

BILL NO. 2015-09

NYE COUNTY ORDINANCE NO. _____

SUMMARY: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by amending the required development standards for agricultural land uses and greenhouses; 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, BY AMENDING THE REQUIRED DEVELOPMENT STANDARDS FOR AGRICULTURAL LAND USES AND GREENHOUSES; 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:

17.04.720: GENERAL DEVELOPMENT STANDARDS:

- A. Purpose: The standards set forth in this article are intended to encourage development that will ensure harmony with adjacent properties and existing/future uses, sufficient open space and complementary uses under conditions which assure mitigation of impacts such as drainage, traffic, noise, odor and light in the area in which certain land uses are located. (Ord. 285, 2004)

- B. RURAL AREA EXEMPTION FOR AGRICULTURAL USES: For parcels designated as Rural Density Residential (RDR) in the Master Plan and zoned Rural Homestead (RH) or Rural Estates (RE), nothing contained in this Section shall require the installation of parking lots, driveways, landscaping, lighting, fencing, drainage or other site improvements for the use or occupation of land, buildings or greenhouses for farming or agricultural purposes, unless specifically required as a condition of approval of a Special or Conditional Use Permit.
- C. AGRICULTURAL USES IN URBAN OR NON-RURAL AREAS NOT EXEMPT: Greenhouses, farming or agricultural uses on parcels of land not designated as Rural Density Residential (RDR) in the Master Plan and zoned Rural Homestead (RH) or Rural Estates (RE) shall not be exempt from the development standards and shall be processed through the applicable Site Development Plan procedures.
- D. Any exemption granted to the property owner under Paragraph B shall be open to review and may be cancelled at any time upon a determination by the Zoning Administrator that the property is not being used for authorized farming or agricultural uses.
- E. Any person aggrieved by a decision of the Zoning Administrator to grant, deny or cancel an exemption may appeal to the Planning Commission in the manner provided by Ordinance for appeal of an administrative decision.

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