which the main building occupies.

B. Occupation. It shall be unlawful to occupy any recreational vehicle for residence purposes anywhere in the city except in a duly established trailer or R.V. park maintained in accordance with the ordinances of the city, however, occupation for a period up to but not more than twenty-one consecutive days and forty-one total days in a calendar year, shall not be considered a violation of this section.

C. Recreational vehicles shall be registered and licensed by its current owner in compliance with state statutes.

15.2280 Violation; Penalty for Violation.

It is unlawful for any person to violate any provision, or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this chapter is committed, continued or permitted by such person, and he shall be punishable therefore as herein provided.

Additionally, the City may assess a civil fine against any person or entity violating any of the provisions or terms of this Ordinance, not to exceed five hundred dollars (\$500.00) for each offense. Each person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this chapter is committed, continued or permitted by such person, and he may be fined therefore as herein provided.

15.2290 – Severability.

If any paragraph, sentence, phrase or other portion of this Ordinance should be deemed illegal, inapplicable, unconstitutional or otherwise invalid, by a court of competent jurisdiction, such a holding shall not affect the remainder of this Ordinance and all portions of the Ordinance not held to be invalid shall continue and remain in full force and effect.

SUBCHAPTER T: PLANNED UNIT DEVELOPMENT STANDARDS

15.2410 Planned Unit Development Standards

The intent of planned unit development is:

1. To encourage the development of a more desirable living environment by application of modern site planning techniques that are not permitted through strict application of the present zoning and subdivision ordinances, however, subject to the density provisions established in the zoning ordinances.
2. To encourage the preservation of greater open space for visual enjoyment and recreational use.
3. To encourage a more efficient, aesthetic and desirable use of land.
4. To encourage variety in the physical development pattern of the area.

15.2420 Permissible Uses

Only those uses permitted in the zone shall be permitted under this subchapter.

15.2430 Minimum Area

Planned unit development projects shall be not less than five (5) acres in total area.

15.2440 Density

The dwelling unit density in planned unit development projects shall not exceed the density permitted in the zone in which the project is situated.

15.2450 Minimum Lot Sizes

Minimum lot size will be 6,000 square feet

15.2460 Setbacks

All buildings shall be setback from all perimeter lines of the project at distance not less than the height of the building measured at the upper plate of the building, unless greater setbacks are required by the zone or as a condition of approval.

15.2470 Restrictions

Restrictions in the Planned Unit Development are:

1. The distance between any two buildings within the project shall be not less than the height of the tallest of the two buildings as measured at the upper plate of the building but in no case shall it be less than 10 feet.
2. The maximum building height permitted in the zone shall apply.
3. The maximum coverage by the ground story level of a planned unit development shall be twenty-five percent (25%).
4. Parking shall be required by the zone.
5. Walls and fences may be required around the perimeter of the project where the project abuts an adjacent zone as required by the commission.
6. Sign provisions of the zone in which the project is situated shall apply.
7. The minimum floor area for each dwelling unit shall not be less than the requirements established by the zone.
8. Common outdoor space shall include all jointly used recreation areas and related landscaping provided for the use and/or visual enjoyment of the residents of the project. The commission shall review the location and improvement of the common recreation areas as they relate to the residential units they are to serve. Where necessary, walls or landscaping may be required to protect the privacy of residents.
9. The commission shall require the developer to provide the commission with evidence that all common areas will be maintained at all times to standards acceptable to the commission and that the open space so provided shall remain permanently open.
10. Common recreation areas and related landscaping areas shall not be less than twenty percent (20%) of the project area.
11. In addition to dwellings, the development may include public schools, churches, nonprofit or public recreation buildings and other necessary and related community facilities.

15.2480 Site Plans

A site plan shall be submitted and approved for each planned unit development which shall contain the following minimum information:

1. Topography, including contours at not greater than two (2) foot intervals.
2. Proposed street systems and plans for utilities and water and sewage facilities.
3. Proposed lot or building layout.
4. Proposed reservation for parks, playgrounds, school sites, and other open spaces.
5. Types of dwellings and site location therefore.
6. Proposed location of garages, carports, and parking spaces.
7. Preliminary drawings and elevations of dwellings and other buildings.
8. Tables showing the number of acres in the proposed development and the percentage devoted to each dwelling type, streets, parking, open space, etc.
9. Tabulations of the overall density for the residential use may also be required.

15.2490 Other Restrictions.

The commission may require other conditions of approval in keeping with the intent and purpose of this section and principles of planned unit development. Said requirements may be in excess of those normally required of the zone.

15.2500: RESERVED

SUBCHAPTER U: SPECIAL RESTRICTIONS

15.2510 Automobile Wrecking Business

Every licensed automobile wrecker shall maintain a record of all vehicles dismantled or wrecked, which shall contain the name and address of the person from whom the vehicle was purchased or acquired and the date thereof, the registration number last assigned to the vehicle and a brief description of the vehicle, including insofar as the data may exist with respect to a given vehicle, the make, type, serial number and motor number, or any other number of the vehicle. The record shall be open to inspection during business hours by any peace officer of lawfully designated investigator. [Ord. 9, Sec. 9, N.R.S. 487.170 as amended, Chapter 82, Statutes of Nevada 1973]

15.2520 Mortuaries

It shall be unlawful for any person, firm, association, or corporation to establish or conduct a mortuary parlor, undertaking parlor, morgue or any place where the dead are received and prepared for burial, on any street or boulevard in any zone except I-1, in the City of Caliente, where any residences, hotel or apartment houses situated in the block in which the said mortuary parlor, undertaking parlor, morgue or place where the dead are to be received and prepared for burial is to be situated, which abut on the streets upon which the proposed establishment will abut or where there are any residences, hotels or apartment houses in any of the adjacent blocks on either side of said street or streets which abut upon said street or streets, unless sixty-five percent (65%) of the property owners in the said block in which the establishment is to be located, whose properties abut on the same street or streets upon which the establishment will abut and sixty-five percent (65%) of the property owners in the adjacent blocks whose properties abut upon the said street or streets give their consent in writing to the construction and maintenance of the said business heretofore mentioned, and in the event the consent of sixty-five percent (65%) of the property owners as hereinabove set forth is obtained, then the City Council may give its consent to the construction of such a place and the maintenance of such a business in the non I-1 zone.

Nothing herein contained shall apply to the present locations of any licensed undertaking business, mortuary, or morgue now established and doing business in the City of Caliente. [Ord. 9, Sec. 10(a)]

15.2530 Noisy Business, Where Prohibited

It shall be unlawful for any person, firm, association, or corporation to conduct any business in any zone except I-1, of the City of Caliente, of a noisy nature or which would tend to disturb the peace, and quietude, or health of these districts, and no permission shall be granted by the City Council or by any officer or officials of the City to conduct any such business in said districts. [Ord. 9, Sec. 10]

15.2550: SURVEYS

Land Division, Civil Design, Public Works and other surveying projects that involve new-works and/or require deploying field-surveying measurements and field-based activities as defined within Nevada Revised Statutes Chapter 625 and/or Chapter 278 (NRS 625 and/or NRS 278); shall be based upon and utilize the City of Caliente Control coordinate system for geographic (latitude, longitude, ellipsoid height) and horizontal ground-based (northing and easting) coordinate projections as recorded in Document No. 148460, Lincoln County Recorder-Auditor, Lincoln County Courthouse, Nevada. Decisions regarding vertical elevations shall be determined in coordination with the *Caliente City Surveyor*, or the City Official as designated by the City Council.

SUBCHAPTER V: 15.2600 SIGNS

15.2600 Location of Signs

All signs shall maintain a clear view of intersecting streets as provided in this chapter. In any zone requiring a front yard, all signs in that zone shall adhere to the front yard requirements.

15.2610 Roof and Ground Signs

Roof signs shall be permitted only in the Commercial or Industrial zones. Ground signs shall not project above the roof line of the highest building located on the same premises.

15.2620 Abandoned or non-maintained signs

Any sign on a closed business, or any sign on any property, that remains in a state of disrepair or is not maintained in a presentable condition in excess of six (6) months shall become, upon proper notification, the property owners responsibility to maintain or remove the sign

15.2650 Signs Allowed

All new exterior signs are required to obtain a conditional use permit. (CUP) This conditional use permit, if approved, may not automatically be extended should the property or business change ownership.

Signs shall be subject to the following provisions:

1. Shall not exceed a height of twenty-four feet,
2. Shall not have an area in excess of, collectively, two square feet per each lineal foot of street frontage up to a maximum of two hundred square feet,
3. No sign shall project above the roof line; of structures on the property
4. Other uses similar to the above which are determined by the planning commission to be consistent and compatible with the uses permitted

15.2670 Animated, Flashing, Intermittent Signs

A. In a commercial or industrial zone, interior window signs, i.e. open or closed signs, are not required to obtain a Conditional Use Permit (CUP).

B. Interior window advertising signs in excess of six (6) square feet must obtain a CUP.

15.2680 Construction

A. All signs in commercial or industrial zones must have a building permit.

B. All signs in commercial zones shall have a surface of noncombustible material, provided, however, that combustible structural trim may be used thereon.

15.2690 Illumination

All signs, except business signs, shall be illuminated by indirect lighting, the source of which shall not be visible from the street. In no case shall direct rays of light be permitted to penetrate a property in a residential zone or used for residential purposes.

SUBCHAPTER W: PENALTIES

15.2660 Penalties

Any person, firm, association or corporation violating any of the provisions of this chapter, shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars or by imprisonment in the city jail for the city of Caliente, not less than ten days, nor more than six months; and each such person, firm, association or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provisions of this chapter is committed, continued or permitted by such person, firm, association or corporation, and shall be punished therefore, as herein provided.

SUBCHAPTER X:

DIVISIONS OF LAND

GENERALLY:

- A. Any person who proposes to divide any land for transfer or development into four (4) lots or less shall file six (6) copies of the proposed parcel map with the planning commission, unless such division is exempted by a section of this article or the parcels to be created are all in excess of ten (10) acres in area and are subject to the requirements of any section of this code.
- B. The map must be accompanied by a written statement by the treasurer of the county indicating that all property taxes on the land for the fiscal year have been paid.
- C. A filing fee as shown on the schedule of fees on file in the planning office shall be paid to the City of Caliente upon the filing of the proposed parcel map. The fee is nonrefundable.

EXEMPTIONS:

- A. A parcel map is not required when the land division is for the express purpose of:
 - 1. Creation or realignment of a public right of way by a public agency;
 - 2. Creation or realignment of an easement. Adjustment of a boundary line between two (2) abutting parcels or the transfer of land between two (2) owners of abutting parcels which does not result in the creation of any additional parcels, when the provisions of this article have been complied with;
 - 3. Purchase, transfer or development of space within an apartment building, condominium, cooperative, or an industrial or commercial building;
 - 4. Carrying out an order of any court or dividing land as a result of an operation of law.
- B. A parcel map is not required for any of the following transactions involving land:
 - 1. Creation of a lien, mortgage, deed of trust, or any other security instrument;
 - 2. Creation of a security or unit of interest in any investment trust regulated under the laws of the state of Nevada or any other interest in an investment entity;
 - 3. Conveying an interest in oil, gas, minerals or building materials, which is severed from the surface ownership of real property;
 - 4. Conveying an interest in land acquired by the department of transportation pursuant to chapter 408 of Nevada Revised Statutes;
 - 5. Filing a certificate of amendment to correct an error or omission in any subdivision plat, record of survey, parcel map, map or division into large parcels, or reversionary map where the correction does not change the physical location of any survey monument, property line or boundary line as specified in Nevada Revised Statutes 278.473.
- C. The provisions for the division of land by parcel map do not apply to a transaction exempted by paragraph 8 of subsection 1 of Nevada Revised Statutes 278.320 or as indicated in the definition of "subdivision" in this section.

SURVEY REQUIREMENTS:

A parcel map must be based on a survey conducted by a professional surveyor made for that purpose, unless this requirement is waived by the City Council. Before waiving a survey for a parcel map, a determination must be made by a professional surveyor that a survey is not required.

CITY ACTION ON PARCEL MAP:

- A. The planning commission shall review the parcel map to determine its conformity to zoning requirements, the requirements of this article, and comments received from the entities to which copies of the map were sent. Following such review, the planning commission shall then recommend to the City Council to approve, conditionally approve or disapprove the parcel map application.
- B. The approval or conditional approval of a parcel map and the associated division of land shall be noted on the map in the form of a certificate or signature attached thereto and executed by the planning commission. The clerk shall not sign the certificate until all improvements which may be required as part of the map approval have been completed or complied with or that assurances for completion have been made.

FORM AND CONTENTS OF A PARCEL MAP:

- A. The parcel map must be legibly drawn in a permanent black ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for that purpose in the engineering profession. Affidavits, certificates and

acknowledgments must be legibly stamped or printed upon the map with permanent black ink. The size of each sheet must be twenty four inches by thirty two inches (24" x 32"). A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of one inch (1") at the top, bottom and right edges, and of two inches (2") at the left edge along the twenty four inch (24") dimension.

B. A parcel map must indicate the owner of any adjoining land, or any right of way if owned by the person dividing the land.

C. A parcel map must show

1. The area of each parcel or lot and the total area of the land to be divided in the following manner:

a. In acres, calculated to the nearest one-hundredth ($\frac{1}{100}$) of an acre, if the area is two (2) acres or more or;

b. In square feet if the area is less than two (2) acres.

c. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.

d. Bearing or witness monuments, the basis of bearings, bearing and length of lines and the scale of the map.

f. The name and legal designation of the tract or grant in which the survey is located and any ties to adjoining tracts.

g. Any easements granted or dedications made.

h. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and area shown.

D. A parcel map must include:

1. The memorandum of oaths described in Nevada Revised Statutes 625.320.

2. Certificate of the surveyor required pursuant to Nevada Revised Statutes 278.375.

3. A report from a title company which lists the names of:

a. Each owner of record of the land to be divided, and

b. Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

4. The written consent of each holder of record of a security interest listed pursuant to section D3b of this section to the preparation and recordation of a parcel map. A holder of record of a security interest may consent by signing the parcel map; or a separate notarized document that is recorded with the parcel map declaring his consent to the division of land, if the map contains a notation that a separate document has been recorded to this effect.

E. A vicinity map inset showing the general location of the parcel map and the means of access from the parcel map to the nearest county maintained street or highway, with appropriate distances and dimensions shown thereon. If necessary a copy of the grant of easement must be recorded with the map. No map will be approved without recorded grants of easement.

REQUIREMENTS WHICH MAY BE IMPOSED BY THE PLANNING COMMISSION or CITY COUNCIL:

A. Street grading, drainage provisions and lot designs as are reasonably necessary.

B. If the planning commission anticipates that the parcels will be used for residential, commercial or industrial purposes, it may require off site access, street alignment, surfacing and width, water quality, water supply and sewerage provisions as are reasonably necessary and consistent with the existing use of any land zoned for similar use which is within six hundred sixty feet (660') of the proposed parcel.

C. If the proposed parcels are less than one acre, the planning commission may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed. Lots that are not served by either city water or sewer shall not be less than one acre. If a lot has to have its own sewage system and a well, it must be documented that this can be accomplished safely on that size of lot, by developer. A plot plan of locations of each proposed septic and well must be on plot plan of parcel map to ensure setbacks for all future residents.

D. For a second or subsequent parcel map with respect to: A single parcel; or a contiguous tract of land under the same ownership, any reasonable improvement, but not more than would be required if the parcel map were a subdivision. Show master plan of property so that any upgrades necessary may be imposed with special attention to roads, flood hazards, water use, and sewage disposal.

E. All improvements required shall be specified on the map or be referenced in the certificate of approval of the planning commission

F. All required improvements shall be completed prior to recordation of the parcel map. In lieu of completed improvements the applicant for the parcel map may comply with the provisions specified in this section as they apply to subdivisions.

ADJUSTMENT OF BOUNDARY LINES:

For a boundary line to be adjusted or for land to be transferred pursuant to this article, a professional land surveyor must have performed a field survey, set monuments and filed a record of survey pursuant to Nevada Revised Statutes 625.340.

A. A record of survey filed to adjust a boundary line must contain:

1. Certificate by the professional land surveyor who prepared the map stating that:

a. He has performed a field survey of the boundaries of the affected parcels;

b. All corners and angle points of the adjusted boundary line have been set;

c. The map is not in conflict with the provisions of Nevada Revised Statutes 278.010 to 278.630 inclusive and will not create any new parcels;

d. All property taxes on the land for the fiscal year have been paid; and

f. Any lender with an impound account for the payment of taxes has been notified of the adjustment of the boundary line on the transfer of the land.

B. A certificate by City Council approving the adjustment of the boundary line and stating that this does not create any nonconforming parcels according to current zoning of area.

FILING AND RECORDING OF AN APPROVED PARCEL MAP:

Filing and recording of an approved parcel map must be in accordance with Nevada Revised Statutes 278.4725.

A. If a parcel map is approved, the preparer of the map shall:

1. Record the approved map in the office of the county recorder within one year after the date the map met all conditions required for approval. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

2. Pay the current fee to the county recorder for filing and indexing.

B. Upon receipt of the parcel map, the county recorder shall file the map in a suitable place. The recorder shall keep proper indexes of parcel maps by name of grant, tract, subdivision or United States subdivision.

C. Reference to the parcel number and recording data of a recorded parcel map is a complete description of the land contained in the parcel.

EFFECT OF RECORDATION:

Recordation of the approved parcel map with the county recorder shall operate as the continuing:

A. Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the City Council may accept in whole or in part at any time or from time to time. Offer of dedication does not mean the city is obligated or will ever accept dedication. A separate map is required to be on file which depicts the dedicated roads once they are accepted.

B. Offer to grant easements shown for public utilities, which any public utility may similarly accept, with the approval of the City Council without excluding any other public utility whose presence is physically compatible.

SUBDIVISIONS

15.2680

Compliance Required

No plat or subdivision of land within the city of Caliente or within one and one-half miles of the corporate limits thereof shall be approved excepting in full compliance with the provisions of this subchapter and with the provisions of NRS 278.320 through 278.490. [Ord. 126]

15.2680.10 Modifications

When strict conformance to the requirements of this subchapter is impracticable or impossible, the planning commission may allow modifications which are not in violation of the spirit and purpose of this subchapter. When such modifications or deviations are permitted, the planning commission shall submit with the report on the approved tentative plat a report in writing to the city council stating in detail the nature of each modification and the facts pertinent thereto. [Ord. 126]

15.2690 Definitions

When used in this subchapter, the following terms shall have the meaning indicated:

Alley is a public way which affords a secondary access to abutting property.

Building setback is a line within a lot or other parcel of land, so designated on the plat of the proposed subdivision, between which, and the adjacent boundary of the street upon which the lot abuts, the erection of an enclosed structure or portion thereof is prohibited.

Butt lots are lots the rear lot lines of which abut the side lot lines of other lots platted in the same block and not separated therefrom by an alley or other open space

City is the city of Caliente.

Collector street is a street which carries traffic from minor streets to the major street system, including the principal entrance streets of residence development and the primary circulating streets within such a development.

Crosswalk is a public or private right-of-way across a block to be used by pedestrians and/or for underground utilities.

Cul-de-sac is a minor street having on open end and being terminated at the other by vehicular turnaround.

Easement is the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the land.

Final plat is a map or chart of a subdivision which has been accurately surveyed, and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.

Lot width is the width of the measured lot along the minimum building setback line, except for lots which front on the concave side of a curving street, where the width of lot shall be measured sixty feet back from the front lot line.

Major street is a public thoroughfare with a high degree of traffic continuity having a width established at eighty feet or more by the thoroughfare plan established in the official plan of the city of Caliente.

Owner includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of any of them.

Planning commission is the Caliente planning commission.

Preliminary plat is a map or plan of a proposed land division or subdivision.

Street is public or private thoroughfare which affords primary access by pedestrians and vehicles to abutting property.

Subdivision is a division of a lot, tract or parcel of land into five or more lots, or other divisions of land, for the purpose whether immediate or future, or (a) transfer of ownership, (b) building development, or (c) redevelopment, including all changes in street or lot lines; provided, in parcels of ten acres or more not involving any new street or easement of access, shall be exempted. Also exempted are applicable provisions as defined by NRS 278.320.

Tentative approval is an approval with or without recommended alterations given to a preliminary plat by the planning commission, and subject to city council approval provides the necessary authority to proceed with the preparation and presentation of the final plat. [Ord. 126]

15.2700

Procedure

Before dividing any tract of land into five or more lots of less than ten acres in size, a sub-divider shall:

File at least fifteen days before a regular planning commission meeting, five copies of the preliminary plat to the Caliente city clerk for distribution to appropriate city staff and planning members for examination and subsequent recommendations of approval or disapproval. The planning commission shall, within fifteen days from the date of the next regular or special planning commission meeting following such filing, forward its recommendations for approval or disapproval to the Caliente city council.

Distribute copies of the map and any accompanying data to all state agencies charged with reviewing the proposed subdivision.

Within one year after receiving tentative approval of the preliminary plat by the planning commission, the original and five copies of the final plat shall be submitted to the Caliente city clerk for distribution for recommended final approval by the city council.

After receiving recommended final approval by the planning commission, the original and one copy of the final plat shall be presented to the city council for its final approval.

Following final approval by the city council, the final plat as approved may be legally recorded in compliance with Nevada Revised Statutes. Approval of the final plat by the city council shall be null and void if the plat is not recorded within ninety days after the date of approval, unless application for an extension of time is made in writing during said ninety-day period to the city council and granted. [Ord. 126]

15.2710

Preliminary Plat

The preliminary plat shall contain the information herein specified and comply with the following requirements:

Description and Delineation.

Proposed name of subdivision.

Location of the subdivision by section, township and range, or by other legal description.

Names and addresses of the owner and the designer of the subdivision.

Date of preparation, scale one hundred feet to the inch and northpoint (designated as true north).

Existing Conditions.

Boundary line of proposed subdivision indicated by solid heavy line and the total approximate acreage encompassed thereby.

Location, width and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, and section and corporation lines, within and adjacent to the tract.

Any existing electric, sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet beyond the tract boundaries indicating pipe sizes, grades, manholes and exact location.

Boundary lines of adjacent tracts of un-subdivided or subdivided land, showing ownership where possible.

Contour at vertical intervals of not more than two feet. Flood boundaries as designed in the current Flood Insurance Rate Map and if applicable, flooding depths in areas of one-hundred-year flood zones.

Proposed Subdivision Plan.

Layout of streets showing location and widths of streets, crosswalks and easements.

Layout, numbers and typical dimensions of lots.

Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.

Building setback line, showing dimensions.

Easements for public utilities, where alleys are not provided.

Typical street cross-sections

15.2720

Final Plat

The final plat shall contain all information required on the preliminary plat (except contours) plus the following:

Description and Delineation.

Accurate angular and lineal dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features.

An identification system for all lots and blocks and names of streets. Lot lines to show dimensions in feet and hundredths.

True angles and instances to the nearest established street lines or official monuments (not less than three) which shall be accurately described in the plat.

Radii, internal angles, points and curvatures, tangent bearings and lengths of all arcs.

Accurate location of all monuments, which shall be concrete six inches by six inches by thirty inches, with iron pipe cast in center. Permanent stone or concrete monuments shall be set at each corner or angle on the outside boundary. Pipes or other physical markers shall be placed at each intersection of street centerlines. All U.S., state, county or other official benchmarks, monuments or triangulation be preserved in precise position.

Pipes or other physical markers shall be placed at each corner.

Certification by a licensed surveyor to the effect that the plat represents a survey made by him/her and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.

Notarized certification, by owner, or by any mortgage holder on record, of the adoption of the plat and the dedication of streets and other public areas.

Certifications showing that all taxes and special assessments due on the property to be subdivided have been paid in full.

Proper form for the approval by the Caliente city council with space for signatures.

Approval by signature of city and state officials concerned with the specification of utility installations.

Approval by signature of the planning commission. This approval of the final plat shall not be deemed to constitute of effect an acceptance by the public of the dedication of any street or other proposed public way or space shown on the plat.

15.2720.10 Checking Fee

In addition to the other fees and charges required by laws, the sub-divider shall pay a checking fee which shall be twenty-five dollars for each map, plus one dollar for each lot shown thereon.

Such fee shall be payable at the time the final map is presented for checking to the city clerk.

15.2730 Agreements as to Improvements

The final plat to be placed on record shall be accompanied by a statement signed by the owner and sub-divider, setting forth the following:

Plans and specifications for such improvements previously approved by the city of Caliente public works director or city council designated staff, clearly describing the same.

Agreement executed by the owner and sub-divider wherein they agree to make and install the improvements provided for in this subchapter, in accordance with the plans and specifications accompanying the final plat, and that all such improvements shall be inspected during the course of construction by an inspector appointed by the city council, salaries and other costs in connection with such inspections to be paid by the owner and sub-divider, such costs, estimated by city staff, are to be paid before work commences.

In the event there is surplus at the end of work, such surplus will be refunded to the sub-divider; if a shortage, the sub-divider shall be required to defray same.

In the event that the city council by motion approves the action of the planning commission in approving the final plat, it shall withhold its approval of the plat until an agreement signed by the sub-divider, as provided in this section, shall be given, supported by a bond executed by an acceptable surety company in an amount equal to the

estimated cost of construction of the required improvements (which estimated cost shall be determined by the Caliente public works director or city council designated staff). The surety will be subject to the condition that the improvements will be completed within two years after approval of the final plat. As an alternative, the sub-divider may deposit cash with the city of Caliente in place of said surety bond.

15.2740

Required Land Improvements

No final plat of subdivision land shall be approved without receiving a statement signed by the Caliente public works director or by city council designated staff certifying that the improvements described in the sub-divider's plans and specifications, together with agreements, meet the minimum requirements of all ordinances of the city of Caliente and as established by the public works director and/or city staff.

The sub-divider shall agree that at his own expense, within a stated time to comply with the following provisions:

1. Sewers.

Sanitary sewers shall be installed to serve all properties in the subdivision.

Provide funding to increase capacity to City wastewater treatment facilities to offset increased usage. As determined by the City Engineer.

2. Street Improvements.

- a. Grades of streets shall not be in excess of three percent on major collector streets, nor in excess of five percent on other streets.
- b. All streets within the corporate limits of the city of Caliente other than state highways shall be improved with pavements bounded by integral concrete curbs and gutters, to an overall width in accordance with the zone for which the subdivision is planned.
- c. Pavements shall be six inches thick Portland cement concrete, or be surfaced with asphalt compatible to Nevada Department of Transportation Standards. Asphalt shall be no less than two inches thick over a base of crushed stone or gravel installed in two courses, not less than eight inches thick after compaction.
- d. Curbs and gutters on minor residential streets shall be concrete of the internal rolled type unit or "L" type, not less than eighteen inches in overall width, and not less than six inches thick where curb abuts the street pavement.
- e. Storm water inlets and catch basins shall be provided within the roadway improvement at points specified by a representative of the city.
- f. All curbs corner shall have a radius of not less than fifteen feet and at intersections involving collector or major streets of not less than twenty-five feet. All intersections shall comply with Nevada State handicap Specifications.
- g. In subdivisions outside the corporate area, but within the one and one-half mile area, street improvements shall conform to standards of improvements as outlined in this subchapter for subdivisions within the corporate area.

2. Public Utilities.

- a. All utility lines for telephone, cable T.V. and electric service shall be placed in rear-line easements when allowed to be carried on overhead poles.
- b. Where telephone, cable T.V. and electric service lines are placed underground entirely throughout a subdivided area, said conduits or cables shall be placed within easements or dedicated public ways in manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public.
- c. Water and sewer mains must be installed as approved by the public works director or city council designated staff. Each property in the subdivision shall have installed a minimum three-fourths-inch water line.

15.2750

Parks and other Public Areas

Where a proposed park, playground or other public used area, shown in the general or master plan of the city and adjacent unincorporated areas, is located in whole or in part in a subdivision, the planning commission or the city council may require the dedication or reservation of such area, in whole or in part, within the subdivision in those cases in which the planning commission or city council deem such requirements to be reasonable; however, in no case, shall the total amount of required public areas to be dedicated or reserved, in addition to public streets, exceed ten percent of the total gross acreage controlled by the owner. The parks, playgrounds or other public uses, other than streets and alleys, shall be secured by the city. Arrangements for securing said area from the owner shall be made within a period not to exceed ninety days from the date the plat is recorded.

15.2760 Lot Size and Area

Every dwelling in a subdivision shall be on a lot. Each lot's size and area shall comply with regulations set forth in this code for the zone in which the subdivision is located. The minimum lot area in subdivisions lying within the Caliente city limits shall be six thousand square feet. [Ord. 126]

15.2770 Occupancy Permits

No land shall be occupied or used and no dwelling hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate shall have been issued by the city building department stating that the building complies with all the codes outlined in the International Building Code Collection. No change of use shall be made in any dwelling or part thereof now or hereafter erected or altered, without a permit having been issued by the city building department and no permit shall be issued to make such change unless it is in conformity with the provisions of this code.

Certificates for occupancy and compliance shall be applied for coincident with the application for a building permit. Fees for permits, certificates, etc., shall follow provisions set forth in this code.

15.2780 Annexation

Any areas proposed for annexation to the present city limits of the city of Caliente shall be studied by the planning commission and city council. A public hearing shall be held on the proposed use of the area prior to the incorporation of the area into the city. [Ord. 126]

15.2790 Violation – Penalty

Whoever shall violate any of the provisions of this subchapter shall be fined not more than five hundred dollars for each offense.