

LINCOLN COUNTY ZONING ORDINANCE 1977-7

An ordinance to regulate by districts or zones the location, height, and bulk of buildings and other structures; the percentage of lot which may be occupied; the size of courts, lots, and other open spaces; the density and distribution of population; the location and use of buildings and structures for trade, industry, residence, recreation, public activities or other purposes; and the uses of land for trade, industry, recreation, or other purposes and repealing all ordinances or parts of ordinances in conflict herewith.

Be it ordained by the Lincoln County Commission, State of Nevada, as follows:

Chapter 1. GENERAL PROVISIONS

1-1 Short Title

This ordinance shall be known as the Zoning Ordinance of Lincoln County, Nevada, and may be so cited and pleaded.

1-2 Purpose

This ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Lincoln County, 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 county's commercial and industrial growth, and the protection of both residential and non-residential development.

1-3 Interpretation

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

1-4 Conflict

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

1-5 Effect Upon Previous Ordinance and Map

The existing zoning ordinance of Lincoln County, including maps, is hereby superseded and amended to read as set forth herein provided, however, that this ordinance shall be deemed a continuation of the previous ordinance and not a new enactment, insofar as the substance of the revisions of the previous ordinances is included, whether in the same or in different language; and this ordinance shall be so interpreted upon all questions of construction, including but not limited to questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming uses, buildings, or structures, and to questions as to dates upon which such uses, buildings, or structures became conforming or nonconforming.

1-6 Definitions

For the purpose of this ordinance, certain words and terms are defined as follows: (Words used in the present tense include the future; words in the singular number include the plural and the plural the singular; words not included herein but defined in the Building Code shall be construed as defined herein.)

1. Agriculture. 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.
2. Alley. A public thoroughfare twenty-six (26) feet or less in width.
3. Apartment Hotel. Any building which contains dwelling units and also satisfies the definition of a hotel as defined in this ordinance.
4. Apartment Motel. Any building or group of buildings which contains dwelling units, and also satisfies the definition of a motel, as defined in this ordinance.
5. Apartment House. See Dwelling, Multiple-family.
6. Apartment Court. Any building or group of buildings which contains dwelling units. See Dwelling, Group.
7. Basement. A story partly underground. A basement shall be counted as a story for purposes of height measurement if its height is one-half (1/2) or more above grade.
8. Boarding House. 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.
9. Building. Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.
10. Building, Accessory. A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.
11. Building, Height of. 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.

12. **Building, Main.** 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.

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

14. **Carport.** A private garage not completely enclosed by walls or doors. For the purposes of this ordinance, a carport shall be subject to all of the regulations prescribed for a private garage.

15. **Child Nursery.** 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.

16. **Conditional Use.** A use of land for which a conditional use permit is required pursuant to Chapter 7 of this ordinance.

17. **Club, Private.** An organization, group or association supported by the members thereof, the sole purpose of which is to render a service customarily rendered for members and their guests but shall not include any service, the chief activity of which is customarily carried on as a business, and does not include labor union organizations or similar labor or business organizations.

18. **Court.** 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 dimensions, 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 least horizontal dimension measured at right angles to its width.

19. **Dairy.** A commercial establishment for manufacture or processing of dairy products.

20. **District.** A portion of the area of Lincoln County shown on a map attached to this zoning ordinance and given a district name.

21. **Dormitories.** Any building arranged or designed for two or more dwelling units and with three (3) or more sleeping rooms per unit.

22. **Dwelling.** Any building or portion thereof, which is designed for use for residential purposes, except the following: hotels, apartment hotels, boarding houses, lodging houses, motels, apartment motels, fraternities, sororities, trailers, mobile homes, or dormitories.

23. **Dwelling, Single-family.** A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

24. **Dwelling, Two-family.** A building arranged or designed to be occupied by two families, the structure having only two (2) dwelling units.

25. **Dwelling, Three-family.** A building arranged or designed to be occupied by three families, the structure having only three (3) dwelling units.

26. **Dwelling, Four-family.** A building arranged or designed to be occupied by four families, the structure having only four (4) dwelling units.

27. **Dwelling, Multiple-family.** A building arranged or designed to be occupied by more than four (4) families.

28. **Dwelling, Group.** Two or more dwelling structures occupying the same lot and having yards and open spaces in common.

29. Dwelling Unit. One or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one family for living or sleeping purposes and having kitchen facilities for the use of not more than one family (other than hot plates or other portable cooking units).

30. Family. 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.

31. Family Food Production. The keeping of not more than two (2) cows, two (2) sheep, two (2) goats, twenty (20) rabbits, fifty (50) chickens, fifty (50) pheasants, ten (10) turkeys, ten (10) ducks, ten (10) geese, and twenty (20) pigeons, provided that the keeping of pigs on any lot is prohibited. An additional number of animals equal to two (2) times the number listed above and an additional number of fowl equal to five (5) times the number listed above may be kept for each acre of land over and above the district minimum requirement provided that not more than three of the above listed kinds of animals and fowl are permitted at any one time.

32. Frontage. 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 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.

33. Garage, Private. An accessory building designed or used for the storage of not more than four (4) automobiles owned and used by the occupants of the building to which it is accessory, provided that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of two (2) times as many automobiles as there are dwelling units in the multiple dwelling. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common. A private garage may not be used for storage of more than one (1) truck for each family dwelling upon the premises, and no such truck shall exceed three-quarters (3/4) ton capacity.

34. Garage, Public. A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor driven vehicles.

35. Grade.

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

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

c. 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.

36. Home Occupation. 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 15 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.

37. Hotel. 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, and in which no provision is made for cooking in any individual room or suite.

38. Household Pets. 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 ordinance. Household pets may also include the keeping of not more than four (4) pigeons, two (2) mature rabbits, and two (2) ducks.

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

40. Junk. 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.

41. Kennel. The keeping of three (3) or more dogs at least four (4) months old.

42. Livestock Feedyard. 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 stockyard for sale, etc.

43. Lodging House. A building where lodging only is provided for compensation to five (5) or more persons.

44. Lot. 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 ordinance and having frontage upon a street. Except for group dwellings, not more than one (1) dwelling structure shall occupy any one (1) lot.

45. Lot, Corner. 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.

46. Lot, Interior. A lot other than a corner lot.
47. Motel. A group of attached or detached buildings containing individual sleeping rooms designed for or used temporarily by automobile tourists or transients with garage attached or parking space conveniently located to each unit.
48. Natural Waterways. 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.
49. Nonconforming Building or Structure. A building or structure or portion thereof, lawfully existing at the time this ordinance became effective, which does not conform to all the height, area and yard regulations herein prescribed in the zone in which it is located.
50. Nonconforming Use. A use which lawfully occupied a building or land at the time this ordinance became effective and which does not conform with the use regulations of the zone in which it is located.
51. Nursing Home. An institution providing residence and care for the aged.
52. Parking Lot. 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.
53. Parking Space. Space within a building, lot or parking lot for the parking or storage of one (1) automobile.
54. Roomer. One who occupies a hired room in another's house.
55. Sign. Any device used for visual communication to the general public and displayed out-of-doors, but not including any flag, badge, or ensign of any governmental agency.
56. Sign, Advertising. A sign which directs attention to a use, product, commodity, or service not related to the premises.
57. Sign, Business. A sign which directs attention to a use conducted, product or commodity sold, or service performed upon the premises.
58. Sign, Identification. A sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses located upon the premises.
59. Sign, Name Plate. 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.
60. Sign, Property. 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.
61. Sign, Public Information. A sign erected by a public or nonprofit agency, service club, etc., giving information to direct the public to both public and private facilities and major uses.
62. Sign, Temporary. 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.

63. Stable, Private. A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire, or sale.

64. Stable, Public. A stable other than a private stable.

65. Story. The space within a building included between the surface of any floor and the surface of the ceiling next above.

66. Story, Half. A story with at 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.

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

68. Structure. Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

69. Structural Alterations. Any change in supporting members of a building, such as bearing walls, columns, beams, or girders.

70. Trailer Camp or Mobile Home Park. Any area or tract of land used or designed to accommodate two (2) or more trailers, mobile homes, or camping parties.

71. Use, Accessory. A subordinate use customarily incidental to and located upon the same lot occupied by a main use.

72. Veterinary or Animal Hospital. A building and runs where both large and small animals are kept and/or treated by a licensed veterinarian.

73. Width of Lot. The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

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

75. Yard, Front. 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.

76. Yard, Rear. 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.

77. Yard, Side. 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.

78. Zone. Synonymous to District.

79. Mobile Home. Any camp car, trailer, or other vehicle with or without motive power, used or originally designed for use upon streets, highways, roads or any ground so designed and so constructed as to permit human occupancy thereof as a living or sleeping place for one or more persons.

"Mobile Home" shall be deemed to be synonymous with "Trailer House," "Trailer Coach," or such other names as may be used for such vehicles. Any movable dwelling which does not meet local building codes or FHA housing standards shall be classed as a mobile home.

Chapter 2. SUPPLEMENTARY AND QUALIFYING REGULATIONS

2-1 Effect of Chapter

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this ordinance.

2-2 Lots in Separate Ownership

The requirements of this ordinance 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.

2-3 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 ordinance, 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.

2-4 Every Dwelling to be on a "Lot"

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

2-5 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 ordinance 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.

2-6 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.

2-7 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. 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, except that no fence need be less than forty-two (42) inches in height.

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 contributing 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.

2-8 Area of Accessory Buildings

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

2-9 Exceptions 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.

2-10 Minimum Height of Main Buildings

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

2-11 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 and pumps at gasoline service stations.

2-12 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.

2-13 Group Dwellings

Group dwelling developments are permitted in any R-2 or RM zone subject to the following conditions:

1. Type of dwelling shall not exceed that allowed in the zone.
2. Each dwelling structure shall have a lot area equal to that required in the zone for an individual lot. Front, side, and rear yards shall equal those required in the particular zone.
3. Two auto parking spaces shall be provided for each dwelling unit.
4. All perimeter lot lines shall be enclosed with a six foot visual barrier fence.
5. Landscaped areas are provided.
6. Approval of the site plan by the planning commission.

2-14 Coverage Regulations

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

2-15 Mobile Home Park Development Standards

1. Access Roads. Each mobile home park shall be provided with hard surface (concrete or asphalt) roads of at least twenty-four (24) feet wide to serve each mobile home space and common parking area. Said pavement to be bounded by a two(2) foot rolled concrete curb.
2. Access to all mobile home parks shall be from a dedicated public street at an approved access point or points. No mobile home space shall have direct vehicular access from a public street. Any access road connecting two or more public streets shall be arranged to prohibit through traffic.
3. Off-Street Parking. Hard-surfaced (asphalt or concrete) parking space shall be provided for the parking of motor vehicles in the ratio of at least two (2) parking spaces for each mobile home space.
4. Playground required. Recreation space shall be provided for each mobile home park having ten (10) or more units and shall be restricted and maintained for such use. A minimum usable area of two thousand (2,000) square feet shall be set aside and developed for each mobile home park having at least ten (10) units and fifty (50) square feet additional space for each unit above ten (10) units.

5. The maximum number of mobile home units shall not exceed a density of eight (8) units per gross acre.

6. Mobile Home Size. Each mobile home space shall have a minimum area of four thousand (4,000) square feet and a minimum width of forty-five (45) feet.

7. Minimum Yard Clearances for Mobile Home Park. Each mobile home park shall have the following minimum yard clearances:

- a. Front or side yard on a public street: Thirty (30) feet.
- b. Side yard bordering adjacent property: Fifteen (15) feet.
- c. Rear yard bordering adjacent property: Fifteen (15) feet.
- d. Fences shall be erected where side or rear property line is adjacent to any use or zone other than agriculture.

8. Minimum Yard Clearances for a Mobile Home Space. Each mobile home shall have the following minimum yard clearances which may also be included in and a part of those setback required in #7 above.

- a. Front yard on a private access road: Ten (10) feet from back of curb.
- b. Side yard on door side of mobile home: Twenty (20) feet which may include a ten (10) foot driveway.
- c. Side yard on a no access side of mobile home: Five (5) feet.
- d. Rear yard: Five (5) feet.
- e. A mobile home stand shall be at least ten (10) feet wide by forty-five (45) feet long and shall be kept free of weeds or other debris.

9. Utilities Required. All sewage and liquid waste shall be required to make connection with public sewer facilities where available. If no public sewer is available in the opinion of the planning commission, the sewage disposal system must meet Nevada State Department of Health requirements for mobile home park development. Each mobile home space shall be provided with an approved public water supply and an electrical connection. All utilities shall be located underground. All building, electrical, plumbing and fire protection construction shall comply with State and County construction standards and codes.

10. For mobile home parks containing dependent mobile homes, a service building shall be provided containing the facilities required by the Nevada State Department of Health Code of Camp and Trailer Court sanitation regulations.

11. When a mobile home park abuts another residential zone, the mobile home park site shall be fenced with a six (6) foot masonry wall, except for driveways and front yard which shall be a height of three (3) feet. Said wall shall be located at the front setback line in the front yard.

2-16 Planned Unit Development Standards

1. The intent of planned unit development is:

- a. 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 master plan and the zoning ordinance.

b. To encourage the preservation of greater open space for visual enjoyment and recreational use.

c. To encourage a more efficient aesthetic and desirable use of land.

d. To encourage variety in the physical development pattern of the area.

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

3. Planned unit development projects shall be not less than 5 acres in total area.

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

5. The minimum lot area and width shall be determined by the zone in which the project is situated as follows:

<u>Zone</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
R-1-20,000	12,000 Sq. Ft.	100 Ft.
R-1-15,000	10,000 Sq. Ft.	90 Ft.
R-1-12,000	9,000 Sq. Ft.	80 Ft.
R-1-10,000	8,000 Sq. Ft.	80 Ft.
R-1-8,000	7,000 Sq. Ft.	70 Ft.
R-1-6,000	5,000 Sq. Ft.	60 Ft.
R-1-6,000	2,000 Sq. Ft.	40 Ft.
R-1-6,000	1,000 Sq. Ft.	30 Ft.

6. All buildings shall be set back 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.

7. 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.

8. The maximum building height permitted in the zone shall apply.

9. The maximum coverage by the ground story level of a planned unit development shall be 25 percent.

10. Parking shall be as required by the zone.

11. Walls and fences may be required around the perimeter of the project where the project abuts an adjacent zone as required by the commission.

12. Sign provisions of the zone in which the project is situated shall apply.

13. The minimum floor area for each dwelling unit shall not be less than the requirements established by the zone.

14. Common outdoor living 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.

15. 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.

16. Common recreation areas and related landscaping areas shall not be less than 20 percent of the project area.

17. In addition to dwellings, the development may include public schools, churches, non-profit or public recreation buildings and other necessary and related community facilities.

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

- a. Topography, including contours at not greater than two (2) foot intervals.
- b. Proposed street systems and plans for utilities and water and sewage facilities.
- c. Proposed lot or building layout.
- d. Proposed reservation for parks, playgrounds, school sites, and other open spaces.
- e. Types of dwellings and site location therefor.
- f. Proposed location of garages, carports, and parking spaces.
- g. Preliminary drawings and elevations of dwellings and other buildings.
- h. Tables showing the number of acres in the proposed development and the percentage devoted to each dwelling type, streets, parking, open space, etc.
- i. Tabulations of the overall density for the residential use may also be required.

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

Chapter 3. NONCONFORMING BUILDINGS AND USES

3-1 Maintenance Permits

A nonconforming building or structure may be maintained.

3-2 Repairs and Alterations

Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use.

3-3 Additions, Enlargements, and Moving

1. 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.

2. A building or structure nonconforming as to height, areas or yard regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the zone in which it is located except as permitted by the Board of Adjustment.

3-4 Alteration Where Parking Insufficient

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

3-5 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.

3-6 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, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

3-7 Continuation of Use

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

3-8 Occupation Within One Year

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the use became nonconforming.

3-9 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.

3-10 Nonconforming Use of Land

The nonconforming use of land, existing at the time this ordinance 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 ordinance.

Chapter 4. BOARD OF ADJUSTMENT

4-1 Organization

A Board of Adjustment is hereby established and shall consist of five (5) members appointed by the County Commission of Lincoln County for a term of five (5) years; provided that the terms of the members of the first Board so appointed shall be such that the term of one member shall expire each year. Any vacancy occurring on the Board by reason of death, resignation, removal or disqualification shall be promptly filled by the Lincoln County Planning Commission.

4-2 Duties and Powers of Board

1. It shall be the duty of such Board to hear all appeals taken by any person aggrieved or by any officer, department, board or bureau of Lincoln County affected by any decision of the officer in charge of the administration of this ordinance. Said Board shall adopt rules for the regulation of its procedure and conduct of its duties not inconsistent with the provisions of this ordinance or of the state law.

2. In addition to any other powers given by the state law of Nevada ordinance, the Board, after proper notice and public hearing, shall have the following powers:

a. Variances. When by reason of exceptional narrowness, shallowness or shape of specific piece of property at the time of the enactment of this ordinance or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the provisions of this ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of the property, the Board may authorize, upon an appeal relating to said property

a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

b. Special Exceptions. The Board may permit a temporary building for commerce or industry or residential use, which building is incidental to a permitted use, such permit to be issued for a period of not more than one (1) year.

c. Interpretation

(1) The Board may interpret the zoning map.

(2) The Board may hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, decision or refusal made in the enforcement of this ordinance.

d. Special Questions

(1) Where a zone boundary line divides a lot in single ownership at the time of the passage of this ordinance, the Board may permit a use authorized on either portion of such lot to extend not more than fifty (50) feet into the other portion of the lot.

(2) The Board may permit the building of a dwelling upon a lot which does not have a frontage on a street.

(3) The Board may permit the enlargement of or addition to a nonconforming building or structure or a building or structure occupied by a nonconforming use.

(4) The Board may permit the relocation on a lot of a nonconforming building or structure or a building or structure occupied by a nonconforming use.

(5) The Board may reduce the amount of off-street parking required where acquisition of land for such use would cause exceptional hardship.

Chapter 5. PARKING AND LOADING SPACE

5-1 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.

5-2 Parking Space for Dwellings

All residential lots shall provide for total off-street parking of at least two (2) vehicles.

5-3 Parking Space for Buildings or Uses Other Than Dwellings

For a new building, or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing main building, there shall be at least one (1) permanently maintained parking space of not less than one hundred eighty (180) square feet net area (9'x20') as follows:

1. For church, school, college and university auditoriums and theaters, general auditoriums, stadiums, and other similar places of assembly, at least one (1) parking space for every five (5) fixed seats provided in said buildings or structures.

2. For hospitals, at least one (1) parking space for each two (2) beds, including infants cribs and children's beds. For medical and dental clinics, at least (15) parking spaces, provided that three (3) additional parking spaces shall be provided for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists.

3. For tourist courts and apartment motels at least one (1) parking space for each individual sleeping or living unit; for hotels and apartment hotels, at least one (1) parking space for each two (2) sleeping rooms up to and including the first twenty (20) sleeping rooms, and one (1) parking space for each three (3) sleeping rooms over twenty (20) sleeping rooms.

4. For boarding houses, lodging houses, dormitories, fraternities, or sororities, at least one (1) parking space for every one and one-half (1 1/2) persons for whose accommodation the building is designed or used.

5. For restaurants or establishments that serve meals, lunches, or drinks to patrons either in their cars or in the building, for retail stores selling directly to the public, and recreational places of assembly, at least one (1) space for each one hundred (100) square feet of floor space in the building, and one (1) space for each two (2) employees working on the highest employment shift, or five (5) parking spaces, whichever requirement is the greater.

6. For mortuaries, at least thirty (30) parking spaces.

7. For all business or industrial uses not listed above, not providing customer services on the premises, one (1) parking space for each two (2) employees working on the highest employment shift.

8. In no case shall a building be constructed, altered, or increased where, if the foregoing parking provisions are inadequate to provide sufficient spaces for all employees and customers combined, the provision of adequate parking spaces shall supersede any and all foregoing formulas.

5-4 Location of Parking Space

Parking space as required above shall be on the same lot with the main building or, in the case of buildings other than dwellings, may be located not farther than five hundred (500) feet therefrom.

5-5 Parking Lot Regulations

Every parcel of land hereafter used as a parking lot shall be paved with an approved surfacing material of oil, asphalt, or concrete composition and shall have appropriate bumper guards where needed as determined by the Building Inspector. Any lights used to illuminate the lot shall be so arranged as to reflect the light away from adjoining premises in any residential zone.

5-6 Off-Street Truck Loading Space

On the same premises with every building, structure, or part thereof, erected and occupied or increased in capacity after the effective date of this ordinance, for manufacturing, storage, warehouse, goods display, department store, grocery store, hotel, hospital, mortuary, laundry, dry cleaning or other use similarly involving the receipt or distribution by vehicle of materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets, or alleys.

Chapter 6. MOTOR VEHICLE ACCESS

6-1 Business Requiring Access

Service stations, roadside stands, public parking lots, and all other businesses requiring motor vehicles access shall meet the requirements as hereinafter provided or as prescribed the Nevada State Department of Highways

(whichever requirements are the greater).

6-2 Roadways and Curbs

Access to the station or other structure or parking lot shall be controlled as follows:

1. Access shall be by not more than two (2) roadways for each one hundred (100) feet or fraction thereof of frontage on any street, and in no event shall such roadways exceed in width fifty (50) percent of the entire street frontage.

2. No two of said roadways shall be closer to each other than twelve (12) feet, and no roadway shall be closer to a side property line than one and one-half (1 1/2) feet.

3. Each roadway shall be not more than thirty-six (36) feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.

4. No roadway shall be closer than ten (10) feet to the point of intersection of two property lines at any corner as measured along the property line, and no roadway shall extend across such extended property line.

5. In all cases where there is an existing curb and gutter or sidewalk on the street, the application for a permit shall provide a safety island along the entire frontage of the property, except for the permitted roadways. On the two ends and street side of each such island shall be constructed a concrete curb, the height, location, and structural specifications of which shall be approved by the engineer.

6. Where there is no existing curb and gutter or sidewalk, the applicant may, at his option, install such safety island and curb or, in place thereof, shall construct along the entire length of the property line, except in front of the permitted roadways, a curb, fence, or pipe rail not exceeding two (2) feet or less than eight (8) inches in height.

6-3 Location of Gasoline Pumps

Gasoline pumps shall be set back not less than eighteen (18) feet from any street line to which the pump island is vertical and twelve (12) feet from any street line to which the pump island is parallel, and not less than ten (10) feet from any residential or zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line.

Chapter 7. CONDITIONAL USES

7-1 Purpose

To provide for the regulation of uses to insure their compatible integration in the land use pattern of Lincoln County.

7-2 Conditional Use Permit

An approved conditional use permit shall be required for each conditional use listed in this ordinance. No building permit or other permit or license shall be issued for a conditional use by any officer or employee of Lincoln County unless a conditional use permit shall have been approved.

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

2. 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.

3. Fee. The conditional use permit shall be \$50.00.

4. Planning Commission Action. The planning commission may approve, modify and approve, or deny 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 approving a conditional use, the planning commission shall find:

- a. That the proposed use is necessary or desirable and will contribute to the general well being of the community.
- b. 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.
- c. That the proposed use will comply with the regulations of this ordinance.
- d. That the proposed use is in harmony with the intent of the master plan.

5. Appeals. Appeal of any decision of the planning commission shall be to the Lincoln County Board of Adjustment. Appeals shall be in writing and shall be filed at the office of the Lincoln County Clerk not more than ten (10) working days after the decision by the planning commission. The Board of Adjustment may affirm, modify, or reverse the decision of the planning commission. However, the Board of Adjustment shall present in writing the reasons for its action.

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

7. 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.

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

Chapter 8. SIGNS

8-1 Signs Allowed

The following described signs shall be allowed as indicated in the accompanying table.

Type of Signs (See definitions)	Maximum Size in Feet*	Maximum Height in Feet	ZONE		Type of Illumination
			Permitted Use	Conditional Use	
Advertising	8x12	18	M-1	HC-A 40	Indirect
Business	8x20	35	NC, C-1, C-3		
Name Plate	1x2	8	HC, M-1		Indirect
Property--	2x3	6	All Zones		Indirect None

Type of Signs (See definitions)	Maximum Size in Feet*	Maximum Height in Feet	Permitted Use	Conditional Use	Type of Illumination
Sale, Lease, Rent or Trespass Public Information	3x6	8		All zones	Indirect
Temporary	8x12	16		All zones	None

* The distance from the top of the sign to the ground supporting it.

8-2 Animated, Flashing, Intermittent Signs

Animated, flashing or intermittent signs are not allowed in any of the zones in this ordinance.

8-3 Construction

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

8-4 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.

8-5 Location of Signs

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

8-6 Roof and Ground Signs

Roof signs shall be permitted only in the C-2 and C-3 zones. Ground signs shall not project above the roof line of the highest building located on the same premises.

Chapter 9. BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

9-1 Building Permit Required

The construction, alteration, repair, removal, or occupancy of any structure or any part thereof, as provided or as restricted in this ordinance, shall not be commenced or proceeded with except after the issuance of a written permit for the same by the Building Inspector.

9-2 Certificate of Occupancy 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 ordinance 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 ordinance.

Chapter 10. ADMINISTRATION

10-1 Building Inspector to Enforce

The Building Inspector, appointed under the provisions of the Building Code of Lincoln County, is hereby designated and authorized as the officer charged with the enforcement of this ordinance, but the County Commission of Lincoln County, by resolution or ordinance, may from time to time entrust such administration, in whole or in part, to any other office of Lincoln County without amendment to this ordinance.

10-2 Permits to Comply with Ordinance

From the time of the effective date of this ordinance, 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 ordinance, nor shall any Lincoln County officer grant any permit or license for the use of any building or land if such use would be in violation of this ordinance.

10-3 Powers and Duties of Building Inspector

It shall be the duty of the Building Inspector to inspect or cause to be inspected all buildings in course of construction or repair. He shall enforce all of the provisions of this ordinance, 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.

10-4 Changes and Amendments

This zoning ordinance, including the maps, may be amended from time to time by the Lincoln County Commission 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 its recommendation, which shall be returned to the Lincoln County Commission 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 or amendment. The county commission may overrule the planning commission's recommendations by a majority vote of its members.

10-5 Areas Annexed

New areas annexed to the city shall automatically be classified as being R-1-10 zone until such classification shall have been changed by an amendment to the zoning ordinance as provided by law.

10-6 Licensing

All departments, officials, and public employees of Lincoln County which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of the ordinance, shall be null and void.

10-7 Penalties

Any person, firm, or corporation whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of the provisions of this ordinance shall be guilty of a misdemeanor, such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued, or permitted by such person, firm, or corporation.

10-8 Validity

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

10-9 Emergency Clause

In the opinion of the county commission of Lincoln County a public emergency exists in connection with the matters in this ordinance continued, and it is

necessary to the peace, safety, and general welfare of the inhabitants of Lincoln County that this ordinance become effective upon publication.

Chapter 10. ZONES

10-1 Establishment of Zones

For the purpose of this ordinance, the following fifteen (15) zones are created to be applied as necessary to regulate the development of the land in Lincoln County.

Open Space Conservation Zone	OS-C
Open Space Multiple Use Zone	OSMU
Forest Residential Zone	FR
Agricultural Zone	A
Residential-Agricultural Zone	RA
Residential Estate Zone	RE
Single Family Residential Zone	R-1
One and Two-Family Residential Zone	R-2
Multiple Family Residential Zone	RM-3
Multiple Family Residential Zone	RM-4
Neighborhood Commercial Zone	CN
Community Commercial Zone	C-1
General Commercial Zone	C-3
Highway Commercial Zone	HC
Industrial Zone	I-1

10-2 Boundaries of Zones

The boundaries of each of the said zones are hereby established as described herein or shown on the map entitled "Zoning Map of Lincoln County" which map is attached to this ordinance; and all boundaries, notations, and other data shown thereon are made by this reference as much a part of this ordinance as if fully described and detailed herein.

10-3 Filing of Ordinance and Map

This ordinance and map shall be filed in the custody of the County Clerk of Lincoln County and may be examined by the public subject to any reasonable regulations established by Lincoln County.

10-4 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 such section line shall 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.

Chapter 11. OS-C OPEN SPACE CONSERVATION ZONE

11-1 Purpose

To permit the use of open space land in Lincoln County for the protection of the natural and scenic resources of Lincoln County for the benefit of present and future generations.

11-2 Permitted Uses

There are no permitted uses in this zone.

11-3 Conditional Uses

1. Parks
2. Historic sites
3. Public recreation areas
4. Other uses similar to the above and judged by the commission to be in harmony with the character and intent of this zone.

11-4 Height Regulations

No building shall exceed thirty-five (35) feet or two and one half (2 1/2) stories in height.

11-5 Area, Width, and Yard Regulations

<u>District</u>	<u>Area</u>	<u>Width in Feet</u>	<u>Yards in Feet</u>		
			<u>Front</u>	<u>Side</u>	<u>Rear</u>
OS-C-20	20 Acres	500	50	30	50

Chapter 12. OSMU OPEN SPACE MULTIPLE USE ZONE

12-1 Purpose

To permit the use of open space land in Lincoln County for grazing, forestry, mining, and other uses compatible with the protection of the natural and scenic resources of Lincoln County for the benefit of present and future generations.

12-2 Permitted Uses

1. Agricultural crop raising
2. Livestock grazing and feeding

3. Public recreation grounds and facilities developed as a part of a national forest, national or state park or a development by another branch of national, state or county government.
4. Wilderness recreation areas
5. One single-family dwelling unit when constructed incidental to the permitted use such as a landowner-owned hunting cabin or cabin used in a livestock grazing operation.

12-3 Conditional Uses

1. Forest industries
2. Reservoirs and hydroelectric facilities
3. Public utilities and transmission lines
4. Mines and quarries, gravel pits and mining claims
5. Asphalt mix plants
6. Private recreation grounds and facilities
7. Golf courses
8. Airport
9. Garbage disposal sites
10. Cemetery
11. Mobile homes used as a single family dwelling (10 feet wide or over)
12. Other uses similar to the above and judged by the commission to be in harmony with the character and intent of this zone.

12-4 Height Regulations

No building shall exceed thirty-five (35) feet or two and one-half (2 1/2) stories in height.

12-5 Area, Width, and Yard Regulations

<u>District</u>	<u>Area</u>	<u>Width in Feet</u>	<u>Yards in Feet</u>		
			<u>Front</u>	<u>Side</u>	<u>Rear</u>
OSMU-20	20 Acres	500	50	30	50

Chapter 13. FR FOREST RESIDENTIAL ZONE

13-1 Purpose

To permit the necessary development of identified mountain areas for recreation, seasonal residential living, and other activities to the extent compatible with the protection of the natural and scenic resources of the areas for the benefit of present and future generations.

13-2 Permitted Uses

1. Agricultural, as defined herein
2. Cabins for seasonal occupancy
3. Accessory buildings and uses

13-3 Conditional Uses

1. Public utilities
2. Private recreation and facilities
3. Lodges and dude ranches
4. Public buildings
5. Overnight camping facilities
6. Other uses approved by the planning commission as being in harmony with the intent of the zone and similar in nature to the above listed uses.

13-4 Height Regulations

No building shall be erected to a height greater than two and one-half (2 1/2) stories or thirty-five (35) feet.

13-5 Area, Width, and Yard Regulations

<u>District</u>	<u>Area</u>	<u>Width in Feet</u>	<u>Yards in Feet</u>		
			<u>Front</u>	<u>Side</u>	<u>Rear</u>
FR-0.5	1/2 Acre	100	50	20&20	30
FR-1	1 Acre	150	50	20&20	30
FR-5	5 Acres	400	50	20&20	30
FR-10	10 Acres	600	50	20&20	30

13-6 Modifying Regulations

None

Chapter 14. A AGRICULTURAL ZONE

14-1 Purpose

To preserve appropriate areas for permanent agricultural use. Uses normally and necessarily related to agriculture are permitted, and uses inimical to the continuance of agricultural activity are not allowed.

14-2 Permitted Uses

1. One single-family dwelling
2. Livestock Feeding

3. Poultry raising
4. Crop Production
5. Household pets
6. Farm buildings and uses
7. Dairy production

14-3 Conditional Uses

1. Fur farm
2. Hog or pork production
3. Stands for sale of produce grown and sold on premises
4. Public riding stables
5. Public utilities
6. Silos (vertical)
7. Mobile homes for permanent dwellings
8. Second dwelling for hired hand or seasonal laborer or member of owner's family
9. Golf course
10. Airport
11. Cemetery
12. Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.

14-4 Height Regulations

No building shall be erected to a height greater than two and one-half (2 1/2) stories or thirty-five (35) feet.

14-5 Area, Width, and Yard Regulations

District	Area	Width in Feet	Yards in Feet		
			Front	Side	Rear
A-10	10 Acres	400	30	15	30
A-20	20 Acres	400	30	15	30
A-40	40 Acres	400	30	15	30

Chapter 15. RA RESIDENTIAL AGRICULTURAL ZONE

15-1 Purpose

To provide permanent areas for small farms, hobby farms, and agricultural developments.

15-2 Permitted Uses

1. Single family dwellings
2. Household pets
3. Raising of crops, horticulture, gardening
4. Pasturing of livestock
5. Livestock feeding
6. Dairy operations
7. Accessory buildings and uses

15-3 Conditional Uses

1. Church
2. School
3. Park or playground
4. Public utilities
5. Public buildings
6. Public riding stables
7. Poultry coops
8. Mobile homes for permanent dwellings
9. Second dwelling for hired hand or seasonal laborer or member of owner's family
10. Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.

15-5 Height Regulations

No building shall be erected to a height greater than two and one-half (2 1/2) stories or thirty-five (35) feet.

15-5 Area, Width, and Yard Regulations

District	Area	Width in Feet	Yards in Feet		
			Front	Side	Rear
RA-1	1 Acre	200	30	15	30
RA-2	2 Acres	250	30	15	30
RA-5	5 Acres	300	30	15	30
RA-10	10 Acres	400	30	15	30

15-6 Modifying Regulations

Side Yards - Buildings other than dwellings shall have a minimum side yard of 20 feet, and the total of the two side yards shall be 40 feet. Private garages located at least 10 feet behind the main building may have a side yard of two (2) feet except on the street side of a corner lot which shall be a minimum of 30 feet for main and accessory buildings.

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 on corner lots rearing on the side yard of another lot the minimum rear yard shall be 10 feet for all buildings.

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 than 100 feet.

Chapter 16. RE RESIDENTIAL ESTATES

16-1 Purpose

To provide for residential estate neighborhoods of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents of the neighborhood.

16-2 Permitted Uses

1. The raising of crops, horticulture and gardening
2. Private stables subject to the condition that all livestock shall be used for personal and recreational purposes only
3. Household pets
4. Single family dwellings
5. Accessory buildings and uses

16-3 Conditional Uses

1. Mobile homes
2. Church
3. School
4. Park and playground
5. Public utilities
6. Public buildings
7. Public riding stable
8. Golf course
9. Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.

16-4 Height Regulations

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

16-5 Area, Width, and Yard Requirements

<u>District</u>	<u>Area</u>	<u>Width in Feet</u>	<u>Yards in Feet</u>		
			<u>Front</u>	<u>Side</u>	<u>Rear</u>
RE-12.5	12,500 sq. ft.	80	20	8&10	20
RE-18.0	18,000 sq. ft.	80	25	10&10	20
RE-25.0	25,000 sq. ft.	100	25	12&12	20
RE-37.5	37,500 sq. ft.	200	25	12&12	20

16-6 Modifying Regulations

Side Yards - Main buildings other than dwellings shall have a minimum side yard of ten (10) feet, and the total of the two side yards shall be twenty (20) feet. Private garages located at least ten (10) feet behind the main building may have a two (2) foot side yard requirement except that the street side of a corner lot shall be a minimum of thirty (30) feet for all buildings.

A zero (0) side yard may be used for all lots in a planned subdivision or development in tract. In such case, the opposite side yard shall be not less than a combination of the two side yards otherwise required. Said zero (0) side yard shall be subject to a conditional use permit.

Rear Yard - Private garages located at least ten (10) feet behind the main building may have a rear yard of two (2) feet provided that on a corner lot rearing on a side yard of another lot, the minimum rear yard for all buildings shall be eight (8) feet.

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 than 100 feet.

Chapter 17. R-1 SINGLE FAMILY RESIDENTIAL ZONE

17-1 Purpose

To provide appropriate locations where low density residential neighborhoods may be established, maintained, and protected. The regulations also permit the establishment, with proper controls, the 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.

17-3 Permitted Uses

1. Single family dwellings
2. Agriculture as defined herein

- 3. Home occupations as defined herein
- 4. Accessory uses and buildings

17-3 Conditional Uses

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

17-4 Height Regulations

No main building shall be erected to a height greater than thirty-five (35) feet or two and one-half (2 1/2) stories, whichever is greater; and no accessory building shall be erected to a height greater than one (1) story or fifteen (15) feet.

17-5 Area, Width, and Yard Regulations

District	Area	Width in Feet	Yards in Feet		
			Front	Side	Rear
R-1-6	6,000 sq. ft.	50	15	5&5	5
R-1-8	8,000 sq. ft.	70	25	8&10	10
R-1-10	10,000 sq. ft.	80	30	10&10	20
R-1-12	12,000 sq. ft.	90	30	10&10	20
R-1-15	15,000 sq. ft.	100	30	10&10	20
R-1-20	20,000 sq. ft.	100	30	20&20	20
R-1-40	40,000 sq. ft.	200	50	30&30	25

17-6 Modifying Regulations

Side Yards - Main buildings other than dwellings shall have a minimum side yard of 20 feet, and the total of the two side yards shall be 40 feet. Private garages and other accessory buildings located at least 10 feet behind the main building may have a side yard of two feet except that the street side yard of a corner lot shall be the same as the front yard setback required for that district.

Rear Yards - Private garages and accessory buildings located at least ten (10) feet behind the main building may have a rear yard of two feet provided that on corner lots rearing on the side of another lot the minimum rear yard for all

buildings shall be the same as the minimum side yard requirement of the zoning district.

Chapter 18. R-2 ONE AND TWO FAMILY RESIDENTIAL ZONE

18-1 Purpose

To provide appropriate locations where medium density residential neighborhoods on lots of not less than 6,000 square feet may be established, maintained and protected. The regulations also permit the establishment of, with proper controls, the 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 medium density neighborhood.

18-2 Permitted Uses

1. Agriculture, as defined herein
2. Single family dwelling
3. Two family dwelling. All new construction required
4. Household pets
5. Accessory uses and buildings
6. Home occupations

18-3 Conditional Uses

1. Church
2. Public library
3. Public buildings
4. Parks and playgrounds
5. Public utilities
6. Public schools
7. Private educational institutions

18-4 Height Regulations

No main building shall be erected to a height greater than thirty-five (35) feet or two and one-half (2 1/2) stories, whichever is greater, and no accessory building shall be erected to a height greater than one story or fifteen (15) feet.

18-5 Area, Width and Yard Regulations

District	Area	Width in Feet	Yards in Feet		
			Front	Side	Rear
R-2-12	12,000 sq. ft.	70	25	8&10	10

18-6 Modifying Regulations

Side Yards - Main buildings other than dwellings shall have a minimum side yard of 20 feet, and the total of the two side yards shall be 40 feet. Private garages and other accessory buildings located at least 10 feet behind the main building may have a side yard of two feet, except that the street side yard of a corner lot shall be 20 feet for main and accessory buildings.

Rear Yards - Private garages and accessory buildings located at least 10 feet behind the main building may have a rear yard of two feet provided that on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be 10 feet.

Chapter 19. R-3 MULTIPLE FAMILY RESIDENTIAL ZONE

19-1 Purpose

To provide appropriate location for apartment house neighborhoods on lots of not less than 6,000 sq. ft. and having a minimum lot area of not less than 3,000 sq. ft. for each dwelling unit. The regulations permit a variety of multiple family dwellings and necessary public services and activities.

19-2 Permitted Uses

1. Single family dwellings
2. Two, three, and four family dwellings on an individual lot.
All new construction required.
3. Home occupations as defined herein
4. Household pets
5. Accessory uses and buildings

19-3 Conditional Uses

1. Boarding house (15 persons or less)
2. Church
3. Fraternal societies
4. Hospital (not including an animal hospital)
5. Institution providing residence and care for children
6. Library
7. Parking lot for permitted or conditional uses
8. Public buildings
9. Park or playground
10. School
11. Mobile home park - 2 1/2 acre minimum size
12. Public utilities

- 13. Overnight camp park
- 14. Other uses approved by the planning commission as being in harmony with the intent of the zone and similar in nature to the above listed uses

19-4 Height Regulations

No buildings shall be erected to a height greater than two and one-half (2 1/2) stories or thirty-five (35) feet.

19-5 Area, Width, and Yard Regulations

<u>District</u>	<u>Area</u>	<u>Width in Feet</u>	<u>Yards in Feet</u>		
			<u>Front</u>	<u>Side</u>	<u>Rear</u>
R-3-6	6,000 sq. ft.	60	25	10&10	10

19-6 Modifying Regulations

Side Yards - Main buildings other than dwellings shall have a minimum side yard of 20 feet, and the total of the two side yards shall be 40 feet. Private garages or other accessory buildings located at least 10 feet behind the main building may have a side yard of 2 feet except that the street side yard of a corner lot shall be the same as that required in the zoning district located.

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 on corner lots rear yard on the side yard of another lot, the minimum rear yard for all buildings shall be the minimum side yard required in the zoning district.

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.

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 area, drives, etc.

Coverage - Building coverage may not exceed 60 percent of lot area.

Group Dwellings - 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 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.

Chapter 20. R-4 MULTIPLE FAMILY RESIDENTIAL ZONE

20-1 Purpose

To provide appropriate locations for apartment house neighborhoods on lots of not less than 6,000 square feet and having a minimum lot area of not less than 1,500 square feet for each dwelling unit.

The regulations permit a variety of multiple family dwellings and necessary public services and activities.

20-2 Permitted Uses

1. Single family dwellings
2. Household pets
3. Home occupations as defined herein
4. Accessory buildings and uses

20-3 Conditional Uses

1. Church
2. Fraternal societies
3. Hospital (not including an animal hospital)
4. Institution providing for care for children
5. Library
6. Boarding house (not more than 15 residents)
7. Parking lot for permitted or conditional uses
8. Public buildings
9. Park or playground
10. School
11. Mobile home park - 2 1/2 acre minimum size
12. Medical and dental clinics
13. Professional offices
14. Mortuary
15. Nursing home
16. Public facilities
17. Other uses approved by the planning commission as being in harmony with the intent of the zone and similar in nature to the above listed uses.

20-4 Height Regulations

Buildings over thirty-five (35) feet in height must have one foot additional side yard on each side for every two feet the buildings exceeds 35 feet in height.

20-5 Area, Width, and Yard Regulations

<u>District</u>	<u>Area</u>	<u>Width in Feet</u>	<u>Yards in Feet</u>		
			<u>Front</u>	<u>Side</u>	<u>Rear</u>
R-4-6	6,000 sq. ft.	60	25	10&10	10

20-6 Modifying Regulations

Side Yard - Main buildings other than dwellings shall have a minimum side yard of 20 feet, and the total of the two side yards shall be 40 feet. Private garages or other accessory buildings located at least 10 feet behind the main building may have a side yard of 2 feet except that the side street yard of a corner lot shall be the same as that required in the zoning district located.

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 on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be the minimum side yard required in the zoning district.

Area - A 6,000 square foot lot is required for each single family dwelling unit with an additional 1,500 square feet of lot area required for each additional unit.

Outdoor Living Space - A minimum of 600 square feet of ground floor outdoor living space shall be provided for each dwelling unit, exclusive of any buildings or parking area, drives, etc.

Coverage - Building coverage may not exceed 60 percent of the lot area.

Group Dwellings - 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 1/2) story group dwelling unit shall have a minimum court of 30 feet in width, and each one story group dwelling unit 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 any adjacent dwelling unit. Court areas in multiple story dwelling units shall be increased one additional foot above 30 feet for each two feet the building exceeds 35 feet in height.

Chapter 21. CN NEIGHBORHOOD COMMERCIAL ZONE

21-1 Purpose

To provide areas of convenience for the residents of the neighborhood.

21-2 Permitted Uses

All uses subject to conditional use permit.

21-3 Conditional Uses

1. Grocery Store
2. Drug store
3. Bakery
4. Beauty shop
5. Barber shop
6. Ice cream store
7. Variety store
8. Medical and dental offices
9. Professional office
10. Public utilities
11. Accessory buildings and uses
12. Other uses approved by the planning commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses.

21-4 Height Regulations

No buildings shall be erected to a height greater than two and one-half (2 1/2) stories or thirty-five (35) feet.

21-5 Area, Width, and Yard Regulations

District	Area	Width in Feet	Yards in Feet		
			Front	Side	Rear
CN	1 Acre	None	20	None except 10 feet where side yard abuts an agriculture or residential zone, and 20 feet where side yard is adjacent to a street.	None except 10 feet where rear yard abuts residential or agricultural zone.

Chapter 22. C-1 COMMUNITY COMMERCIAL ZONE

22-1 Purpose

To provide areas for community retail and service activities in locations to conveniently serve the residents.

22-2 Permitted Uses

All uses subject to a conditional use permit.

22-3 Conditional Uses

1. Bakery, in which manufacture is limited to goods retailed on the premises only; bank; barber shop; beauty parlor; bicycle shop; book store.
2. Candy store; camera and photo supplies; clothes cleaning or dry cleaning agency or pressing establishment, altering and repair of wearing apparel; confectionery, care, or refreshment stand; cafeteria; Christmas tree sales; china and silver shop.
3. Dairy products store, drug store; delicatessen
4. Florist; fruit juice store; frozen food lockers; fruit and vegetable stand; fish stores; sidewalk cafe.
5. Gift shop; grocery; greenhouse
6. Hardware store, not including sale of powered vehicles using motors greater than 5 horsepower; health food store; hobby supply store
7. Ice cream shop; ice store or vending station
8. Jewelry store, including repair of jewelry, watches, and clocks
9. Laundry, customer self-service only; library; lunch service; commercial locksmith.
10. Medical and dental clinics and laboratories; milk distributing stations and sale of dairy products, but not including processing or bottling; meat store; museum; music store
11. Newsstand; notions; nurses' or baby sitters' agency
12. Office, business or professional; optometrist or optician
13. Paint and wallpaper store; photographer or sale of photographic supplies; photo studio; post office; plant materials; popcorn or nut shop
14. Radio and television sales and repair
15. Service station
16. Stationery and greeting card sales; shoeshine shop; shoe repair shop; soft water sales and service, excluding welding or tank repair
17. Taxi stand; tailor shop; toy store; tobacco shop
18. Variety store, limited to selling only items which may be sold by any other use by right in this chapter

19. Accessory uses and buildings, customarily incidental to, subordinate to the above uses and devoted exclusively to the main permitted use of the premises
20. Coal and fuel sales office
21. Garden supplies store
22. Manufacture of goods to be sold at retail on the premises, provided such manufacture is conducted within a completely enclosed building and is clearly incidental to the operation in connection with a use permitted in this chapter.
23. Parking lot; public building and services; public utility stations
24. Public utilities
25. Other uses approved by the planning commission as being in harmony with the intent of the community commercial zone and similar in nature to the above listed uses.

22-4 Special Provisions

The above specified store, shops, or business shall be retail establishments only and shall be permitted only under the following conditions.

1. Such business shall be conducted wholly within an enclosed building except for the parking of automobiles and service to persons in automobiles.
2. All products, whether primary or incidental, shall be sold at retail on the premises. No entertainment except music shall be permitted in cafes, confectioneries, or refreshment stands.
3. All uses shall be free from objections because of odor, dust, smoke, noise, vibration, or other causes.

22-5 Height Regulations

No building or structure shall be erected to a height greater than two and one-half (2 1/2) stories or thirty-five (35) feet.

22-6 Area, Width, and Yard Regulations

District	Area	Width in Feet	Yards in Feet		
			Front	Side	Rear
C-1	5 Acres	No minimum	20	None except 10 feet where side yard abuts an agriculture or residential zone, and 20 feet where side yard is adjacent to a street.	None except 10 feet where rear yard abuts residential or agricultural zone.

Chapter 23. C-3 GENERAL COMMERCIAL ZONE

23-1 Purpose

To provide appropriate areas where heavy commercial activities may be established, maintained, and protected.

23-2 Permitted Uses

All permitted uses subject to conditional use permit.

23-3 Conditional Uses

1. Automobile, truck trailer, and farm and construction equipment sales, rental and service establishments; automobile service stations.
2. Building material sales yards, but not including ready-mix concrete or hot mix asphalt plants
3. Public utility buildings and service yards
4. Carpenter, electrical, plumbing or heating shops; printing and publishing or lithographic shops; furniture upholstery shops
5. Nurseries, greenhouses, and fruit stands
6. Bakery, laundry, cleaning and dyeing establishment
7. Mortuary
8. Animal hospital, veterinary clinic
9. Public or quasi-public use
10. Commercial recreation uses
11. Any permitted use occupying one acre or more
12. Stores, shops, and offices supplying commodities or performing services such as department stores, specialty shops, banks, business offices, and other financial institutions and personal service enterprises provided that all uses be conducted within buildings
13. Business and technical schools, and schools and studios for photography, art, music, and dance
14. Garages for storage of automobiles, commercial parking lots
15. Hotels and motels
16. New car dealers
17. Garages for repair of automobiles
18. Any other commercial use or service establishment determined by the planning commission to be of the same general character as the above uses
19. Accessory buildings and uses customarily incidental to the above uses

23-4 Height Regulations

No building or structure shall be erected to a height greater than two and one-half (2 1/2) stories or thirty-five (35) feet unless one (1) foot is added to each side yard for each two (2) feet the building exceeds 35 feet in height.

23-5 Area, Width, and Yard Regulations

<u>District</u>	<u>Area</u>	<u>Width in Feet</u>	<u>Yards in Feet</u>		
			<u>Front</u>	<u>Side</u>	<u>Rear</u>
C-3	None	None	None except when abutting an "R" zone, then 25 feet.	None except when abutting an "R" zone, then 10 feet and 20' when abutting a street.	None except when abutting an "R" zone, then 10 feet.

Chapter 24. HC HIGHWAY COMMERCIAL ZONE

24-1 Purpose

To provide commercial areas on major highways for the location of travel service and highway oriented commercial uses.

24-2 Permitted Uses

All permitted uses subject to a conditional use permit.

24-4 Conditional Uses

1. Restaurant or drive-in cafe
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

24-4 Height Regulations

No building or structure shall be erected to a height greater than two and one-half (2 1/2) stories or thirty-five (35) feet.

24-5 Area, Width, and Yard Regulations

<u>District</u>	<u>Area</u>	<u>Width in Feet</u>	<u>Yards in Feet</u>		
			<u>Front</u>	<u>Side</u>	<u>Rear</u>
HC	20,000 sq. ft.	No minimum	20	None except 10 feet' where side yard abuts an agricultural or residential zone; 20 feet when abutting a street.	None except 10 feet where rear yard abuts an agricultural or residential zone.

Chapter 25. I INDUSTRIAL ZONE

25-1 Purpose

To provide areas where industries necessary and beneficial to the local economy may locate and operate. The I-1 zone is intended to provide for the development of industrial 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.

25-2 Permitted Uses

All permitted uses subject to a conditional use permit.

25-3 Conditional Uses

1. **Manufacturing-Processing.** Includes establishment primarily engaged in processing, packaging or treatment of the following products:
 - a. Bakery goods, production and distribution
 - b. Cosmetics and toiletry, production and processing
 - c. Optical goods
 - d. Pharmaceuticals

- e. Soft drinks, bottling, and distribution
 - f. Vitamin processing
 - g. Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone
 - h. Mining and mill operations
2. Manufacturing-Assembly. Establishments that are primarily engaged in the assembly and fabrication of goods from the following process materials.
- a. Cellophane
 - b. Canvas
 - c. Cloth
 - d. Felt
 - e. Fiber
 - f. Fur
 - g. Glass
 - h. Leather
 - i. Paper
 - j. Precious or semi-precious stones or metals (jewelry)
 - k. Plastics
 - l. Rubber
 - m. Textiles
 - n. Wood
 - o. Yarn
 - p. Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.
3. Wholesale - Warehouse and Distribution
- a. Contractors storage yards
 - b. Dairy products
 - c. Food and vegetable wholesale
 - d. Parcel delivery service
 - e. Road equipment yards
 - f. Furniture warehouse
 - g. General warehouse
 - h. Wholesale brokers, jobbers, and distributors
 - i. Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.
4. Other conditional uses
- a. Cabin and carpenter shops
 - b. Electrical appliances and other specialized electrical equipment
 - c. Laboratories, experimental and research

- d. Laboratories, physical and chemical testing and dental
- e. Packaging business
- f. Scientific equipment assembly
- g. Automobile salvage and wrecking operations and industrial metal, rag, glass, or paper salvage operations provided that all operations are conducted within a solid, view-obscuring wall or fence not less than eight (8) feet in height.
- h. Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone

25-5 Height Regulations

Building and structures shall have a height not greater than sixty (60) feet. Within 100 feet of the boundary of any adjoining zone, no building shall exceed a height limit established for main buildings in such adjoining zone.

25-5 Area, Width, and Yard Regulations

None, except that for any parcel in the I-1 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-1 zone.

25-6 Modifying Regulations

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 100 feet from any residential zone boundary.
3. Outdoor storage of materials or semi-finished or finished goods shall be located not less than 100 feet from any residential zone boundary. All storage areas shall be enclosed by a solid six (6) foot fence or wall in a manner that such materials shall not be visible from any point beyond the boundaries of the property.

Chapter 26. MH MOBILE HOME ZONE

26-1 Purpose

To provide for the development of Mobile Home Estates lots which will permit the location of one mobile home per lot in a quality environment.

Mobile home estates are not intended for the isolated lot but shall be for use in areas where larger tracts of land are available for development and are designed and intended from the beginning of development as mobile home estates only.

The minimum project size shall be 5 acres.

26-2 Permitted Uses

All permitted uses subject to a conditional use permit.

26-3 Conditional Uses

1. Mobile home subdivision
2. Mobile home park
3. School
4. Public buildings
5. Public utilities
6. Parking lots
7. Parks and playgrounds
8. Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.

26-4 Height Regulations

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

26-5 Area, Width, and Yard Regulations

<u>District</u>	<u>Area</u>	<u>Width in Feet</u>	<u>Yards in Feet</u>		
			<u>Front</u>	<u>Side</u>	<u>Rear</u>
MH-7	7,000 sq. ft.	70	20	5	10
MH-10	10,000 sq. ft.	100	25	10&15	20

26-6 Modifying Regulations

Side Yards - The main buildings other than dwellings shall have a minimum side yard of 20 feet, and the total of the two side yards shall be 40 feet. Private garages located at least one foot behind the main building may have a two (2) foot side yard requirement except for the street side of a corner lot shall be the same as the front yard setback of the zoning district.

Rear Yard - Private garages located at least 10 feet behind the main building may have a rear yard of two (2) feet provided that on a corner lot rearing on a side yard of another lot, the minimum rear yard for all buildings shall be eight (8) feet.

Distance Between Buildings - Shall not be less than ten (10) feet.

Parking - Each mobile home subdivision lot shall provide for the off-street parking of at least two vehicles.

Mobile Home Stands - All mobile home stands shall be surfaced with a four (4) inch compacted gravel surface and maintained clean and free from weeds. The minimum size shall be ten (10) feet wide by forty-five (45) feet long.

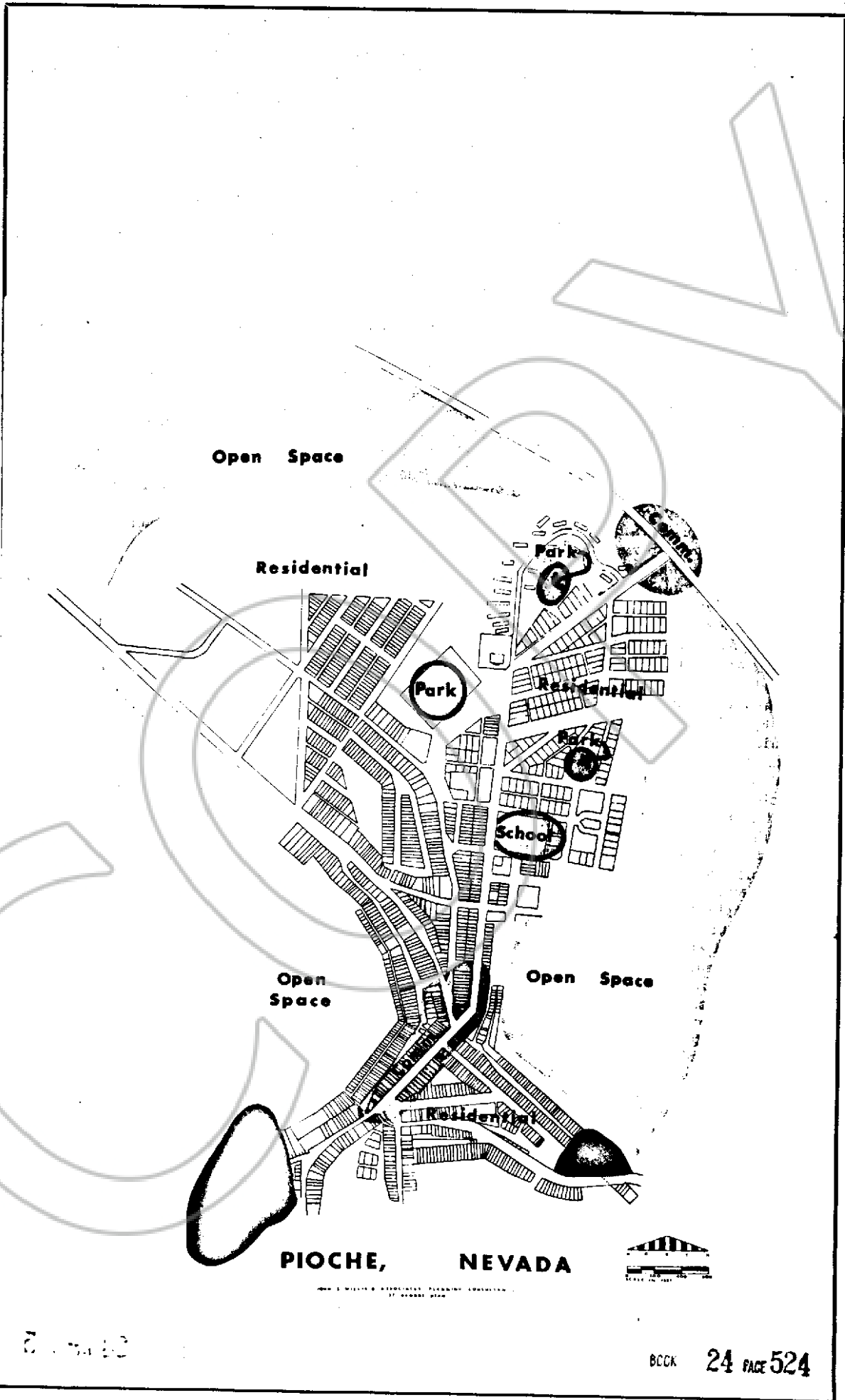
Walls, Fences, and Landscaping -

1. Walls & Fences. Walls and fences of a solid nature shall be not higher than three (3) feet in the front yard setback and six (6) feet in other portions of the lot.
2. Landscaping. Hedges shall be considered the same as a solid fence and shall not exceed three (3) feet in height in any front yard setback. No front yard shrubs or landscaping shall be maintained in such a way as to create a traffic hazard at any intersection.

Utilities - All underground.

Streets - Fifty (50) feet right-of-way and thirty-six (36) feet paved section.

Project Size - 5 acre minimum.



2000

PIOCHE

The Population and Economic Study for Lincoln County projected a population of between 827 and 1,425 persons by 1990 for the Pioche Township, depending upon the amount of increase in mining and mineral processing activities.

At the present residential density an additional 334 residences could be built within the town of Pioche. This should be adequate for the period of the master plan. Where available, vacant land in Pioche should be used for residential development. Scattered subdivision development away from the existing community area should not be permitted.

Existing quality single family residential areas should be identified, and implementing ordinances should protect these areas from multiple family or high density housing developments. Mobile homes should be recognized as a housing type, and growth areas conducive to mobile home development should be identified and encouraged to develop. Mobile homes should not be permitted to locate at random throughout the community.

The master plan recommends that consideration be given to razing the existing Housing Authority facilities and making this area available for development of either a quality mobile home facility or for new multiple family housing. Financial institutions should be encouraged to make financing available for multiple family rental housing in the Pioche area, and land areas should be identified in the community for this type of development.

By 1990 another 2-5 acres of commercial land will be needed. The central business district should continue to be used and expanded for shoppers goods such as dry goods, clothing, hardware, and similar types of consumer businesses. Property owners, businessmen, and the Pioche Chamber of Commerce should work jointly together to prepare a specific development plan for the area providing off-street parking, pedestrian walkways, and landscaping. Efforts should be made in identifying highway service areas to accommodate the traveling public to carefully identify, through implementing ordinances, the potential uses that should be permitted and the uses which should be prohibited and which would depreciate the area. Also, specific regulations as to off-street parking areas, landscaping, signs, and buffers separating this area from residential districts should become a part of the implementing ordinances.

Agricultural land adjacent to Pioche should be protected from residential development in accordance with the recommendations made in the residential section of the master plan.

Most industrial developments in the Pioche area are located outside of town and are tied to specific natural resources. Proposals for industrial development should be required to submit a site plan review, show that adequate off-street parking will be available, and should comply with specified standards relative to air, water, and noise pollution.

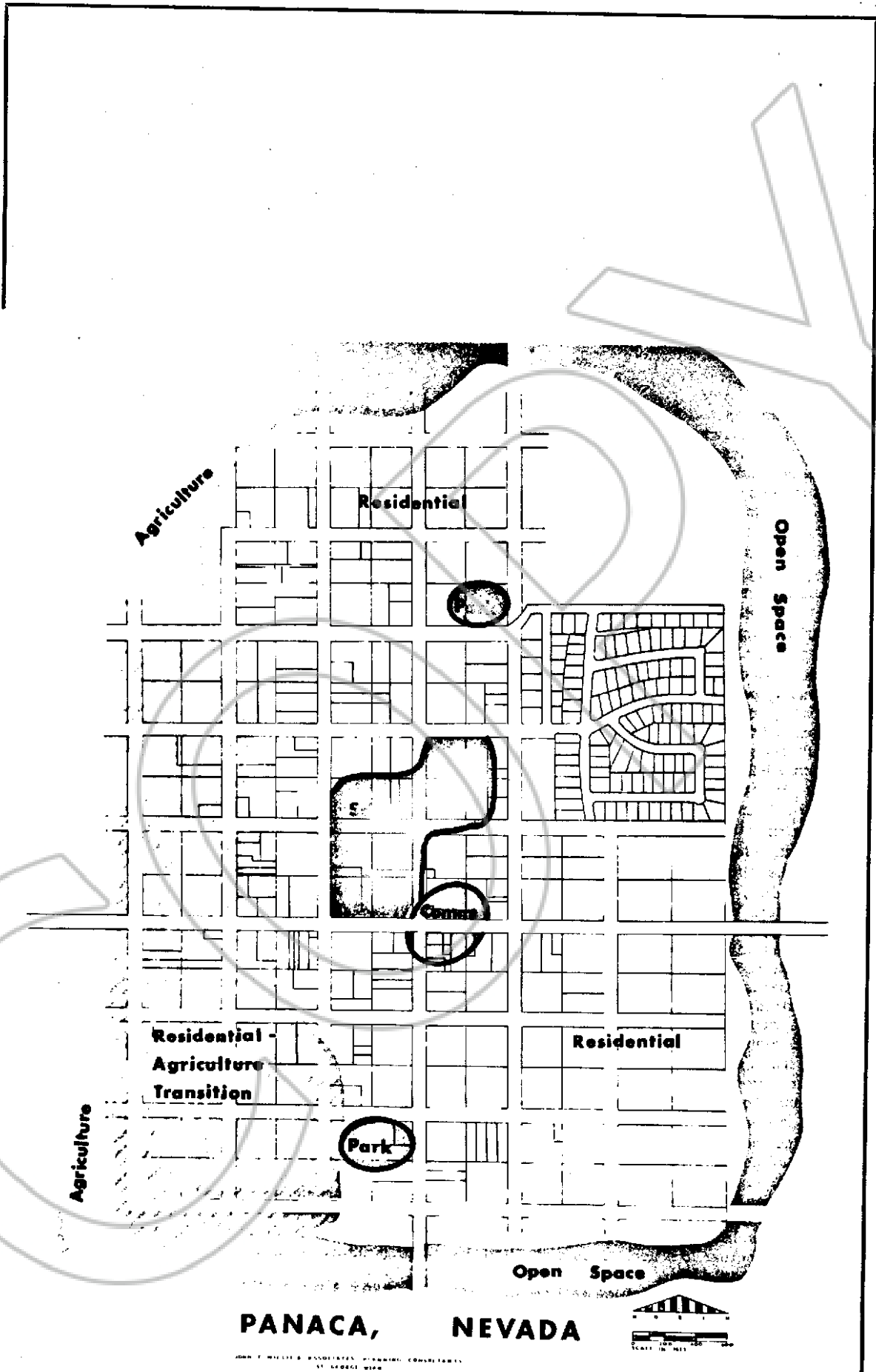
Future streets should be improved according to the standards contained in the county-wide portion of the master plan.

The master plan recommends that about six additional acres be obtained for immediate community park needs, and that between 1975 and 1990 another two to nine acres be acquired for recreation purposes.

In terms of water pressure, the water system in Pioche is one of the better systems in the county. Some of the distribution lines are as small as one and two inches and should be increased to six inch lines and replaced as soon as possible. Dead end lines should be joined together to provide an even water flow throughout the community. The sewer treatment plant should adequately serve the community throughout the planning period.

Consideration is now being given to the proposal of establishing a mandatory garbage pick-up system so that there is more control over where garbage and refuse is dumped. Pioche residents should cooperate with other communities in the selection of a common garbage disposal site.

From a structural standpoint, a new physical post office facility will probably be needed during the planning period. If only moderate increases in mining and mineral processing take place, the present post office is large enough to accommodate the population expected during the planning period.



PANACA, NEVADA

JOHN F. WHEELER & ASSOCIATES, PLANNING CONSULTANTS
1110 SOUTH MAIN STREET, SUITE 100, PANACA, NEVADA 89069



Lincoln County

PANACA

The population of the Panaca Township in 1970 was 539 persons. By 1990 there will be somewhere between 700 and 770 persons residing in the Panaca area.

A minimum lot size should be established in areas where residents are desirous of keeping livestock, probably not less than one acre per dwelling unit. The types of livestock and animals desirable to be maintained and those currently being maintained should be identified and their presence protected in the community. The master plan recommends that, in the town of Panaca, a wide range of housing types be allowed to mix without regard to limitation as to construction or location and that protections and guarantees of this type of development be adopted. The county should adopt the Uniform Building Code, and construction in Panaca should be guided by it.

Commercial development should be located in designated areas rather than having a strip of commercial land 100 feet deep on State Highway 25 and extending from one end of the community to the other. Commercial developments should be required to provide adequate off-street parking so that traffic does not become a hazard along the state road. Landscape buffers or walls should separate the commercial center from adjacent land uses.

Agricultural land within Panaca should be protected from subdivision development. Some of the land in the east portion of town which is now being used strictly for agricultural purposes will probably be converted to low density residential uses within the next 10-20 years.

No specific area for industrial development has been identified on the master plan map. If industrial sites are identified in Panaca, they should be required to locate in proximity to each other and should not be permitted to scatter throughout the community. In determining the types of industry desirable to be located in Panaca, community residents should keep in mind the preservation of the natural amenities that make the area desirable, such as clear air and freedom from water pollution. Industries should develop their land to be compatible with the remainder of the community by including provisions for deep setbacks from streets and by providing landscaped buffer areas between industrial use and adjacent land uses, particularly residential development.

As community residents see a need for additional street improvements such as paving, sidewalks, and curbs, they should work with county officials to create improvement districts to provide for these amenities.

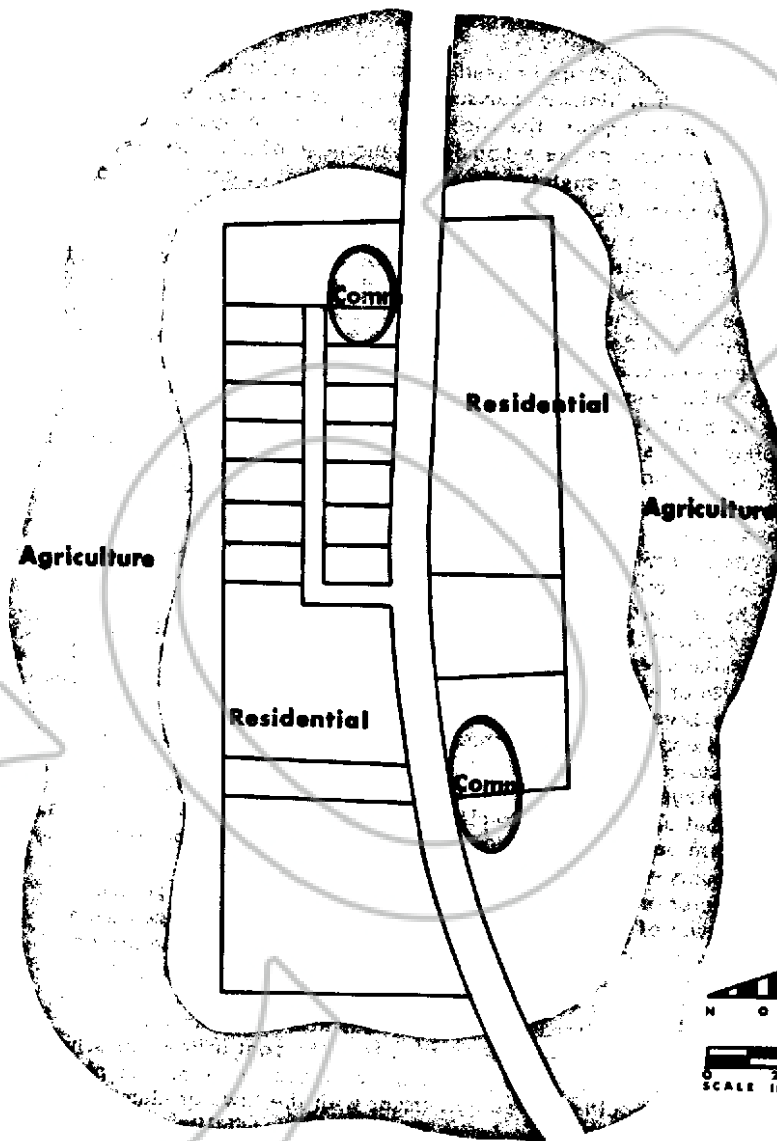
According to the standards suggested in the recreation study, some 6-10 acres of land should be obtained during the planning period for recreation uses, in addition to the small community park already in Panaca. A nine-acre site recently obtained by the county from the Bureau of Land Management to be used as a permanent site for the Lincoln County Fair could provide for some of the additional park land needed in Panaca.

The community should plan to increase the size of all water mains to six inches as replacements are necessary to increase fire fighting capabilities. Additional storage at a higher point on the bench land would also help increase storage capacity and water pressure. The Nevada Rural Communities Water and Waste Water Plan of 1972 has recommended that a sewer system be constructed within the planning period.

The garbage disposal site near Panaca may be considered for use in developing a county-wide landfill operation. However, it may be more desirable to identify a new site in another location. It is suggested that the community consider paving the road leading to this site.

The present post office will be adequate until 1980. After 1980 the post office will have to increase the number of rental boxes or start delivering mail to some areas. The fire-fighting facilities should be adequate to serve the needs of the community for some time if the improvements suggested earlier for the water system are implemented during the planning period.

Some new school buildings may be needed by 1980 if population increases due to increased mining activities take place.



ASH SPRINGS, NEVADA

JOHN C. WILLET & ASSOCIATES - PLANNING CONSULTANTS
ST. GEORGE, UTAH

ASH SPRINGS

While the land surrounding Ash Springs is used primarily for agricultural purposes, the community itself is a tourist and highway service oriented community.

At the present density of development, the vacant land within Ash Springs could accommodate an additional 87 residences or a population increase of 280 persons. Obviously, then, the community could sustain a substantial amount of growth without any developments outside the presently developed area.

Future development and success of commercial businesses in Ash Springs is somewhat dependent on the availability and cost of gasoline. Common strip commercial development along the entire frontage of the highway should not be permitted. Wherever possible, businesses, especially those of a local nature, should front on other streets in a centralized area. Commercial developments should be large enough in land area to provide for growth and expansion and to provide for off-street vehicular parking and for an inter-relationship between various businesses. Commercial development should be screened from adjacent residential uses by the use of landscaping and fences and should be made to blend into surrounding areas and not be objectionable to them. Residents of Ash Springs should oppose the development of strip commercial businesses along U. S. 93 between Ash Springs and Alamo and between Ash Springs and Caliente.

While the land outside of the community of Ash Springs will continue to be used for agriculture for many years, some of the land inside the existing area now constituting Ash Springs which is vacant or now being used for agricultural purposes, such as gardening, will probably be converted to residential uses.

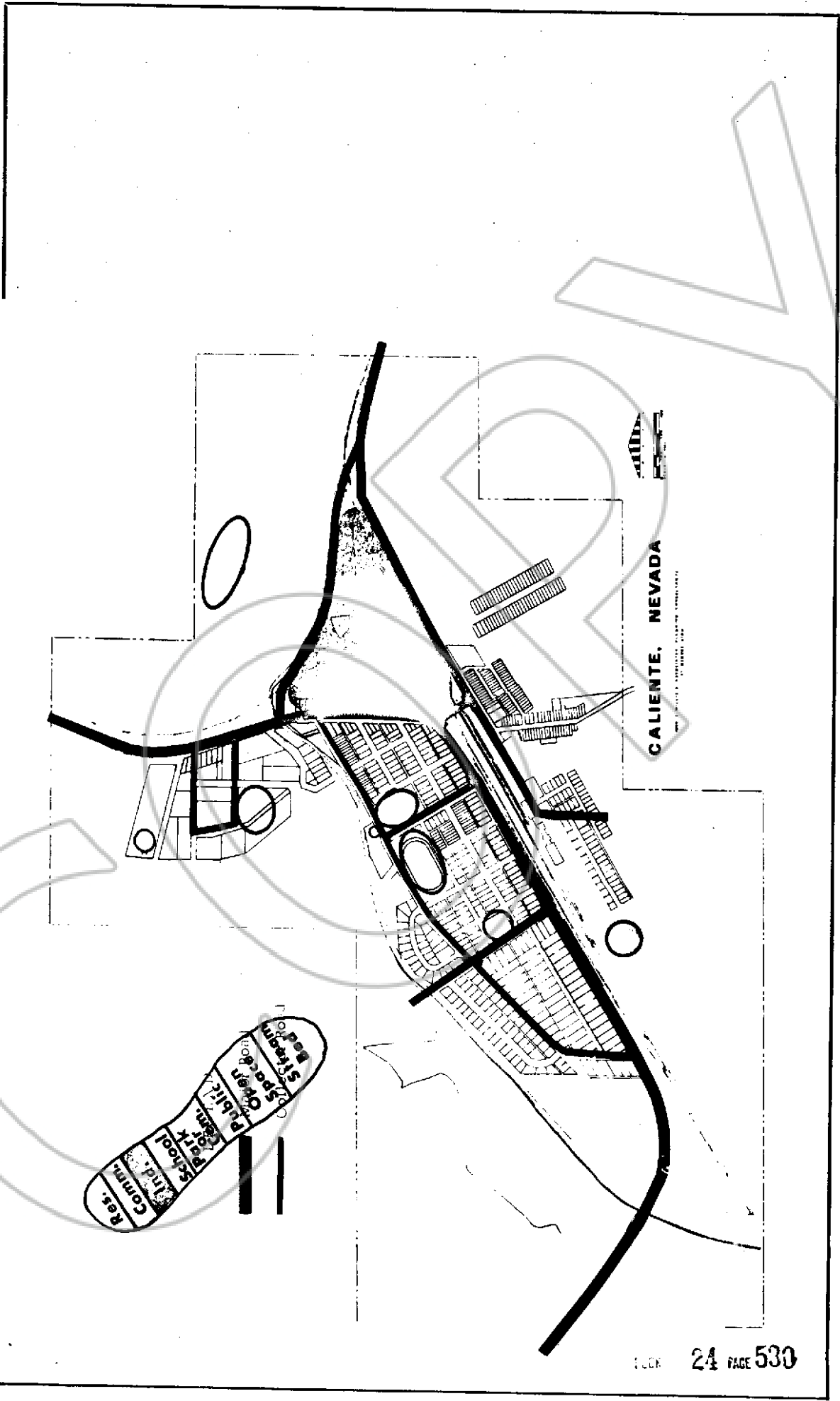
There is presently no industrial development in Ash Springs, and population in the town would presently make development of industry in the community very difficult. Any industrial development in or around Ash Springs should be of a non-pollutant nature in order to be considered for development and location there. High development standards should be insisted upon, including landscaping, off-street parking, and screening from adjoining residential uses.

Wherever possible, frontage on streets other than U. S. 93 should be provided parallel to the highway so that access is accomplished through the use of local streets. As additional local streets are developed, they should be improved according to the standards outlined in the county-wide section of the master plan.

There is presently no water or sewer system in Ash Springs. Given the present population and projected growth of the community, the master plan cannot recommend the development of either a water or sewer system based on economic considerations.

The recommendations for the improvement and maintenance of garbage disposal sites serving Ash Springs are the same as for Alamo and the Pahranaagat Valley. These communities should establish a centralized garbage disposal site where no water or ground water pollution will result from the operations. Also, the post office and schools at Alamo will serve the population at Ash Springs during the period of the master plan.

The citizens at Ash Springs should have an agreement with the town of Alamo throughout the planning period to provide emergency fire fighting capability.



Lincoln County

CALIENTE

The population and economic study prepared as a part of the master plan projected a 1990 population in Caliente of between 1,261 and 1,346 persons. The U.S. Air Force, however, is now contemplating the establishment of a continental operations range which could double the present population within a relatively short period of time.

The master plan recommends that wherever possible the developable vacant land in Caliente be utilized before additional land is annexed. Existing quality single family residential areas in the community should be identified, and implementing ordinances should protect property owners from the intrusion of multiple family or high density housing developments. Mobile homes should be recognized as a housing type and the expanded use of mobile homes in Caliente planned for, but mobile homes should not continue to be located at random throughout the community. Density standards for mobile home parks or subdivision developments should be established. Caliente should develop a mobile home ordinance to guide the development of mobile home parks and subdivisions. As the demand for multiple family housing manifests itself in coming years, the master plan should be amended to reflect this type of use.

Commercial developments should provide sufficient off-street parking that traffic does not become a hazard along the state road. Landscape buffers or walls should separate commercial buildings from adjacent land uses. The residents of Caliente should strongly oppose the development of commercial zones along the state highway.

The master plan would recommend that a minimum lot size standard of one acre per dwelling unit be established in residential areas where the stabling of livestock is a desired land use. Otherwise, agriculture will probably phase itself out in coming years.

A site plan review should be required for all industrial development, and landscaping requirements should be a part of the review and approval for industrial sites. Industrial development policies should include specific standards relative to pollution. Off-street parking areas should be required in industrial areas. If industrial areas are identified and developed, necessary improvements should be installed.

Land developers should improve their subdivisions to a reasonable community standard at the time of development. Streets outside of residential areas should be developed to the standards specified in the county-wide portion of the master plan.

The master plan and the Nevada Rural Communities Water and Waste Water Plan of 1972 recommend that four-inch water lines be replaced with six-inch lines and that dead end mains be connected to provide circulation throughout the community.

The master plan recommends that an additional 5-6 acres of land be acquired for recreational purposes between now and 1990. The development of a continental operations range could require another 10-15 acres of land for recreation.

Since the present city garbage disposal site is located in a canyon area, it is recommended that another garbage disposal site be located; possibly in conjunction with Pioche and Panaca.

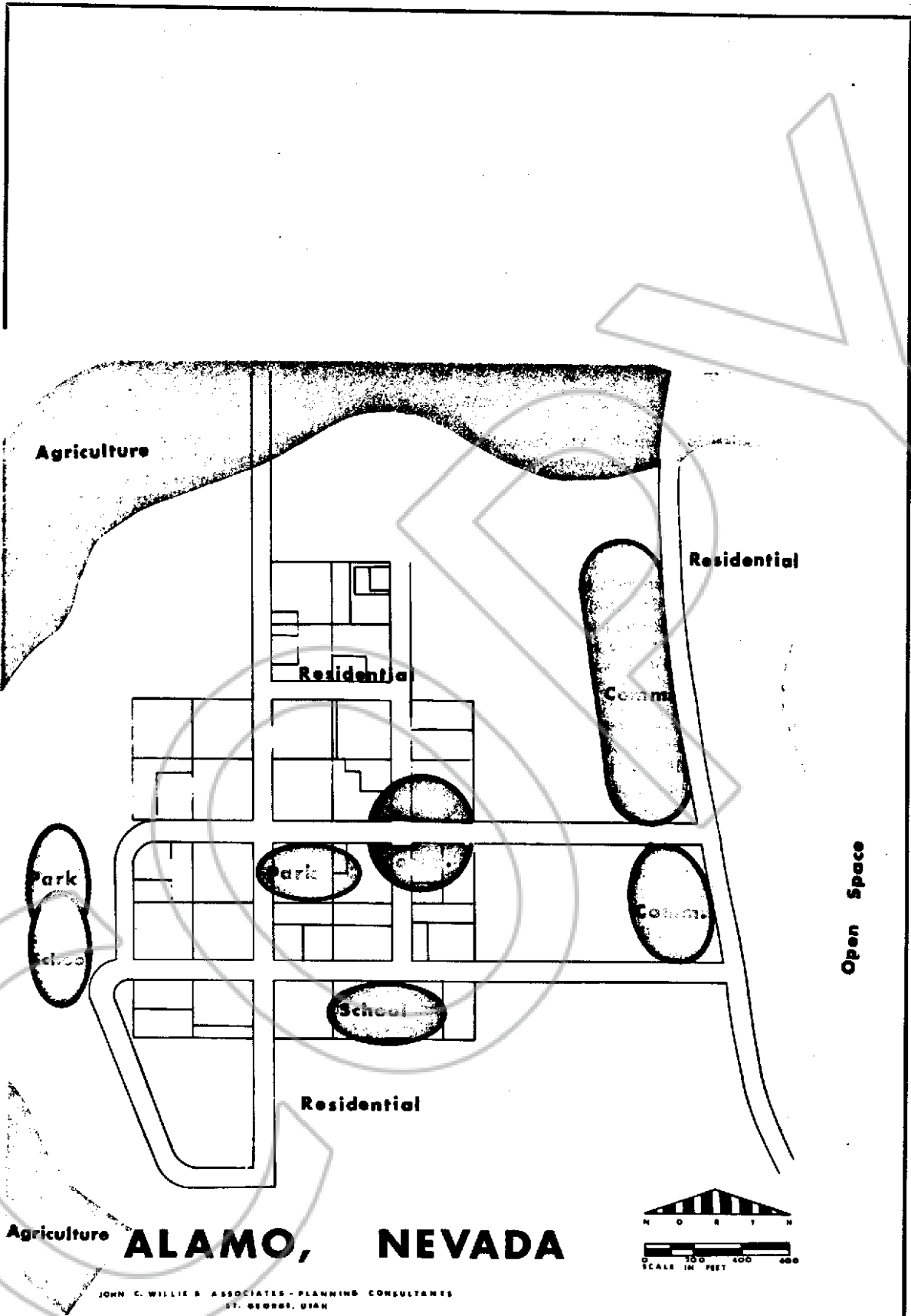
Additional population growth precipitated by the establishment of a continental operations range could be served by the implementation of a postal delivery system within the city or by increasing the available number of post office boxes.

Caliente has two fire stations and good fire fighting equipment. Additional equipment and facilities should be obtained as needs become apparent. Local officials indicate that the police force is adequate for present needs, and additional personnel will be added as they are required.

If the continental operations range were to become a reality, additional school facilities would be required. School board officials should consider requesting federal funds to assist in the construction of new schools.

The Corps of Engineers has suggested specific flood control measures. The master plan would recommend that these suggestions be implemented during the planning period. Caliente should submit technical information compiled by the U.S. Army Corps of Engineers to the Federal Insurance Administration to determine whether the area is actually "flood prone."

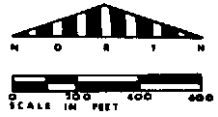
Also, the section of the master plan dealing with flood control could be submitted to show the community's intention to minimize losses from flooding through land use controls. 24 PAGE 531



Agriculture

ALAMO, NEVADA

JOHN C. WILLIE & ASSOCIATES - PLANNING CONSULTANTS
ST. GEORGE, UTAH



ALAMO

Recent indications are that the population of Alamo could double by the end of 1977. With workers hired to mine tungsten, the population of the area in and around Alamo could reach 800 by 1977 or 1978. The master plan would recommend that land already included within the present town limits be developed prior to any large scale developments adjacent to the community.

Commercial development should locate either adjacent to U.S. 93 or in proximity to the main east-west road running through the community. No commercial development should be permitted on other side streets. The county should refuse to establish commercial spot locations along U.S. 93. In most cases, commercial development should be confined to existing community areas. Proposed commercial developments should contain sufficient land to allow adequate parking facilities and to permit sufficient future expansion to develop a small "shopping center" type complex. Various shops should be related together. Public facilities such as future construction of a new post office, etc., should be located in the commercial center. Commercial development should be separated from residential or other types of land use through the use of landscape buffers, setbacks, and construction of walls or fences. The architecture of the buildings established in the commercial area should reflect the character of the rest of the community.

Agricultural land should be protected from subdivision development. Because of the population that can be accommodated inside of the existing community, it is not anticipated that any agricultural land should be needed for urban residential development around Alamo. If residential development expands outside of the presently developed Alamo area, hillside lands should be utilized prior to the flat agricultural lands.

There are presently no industrial areas in Alamo. Proposals for industrial sites should be considered on the basis of their economic value to the community. Potential air, water, ground water, and land pollution should be evaluated and generally, only those industries of a non-pollutant type should be permitted. High development standards, including landscaping, adequate off-street parking, and proper screening from residential areas should be required. Areas identified for industrial development should be adjacent to the State Highway and out of agricultural areas.

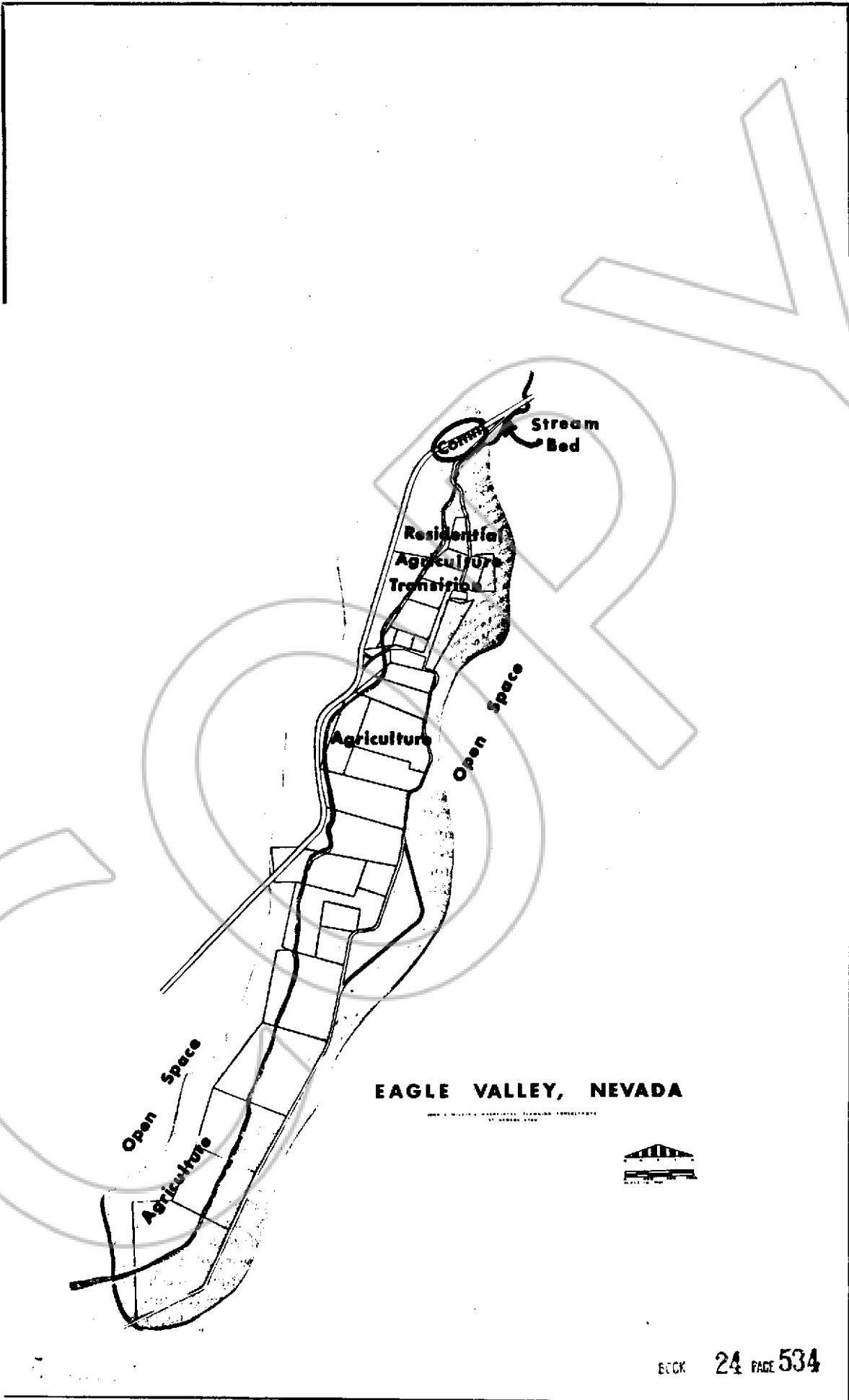
As the community of Alamo grows and the need and demand for community facilities such as additional paving, sidewalks, curbs and street lighting increases, the community should work through county officials to create special districts to provide the improvements that are desired by community residents.

The Nevada Rural Communities Water and Waste Water Plan of 1972 and the Community Facilities Analysis prepared as a part of the research phase of this master plan both recommended that additional water storage capacity be developed and that the size of the distribution lines be increased to provide for future water demands and for adequate fire fighting capability.

The master plan recommends that the communities located in the Pahranaagat Valley (Alamo, Ash Springs, and Hiko) establish a centralized garbage disposal site where no ground water or water pollution will result from the operations.

If substantial increases in mining and mineral processes occur, the capacity of the post office will have to be increased or the postmaster will have to start delivering mail. If there are no employment increases, the capacity of the post office will be adequate during the planning period. In any event, the construction of a more permanent building at Alamo should be considered to replace the mobile home presently used.

In the event that no miners are hired, the present school facilities will be adequate during the period of the master plan. However, if there is a substantial increase in population due to tungsten mining, there would be an immediate need to accommodate approximately 130 students above the present capacity of the schools.



EAGLE VALLEY, NEVADA

AND SURROUNDING ADJACENT TERRITORY EMPLOYABLE
BY SPECIAL LAWS



EAGLE VALLEY

Although the potential for residential growth in Eagle Valley appears to be excellent due to the possible influx of retired people, residents of the community should have the opportunity to continue farming if they so wish. Land development should be maintained at a relatively low density which will help maintain the rural character of the community. Any large scale or high density subdivision proposals should be reviewed by the county commission after consultation with the citizens of Eagle Valley or an advisory committee appointed by them. Generally speaking, these types of subdivisions would be inconsistent with the present development of Eagle Valley and with the goals and policies of the residents. Where residential development does occur, it should be encouraged in the non-agricultural or hillside areas of Eagle Valley.

Until there is a significant increase in the present population, it is not expected that there will be an increase in the demand for commercial services. Efforts should be made to avoid a strip of commercial land along both sides of the State Road 85 or the main street in Ursine. Commercial development should be large enough in land area to provide in-depth growth and development of off-street parking for vehicular traffic. As the community grows, community facilities such as a post office could also be developed as a part of the community center. Commercial buildings should be landscaped and screened from adjacent residential uses and should be designed to add to the character of the community. Since the citizens of Eagle Valley have suggested that commercial development be limited to that needed for immediate convenience and commercial needs of the residents and that Eagle Valley not be developed as a tourist attraction, the master plan would recommend that no highway commercial areas with facilities to accommodate the traveling public be established in Eagle Valley.

Agriculture has provided the economic basis for the community of Ursine and for Eagle Valley since their settlement. While the major use of the land in the Valley may, eventually, change from farming to urban residential uses, farm areas should be protected from development as long as the residents desire such protection.

There is presently no industrial development in Eagle Valley, and the master plan makes no specific recommendations for such development. However, when a request is made to locate industry in the community, it should be considered on its own merits; that is, what it will contribute to the community, whether or not it will create a pollution problem to air, land, or water, and how it can be located in the community relative to surrounding existing development.

Streets within Ursine and Eagle Valley should be dedicated and developed to the standards recommended in the county-wide portion of the master plan. In the future, residents may request additional street improvements to be made. There is a need at the present time for the installation of street lights through the community area of Ursine.

There are presently no formally designated community recreation sites in Eagle Valley. Although the residents of Eagle Valley may wish to consider the possibility of establishing a small community park at Ursine sometime within the planning period, recreation opportunities are available within a reasonable distance of most residents if they are willing to seek them out. The state park boundaries should not be expanded to include any privately owned land in or adjacent to the Eagle Valley area.

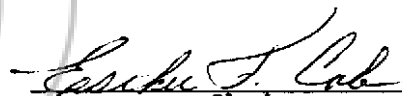
The community has no water or sewer system but is served by individual wells and septic tanks. Based upon the 1972 County Water and Sewer Study, it does not appear that a water system is needed. If Eagle Valley maintains a low density pattern of residential land development, there would be no need for a central sewage system during the period of the master plan. However, such a system would provide the community with fire-fighting capability. The nearest fire-fighting facilities are located in Pioche.

Eagle Valley residents should cooperate with other communities in selecting a common garbage disposal site. Eagle Valley is served through the rural route system from the Pioche post office. Police protection is provided to Eagle Valley through the Lincoln County Sheriff's Office in Pioche. School-age children attend schools in Pioche and Panaca.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

NOTICE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Lincoln County, Nevada, have passed, by unanimous vote, an Ordinance (Bill No. 1977-7, Ordinance No. 19-7-7) entitled "LINCOLN COUNTY ZONING ORDINANCE: An ordinance to regulate by districts or zones the location, height, and bulk of buildings and other structures; the percentage of lot which may be occupied; the size of courts, lots, and other open spaces; the density and distribution of population; the location and use of buildings and structures for trade, industry, residence, recreation, public activities or other purposes; and the uses of land for trade, industry, recreation, or other purposes and repealing all ordinances or parts of ordinances in conflict herewith." Said Ordinance was passed on August 22, 1977, with Commissioners Arnold, Arnoldus and Lee voting "Aye". There were no "nay" votes and no one absent. Typewritten copies of said ordinance are available for inspection by any and all interested persons in the office of the Lincoln County Clerk in Pioche, Nevada.


Clerk

Publish: August 31 and September 7, 1977

Lincoln County

Proposed on the 5th day of August, 1977, by Commissioner ARNOLD
_____ and seconded by Commissioner ARNOLDUS _____;

Passed on the 22 day of August, 1977 by the following vote:

Ayes: Commissioners Arnold, Arnoldus, Lee _____

Nays: Commissioners none _____

Absent: Commissioners none _____

This ordinance shall be in full force and effect August 22, 1977
_____.

Board of County Commissioners
of LINCOLN COUNTY, NEVADA

Kenneth D. Lee
Chairman

Edward W. Arnold
Member

Carl M. Arnoldus
Member

Attest:

Joseph J. Cole
Clerk



61533

No. _____
FILED AND RECORDED AT REQUEST OF
County Commissioners
February 28, 1978
AT 45 MINUTES PAST 10 O'CLOCK
P. M. IN BOOK 24 OF OFFICIAL
RECORDS, PAGE 476 LINCOLN
COUNTY, NEVADA.

Harold B. ...
COUNTY RECORDER