

CHAPTER 1
GENERAL ZONING PROVISIONS

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3-1-1: TITLE: This Chapter shall be known and cited as the Carlin Zoning Ordinance.

3-1-2: PURPOSE OF ORDINANCE: The zoning regulations and zones as set forth herein are intended to guide the development of land in a manner consistent with the community goals, policies and objectives as set forth within the established City of Carlin Master Plan and are designed to:

1. Lessen congestion in the streets.
2. Secure safety from fire, panic and other dangers.
3. Provide adequate light and air.
4. Prevent the overcrowding of land and otherwise protect natural resources from impairment.
5. Protect life and property in areas subject to floods, landslides and other natural disasters.
6. Conserve the value of the buildings and structures.
7. Protect property and promote the health, safety and general welfare.

These regulations are made with reasonable consideration, among other things, to the character of the zone and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

3-1-3: INTERPRETATION: When the conditions imposed by any provisions of this Title are less restrictive than comparable conditions imposed by other provisions of this Title or by any other ordinance, resolution or regulations, the provisions which are more restrictive shall govern.

3-1-4: SEVERABILITY: If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid, unenforceable or unconstitutional by any court of competent jurisdiction, the invalidity, unenforceable or unconstitutionality of such section, paragraph, clause or provision shall not affect any remaining provisions of this ordinance.

AGRICULTURE	The practice of cultivating the soil, producing crops and raising livestock.
ALLEY	A street or highway within a city block, which primarily furnishes access to the rear entrances of abutting properties.
ARTERIAL STREET	Generally devoted to the task of traffic movement with a secondary function of providing service and access to adjacent traffic generators. Normally, arterials have higher capacity and more traffic at a higher speed due to preferential treatments in signing and signage at intersection. Rights-of-way are generally 80 to 100 feet wide.
BUILDING	Any structure having a roof supported by columns or walls and used for the support, shelter or enclosure of persons, animals, or personal property of any kind.
BUILDING, ACCESSORY	A subordinate building on the same lot with a principal building or use, the use of which is customarily accessory and incidental to the main use of the principal building or use. When attached to the principal building, such accessory building shall be considered a part of the principal building for purposes of setback and yard regulations.
BUILDING HEIGHT	The vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a five foot (5') horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten feet (10') above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.
BUILDING OFFICIAL	The Building Official of Carlin, Nevada.
BUILDING, PRINCIPAL	A building or where the context so indicates, a group of buildings, within which is conducted the principal use of the lot on which the building is situated.

CARPORT	A building with not more than two (2) completely enclosed sides, which is used for automobile shelter or storage.
CHILD CARE CENTER	A public or private establishment providing day care and/or education to young children.
CLINIC	A building or part thereof in which ambulatory patients are provided diagnostic, therapeutic, or preventative medical, surgical, dental or optical treatment by a group of doctors acting jointly, but not providing for overnight residence of patients.
COLLECTOR STREET	Provides for traffic movement from local street to arterial and provides access to abutting properties. Typically, a collector will perform both functions with equal facility. Collectors typically have 60 - 80 foot rights-of-way.
COMMON OPEN SPACE	A parcel or parcels of land, or an area of water, or a combination of land and water, within the site designated for planned unit residential development which is designated and intended for the use or enjoyment of the residents of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of such residents.
CONDITIONAL USE	A use permitted in zoning district regulations subject to findings by the Planning Board that all special conditions and requirements imposed shall be met.
CONSTRUCTION YARD	An area on, abutting, or adjacent to a major construction or demolition site used on a temporary basis for the parking and storage of equipment used for subject project, and the storage and preparation of materials and other items used for subject project, including construction offices and shops.
DRIVE-IN	A business enterprise, activity or use of land consisting of sales or services rendered to patrons who receive the products or utilize the services while in their motor vehicles upon the premises, including but not limited to gas service stations, drive-in restaurants, drive-in laundry and dry cleaning pick-up, drive-in bank.

DWELLING UNIT(DU) A unit for occupancy by one family for cooking, living and sleeping purposes.

DWELLING,
SINGLE-FAMILY A detached building containing one dwelling unit and designed for occupancy by one (1) family.

DWELLING,
TWO FAMILY DUPLEX) A building containing two (2) dwelling units and designed for occupancy by two (2) families.

DWELLING,
MULTIPLE FAMILY A building designed and/or used to house three (3) or more families, living independently of each other.

ERECTED Built, constructed, altered, reconstructed, or moved upon a premises or the operations on a premises which are required for construction, excavation, fill, drainage and the like.

ESSENTIAL
SERVICE The erection, construction, alteration, or maintenance by a public utility of underground, surface or overhead gas, electrical, steam, water transmission or distribution systems, communications, supply or disposal systems, poles, wires, mains, drains, sewers, pipes, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities for the public health, safety or general welfare, not including buildings, electric substations and transmission towers.

EXCAVATION Any breaking of ground, except common gardening, grounds care or general agriculture.

FACTORY BUILT
HOUSING A residential building, dwelling unit or habitable room thereof which is either wholly manufactured or is in substantial part manufactured at an off site location to be wholly or partially assembled on site in accordance with regulations adopted by the Manufactured Housing Division of the Department of Business and Industry pursuant to NRS 461.170 but does not include a mobile home.

FAMILY	An individual living alone; or one or more persons living together who are related by blood, marriage or other legal bond, and their dependents; a home in which six or fewer unrelated persons who are mentally retarded with one or two additional persons to act as house parents or guardians who need not be related to each other, or any of the mentally retarded persons who reside in the house. Family shall not include domestic employees.
FINISHED GRADE	The elevation of the finished ground surface adjacent to the exterior walls of a building or base of a structure.
FLOOR AREA, GROSS	The sum of the gross horizontal areas of the several floors of a building excluding areas used for accessory garage purposes and such basement and cellar areas as are devoted exclusively to uses accessory to the operation of the building. All dimensions shall be taken from the exterior faces of walls, including the exterior faces of enclosed porches.
FLOOR AREA, RATIO	The ratio of the gross floor area of a building, or buildings on one lot to the total area of the lot.
GAS SERVICE STATION	An establishment retailing motor fuels and lubricants directly to the public on the premises; including incidental sale of minor auto accessories and services.
GRADE	"Grade is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.
HOME OCCUPATION	A use customarily carried on by the dwelling occupant and incidental to the primary residential purpose, providing the residential character of the property is not changed.

HOSPITAL	A building, or group of buildings, in which sick or injured persons are given medical or surgical treatment, examination or care, including overnight residence, together with related facilities, e.g., laboratories, training facilities, staff residences, outpatient department, and similar facilities which are an integral part of the principal use.
HOTEL, MOTEL	A building, or group of buildings, used primarily for accommodation of transient guests in rooms or suites.
JUNK YARD	An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled; including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and any area of more than one hundred and twenty (120) square feet for storage, keeping of abandonment of junk, but does not include uses confined entirely within enclosed buildings.
LANDOWNER	The legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of an option or contract of purchase, and lessee having a remaining term of not less than thirty (30) years, or another person having an enforceable proprietary interest in such land is a land owner for the purposes of this Ordinance.
LICENSED HOUSE OF PROSTITUTION	A licensed enterprise maintained for the convenience and resort of persons desiring lawful sexual intercourse.
LOADING SPACE	An off-street space provided for the temporary parking of a vehicle while loading or unloading merchandise or materials, situated on the same lot with a building and entirely outside the right of way of any public street or alley.
LOCAL STREET	Serves primarily the abutting properties with the secondary function of moving traffic. The land use on local streets should not exceed the carrying capacity of the street and not be designed to encourage use as a collector. Generally, local streets have rights-of-way 50 to 60 feet wide.

LOT A piece or parcel of land separated from every other piece or parcel by description, as in a subdivision, or on a parcel map, or by metes and bounds, for purposes of sale, lease, or separate use.

LOT AREA The total area of a lot within the lot lines as measured on a horizontal plane.

LOT, CORNER A lot abutting on two (2) or more intersecting streets having an interior angle of intersection not exceeding one hundred thirty five degrees (135?).

LOT COVERAGE That part or percentage of a lot occupied by principal and/or accessory buildings.

LOT DEPTH The shortest distance, measured on a line parallel to the axis of the lot, between points on the front and rear lot lines.

LOT, DOUBLE FRONTAGE A lot abutting two (2) parallel or approximately parallel streets.

LOT OF RECORD A lot which is part of a subdivisions plat recorded in the Elko County Recorder's Office prior to the effective date of this Ordinance; or, a lot or parcel described by metes and bounds and having its description recorded in the Elko County Recorder's Office prior to the effective date of the Ordinance.

LOT, INTERIOR A lot having only one side abutting on a street.

LOT, KEY An interior lot, one side of which abuts the rear lot line of a corner lot.

LOT LINE, FRONT For interior lots, the lot line abutting on a street; for corner lots, the shorter lot line abutting on a street. When a corner lot or double frontage lot has nearly equal frontage on two (2) streets, designation of the front lot line shall be at the discretion of the lot owner.

LOT LINE, REAR The lot line opposite and farthest from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, parallel to and farthest and wholly within the lot.

LOT LINE, SIDE	Any lot line other than a front or rear lot line; in the case of a corner lot, the lot line abutting the side street is termed an exterior side lot line; all other side lot lines are termed interior side lot lines.
LOT WIDTH	(A) In case of a rectangular lot or a lot abutting on the outside of a street curve. The distance between side lot lines measured parallel to the street or to the street chord and measured at the front setback line. (B) In the case of a lot abutting on the inside of a street curve. The distance between the side lot lines measured parallel to the street or the street chord at the rear line of the dwelling, or, where there is no dwelling, thirty feet (30') behind the minimum front setback line.
MAJOR ELECTRICAL TRANSMISSION LINE	Any electrical line carrying an electrical line carrying an electrical load of 66 KV and above.
MANUFACTURED BUILDING	Any modular building or any building constructed using one or more modular components.
METALLURGY	The reduction or extraction of metals from their ores by mechanical, physical or chemical methods, including their refinement and preparation for use as raw materials.
MINING	The extraction from the earth or gravel, stone, sand, and metallic or nonmetallic ore, and the crushing, washing, grading, storage and loading for transportation thereof.
MOBILE HOME	A vehicular structure which is built on a chassis or frame, is designed to be used with or without a permanent foundation, is capable of being drawn by a motor vehicle and is used as a dwelling when connected to utilities.
MOBILE HOME PARK	A parcel or tract of land having as its principal use the rental, leasing or occupancy of space by mobile homes on a permanent or semi-permanent basis, including accessory buildings or uses customarily incidental thereto.

MOBILE HOME SPACE	<p>A portion of land within a mobile home park used or intended to be used for the parking of one mobile home, including required yards and parking area, attached or detached accessory buildings and open space.</p> <p>A. Front line - narrowest dimension front on a street. B. Frontage width - distance between the side space lines measured at the front line. C. Depth - distance between the front and rear space lines measured in the mean direction of the side space line. D. sideline - space line or lot lines which runs perpendicular to or approximately perpendicular to the front line. E. Rear line - space line or lot line farthest away from the front line and which runs parallel or approximately parallel to the front line.</p>
MOBILE HOME, RV or MANUFACTURED HOME SUBDIVISION	<p>A subdivision of land platted in conformance with the Nevada Revised Statutes and City of Carlin ordinances for the purpose of providing mobile home, RV or manufactured home lots.</p>
MOTOR HOME	<p>A vehicular unit designed to provide temporary living quarters for recreational or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.</p>
NONCONFORMING BUILDING	<p>A building appurtenant to a conforming use that does not comply with all regulations of this Title as to location, floor area ratio, parking facilities or loading facilities, which building was in existence and lawful at the time said regulations became effective.</p>
NONCONFORMING USE	<p>A use or uses existing at the time of adoption of this Chapter, but not in accordance with the provisions and requirements contained herein.</p>
NURSING or CONVALESCENT HOME	<p>An establishment providing bed care, or chronic or convalescent care, for one or more persons exclusive of relatives, who by reason of illness or physical infirmity are unable to properly care for themselves; excluding, however, institutions for the care of alcoholics, drug addicts, and persons with mental or communicable diseases.</p>

OFF-STREET	Land, which is not within the right of way of any street or alley.
OUTDOOR DISPLAY	Products or merchandise displayed outside for sale purpose for less than 24 hours in which it is then to be taken inside. Anything too large to be stored inside after display should then become "outdoor storage" in which applicable rules apply.
OUTDOOR STORAGE	The keeping of any goods, junk, materials, merchandise, or vehicles in an enclosed outdoor area for more than 24 hours. Except for the following typical or traditional uses which include new or used vehicles, agriculture, plant and landscaping establishments, long term parking lots, hardware stores and gas/garage stations. These establishments must not become a nuisance or safety problem and must meet all other requirements. All other outdoor storage will be in an enclosed area with opaque fencing at a height of 6'(six)feet.
PARKING LOT	An area other than for single-family dwellings used for the off-street parking of more than two (2) motor vehicles, including parking spaces, access and maneuvering aisles.
PARKING SPACE	A fully accessible space adequate for the temporary parking of permitted vehicles, situated entirely outside the right of way of any public street or alley. Each standard parking space shall be nine feet by twenty feet(9' x 20'); each handicap parking space shall be eight feet by twenty feet (8' x 20') and shall abut a five foot x twenty foot (5' x 20')or an eight foot x twenty foot (8' x 20') handicap access aisle, as required by the American Disabilities Act.
PARTIES IN INTEREST	A term identifying the owners of property within three hundred feet (300') of specific property.
PLANNED SHOPPING CENTER	A business development not divided by a street and characterized by an organized and concentrated grouping of retail and service outlets served by a common circulation and parking system.

PLANNED UNIT RESIDENTIAL DEVELOPMENT	An area of land controlled by a landowner, which is to be developed as a single entity for one or more planned unit residential developments, one or more public, quasi-public, commercial or industrial areas or both. Unless otherwise stated, "planned unit development" includes the term "planned unit residential development".
PLANNING COMMISSION	The City of Carlin Planning Commission.
PRIVATE GARAGE	An enclosed accessory building, attached or detached, used primarily for the storage of motor vehicles by occupants of the principal building.
PROFESSION, RECOGNIZED	Architecture, engineering, law, medicine, dentistry or other activity in which specialized services to clients are performed by persons with a similar degree of training.
PUBLIC UTILITY	Any person, firm, corporation, municipality or municipal board duly authorized under State or municipal regulations, to furnish to the public electricity, gas, steam, communications, water, drainage, flood control, irrigation, garbage or trash disposal, or sewage disposal.
RAILROAD USE	The occupation and use of land, buildings and structures for the purpose directly connected with rail transportation of articles, goods and passengers, including such facilities as tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, passenger and freight terminals, but excluding warehouses, stockyards, grain elevators, truck freight terminals and yards, and similar facilities, which are maintained and operated by the owning railroad company or by lessee for purposes auxiliary to rail transportation.

RECREATIONAL
VEHICLE

A vehicular type unit primarily designed as temporary living quarters for recreational or travel use which either has its own motive power or is mounted on or towed by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home of such size or weight as not to require special highway movement permits when towed by a motorized vehicle and containing not more than three hundred twenty (320) square feet of living area.

RECREATIONAL
VEHICLE PARK

A lot, parcel or tract of land, having as its principal use the rental of space of temporary short-term, transient occupancy by two (2) or more recreational vehicles, including any accessory building, structures and uses customarily incidental thereto.

RECREATION and
SOCIAL CLUBS

Buildings and grounds used for and operated by membership of fraternal organizations primarily not-for-profit, including golf clubs, tennis clubs, riding clubs, American Legion Halls and similar facilities.

REPAIR GARAGE

An establishment whereby the following services may be allowed: normal activities of a gas service station, general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision services such as body, frame or fender straightening and repair; general painting and undercoating of automobiles; high-speed washing; auto, boat or trailer rental; and general sales of auto parts or accessories.

RETAIL USE

A commercial establishment selling goods at retail; however, a home occupation shall not be considered as a retail use.

ROOMING HOUSE

A building other than a hotel or motel where, for compensation and by pre-arrangement for definite periods of time, lodging is provided for individuals who are not members of a resident family.

SCHOOL

A public or private building or group of buildings, used for purposes of primary or secondary education, meeting all requirements of the compulsory education laws of the State of Nevada.

SCREENING	A sight-obscuring fence or evergreen hedge or a combination thereof whose purpose is to prevent the view of enclosed activities and preserve the values of nearby properties.
SERVANT QUARTERS	An attached or detached building or part thereof housing persons employed on the premises.
SERVICE CLUBS	Building and grounds used for and operated by non-profit organizations whose membership is open to any resident of the community, including YMCA, YWCA, Boy Scouts, Girl Scouts, Boys Club or any similar organizations having as its primary objective the improvement of the district, neighborhood or community and its social welfare.
SETBACK	The minimum horizontal distance between a lot line and the nearest point of a building, structure, or use, as the context indicates, located on a lot. "Setback" shall not include eaves of the building. Cornices and eaves may project over any required yard, provided they shall be no closer than allowed by the Uniform Building code.
SIGN	A device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency or of any religious or nonprofit educational organization.
SIGN, AREA OF	The area of a free-standing or attached sign which shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, may be part of the design, but for purpose of this Title, shall not be considered part of the sign area unless used for lettering, wording or symbols. When the sign consists of individual letters or symbols attached to, or painted on the surface, building, wall or window, the area shall be considered to be that of the smallest rectangular or other regular shape which encompasses all of the letters and symbols.

SPECIFIC PLAN	A plan prepared for a portion of an area, which prescribes uses and development standards for that portion.
STREET	A dedicated public way, which affords the principal means of vehicular access to abutting property.
STREET LINE	A right-of-way line of a street, which abuts a lot line.
STREET, LOCAL	A street serving the primary function of providing principal access to abutting property.
STRUCTURE	Any constructed or erected material or combination of materials the use of which requires location on the ground or attachment to something located on the ground, including buildings, stadiums, radio towers, sheds, storage bins, fences, and signs.
STORY	That portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the topmost floor and the roof having a usable floor area at least one-half that of the floor area of the floor immediately below. A basement shall be considered a story when fifty percent (50%) or more of its cubic content is above grade.
SWIMMING POOL	Any constructed pool, used for swimming, bathing or wading, whether above or below the ground surface and regardless of depth or water surface area.
TEMPORARY USE or BUILDING	A use or structure permitted under the terms of this Chapter to exist for a limited period of time.
TOWNHOUSE or ROWHOUSE	A single dwelling unit arranged side-by-side with other such units in a multi-family dwelling, completely independent of all other such units in the building by reason of separation therefrom by unpierced party walls.

USEABLE FLOOR
AREA

A term used in computing parking requirements meaning the aggregate area of a building measured to the interior area, similarly measured, or each additional story which is connected to the first story by a fixed stairway, escalator, ramp, or elevator, and the floor area of all accessory buildings, measured similarly, but excluding that part of any floor area which is occupied by heating, ventilating, or other permanently installed equipment required for operation of the building, and by unenclosed porches, light shafts, public corridors and public toilets. For uses not enclosed within a building, the area for sales, display, or service shall be measured to determine equivalent useable floor area.

USE

The purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied. The principal use is the main use to which the premises are devoted and the main purpose for which the premises exist. An accessory use is a use subordinate to the principal use on a lot and used for purposes clearly incidental to those of the principal use.

VARIANCE

A modification of the literal provisions of the Zoning Chapter subject to the findings by the Planning Board that all special conditions and requirements imposed shall be met.

YARD

An open space located between any portion of a building and the nearest lot line, or the nearest adjacent building or group of buildings, as the context indicates, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Chapter.

YARD, FRONT

A yard extending across the full width of the lot and having a depth equal to the horizontal distance between the nearest point of the principal building and the front lot line, measured at right angles to the front lot line.

YARD, REAR A yard extending across the full width of a lot and having a depth equal to the horizontal distance between the nearest point of the principal building and the rear lot line, measured at right angles to the rear lot line.

YARD, REQUIRED A yard having the minimum dimensions required herein.

YARD, SIDE A yard extending from the front lot line to the rear lot line between a side lot line and the principal building, and having a width equal to the horizontal distance between the nearest point of the principal building and the side lot line, measured at right angles to the side lot line.

3-1-6: ADMINISTRATIVE TERMINOLOGY AND CONSTRUCTION: For the purpose of this Title, certain words and terms are defined as follows. Verbs used in the present tense include the future; the singular noun includes the plural, and the plural the singular; the word "lot" includes "plot" and "parcel"; the word "building" includes "structure" and shall be construed as being followed by the words "or part thereof", the word "occupied" includes the words "designed", "arranged" or "intended to be occupied". Where the verb "use" is employed, it shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented or leased to be used", the word "shall" is mandatory and not directory. All distances and area refer to measurements in a horizontal plane. The work "Title" shall include amendments thereto, including amendments to the Zoning Map.

3-1-7: ZONING PERMIT: Prior to construction, alteration or change of use of any structure or lot for which a zoning permit is required, said permit shall be obtained from the City.

3-1-8: EXISTING AGREEMENTS AND ZONING PERMITS: This Title does not repeal, abrogate or impair any existing easements, covenants, deed restrictions, or zoning permits such as preliminary plat and partition approvals, conditional use permits, nonconforming use permits, temporary use permits, special exceptions or building permits.

3-1-9: ILLUSTRATIONS: The following pages contain the various illustrations relating to these zoning regulations.