

BILL NO. 2015-05

NYE COUNTY ORDINANCE NO. \_\_\_\_\_

**SUMMARY:** A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, relating to the Village Residential (VR-20) zoning regulations and the definition of Accessory Building; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

**TITLE:** A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 17, COMPREHENSIVE LAND USE PLANNING AND ZONING, RELATING TO THE VILLAGE RESIDENTIAL (VR-20) ZONING REGULATIONS AND THE DEFINITION OF ACCESSORY BUILDING; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

**WHEREAS**, pursuant to NRS 244.119, the Nye County Board of Commissioners (Board) is authorized to amend the Nye County Code; and

**WHEREAS**, pursuant to NRS 278.020, for the purpose of promoting the health, safety and the general welfare of the residents of Nye County, the Board is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures; and

**WHEREAS**, any such regulation, restriction and control must take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment; and

**WHEREAS**, the Board finds these changes to be appropriate and an improvement to the regulations;

**NOW, THEREFORE**, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith within Nye County, the following amendments and regulations:

**NYE COUNTY CODE TITLE 17 IS HEREBY AMENDED AS FOLLOWS**, with **Deletions** shown in strike-through red font, and **additions and modifications** shown in underscored blue font:

## **NCC 17.04.110: DEFINITIONS:**

**ACCESSORY BUILDING:** A subordinate building, the use of which is incidental to that of the principal building and located on the same lot as the principal building, which may be structurally attached to the principal building or detached. All accessory buildings whether attached to the principal building or detached must comply with the building setbacks for accessory buildings.

## 17.04.240: VR-20 VILLAGE RESIDENTIAL:

- A. Scope: The following regulations shall apply to the VR-20 village residential zones. No new building or structure shall be erected, or parcel developed in a VR-20 zone unless in conformance with the provisions identified herein.
- B. Purpose: The VR-20 village residential zone is intended as an area for lower density residential uses in a suburban environment, the principal purpose is for single-family residential development, and to preclude incompatible uses. The minimum lot size in the VR-20 zone is twenty thousand (20,000) square feet. The VR-20 zone is appropriate where suburban characteristics are desired and full public services are available.
- C. Height, Lot and Setback Requirements:

Minimum lot size	20,000	square feet <sup>1</sup>
Minimum lot width (interior lot)	70	feet
<u>Minimum lot width (corner lot)</u>	<u>80</u>	<u>feet</u>
Minimum lot depth	100	feet
Maximum building height	35	feet

Note:

1. Application for a planned unit development overlay can allow for minimum lot size to be reduced to 8,000 square feet (net) subject to conditions.

### MINIMUM BUILDING SETBACKS

Use	Front	Side	Rear	Street Side
Principal residential buildings	<u>25 feet</u> <u>20 feet</u> <sup>2</sup>	<u>10 feet /</u> <u>5 feet</u> <sup>3</sup>	<u>35 feet</u> <u>20 feet</u>	<u>25 feet</u> <u>20 feet</u>
Principal buildings for nonresidential uses <sup>1</sup>	25 feet	25 feet	35 feet	25 feet
Accessory buildings	<u>25 feet</u> <u>20 feet</u>	5 feet	5 feet	<u>25 feet</u> <u>20 feet</u>

Notes:

1. Principal buildings include institutional uses, quasi-public, churches, etc.
2. Front loading garages must be set back 25 feet.
3. Minimum separation between buildings on adjacent lots shall be 15 feet.

D. Permissive Uses:

Accessory buildings not to be used for residential purposes, provided that the floor area of any single accessory building, or combined floor area of multiple accessory buildings, shall not exceed three thousand (3,000) square feet.

Home occupations, home based businesses and residential industry (subject to the general provisions for residential zones section).

One guest residence not to exceed one thousand five hundred (1,500) square feet.

One single-family residence per lot.

E. Uses Subject To A Conditional Use Permit: The following are subject to a conditional use permit as provided for in articles V and VIII of this chapter:

Adult daycare facilities.

Bed and breakfast inns.

Childcare facilities.

Churches, temples, mosques and related facilities and accessory uses.

Intermediate care facilities.

Public or private recreation areas.

Public or private schools.

Public, quasi-public and institutional uses.

Temporary living facilities. (Ord. 465, 2014)

**SEVERABILITY.** If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

**CONSTITUTIONALITY.** If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

**EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the \_\_\_\_ day of \_\_\_\_\_, 2015.

Proposed on the \_\_\_\_ day of \_\_\_\_\_, 2015.

Proposed by: Commissioner \_\_\_\_\_.

Adopted on the \_\_\_\_ day of \_\_\_\_\_, 2015

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: \_\_\_\_\_  
Lorinda Wichman, Chairman  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_  
Sandra "Sam" Merlino  
Clerk and Ex-Officio  
Clerk of the Board