

NYE COUNTY AGENDA INFORMATION FORM

Action Presentation Presentation & Action

Department: Planning		Agenda Date:
Category: Timed Agenda Item – 11:00 a.m.		May 16, 2017
Contact: Darrell Lacy		Phone: 775-751-4249 Continued from meeting of:
Return to: Darrell Lacy	Location: Tonopah Planning	Phone: 775-751-4249
Action requested: (Include what, with whom, when, where, why, how much (\$ and terms)) <p>Continued Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt or reject Nye County Bill No. 2017-06: A Bill proposing to amend Nye County Code 17.04, the Pahrump Regional Planning District (PRPD) Zoning Regulations, by amending Section 17.04.740, to fulfill the water conservation specifications outlined within the following adopted policy documents: 2014 PRPD Master Plan Update, and the Pahrump Basin 162 Groundwater Management Plan, providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.</p>		

Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)

Staff recommends adoption with an effective date of June 5, 2017.

Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.

Expenditure Impact by FY(s): (Provide detail on Financial Form)

No financial impact

Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	<i>TS</i> Date 02-15-17
4.	Date	9. Finance	<i>C</i> Date
5.	Date	10. County Manager	<input checked="" type="checkbox"/> Place on Agenda

Board of County Commissioners Action

<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	<input type="checkbox"/> Amended as follows:
Clerk of the Board	Date	

ITEM # 11

**NYE COUNTY BOARD OF COUNTY COMMISSIONERS
PLANNING DEPARTMENT STAFF REPORT**

Meeting Date: May 16, 2017

AGENDA ITEMS

11:00 - For Possible Action – Public Hearing, discussion, deliberation to: 1) Adopt, amend and adopt or reject Nye County Bill No. 2017-06: A Bill proposing to amend Nye County Code 17.04, the Pahrump Regional Planning District (PRPD) Zoning Regulations, by amending Section 17.04.740, to fulfill the water conservation specifications outlined within the following adopted policy documents: 2014 PRPD Master Plan Update, and the Pahrump Basin 162 Groundwater Management Plan, and other matters properly related thereto; and 2) Set an effective date.

GENERAL INFORMATION SUMMARY

The purpose of this Bill is to update Title 17 (Zoning) in terms consistent with the adopted policies of the Ground Water Management Plan and the 2014 PRPD Master Plan Update.

The RPC reviewed this matter on 1.11.2017, 2.15.2017 & 3.15.2017.

Attached is the proposed Bill.

RECOMMENDATION

Recommended BOCC Motion: "I move to adopt with an effective date of June 5, 2017."

BILL NO. 2017-06

NYE COUNTY ORDINANCE NO. 514

SUMMARY: A Bill proposing to amend Nye County Code 17.04, the Pahrump Regional Planning District (PRPD) Zoning Regulations, by amending Section 17.04.740, to fulfill the water conservation specifications outlined within the following adopted policy documents; 2014 PRPD Master Plan Update, and the Pahrump Basin 162 Groundwater Management Plan, providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE 17.04, THE PAHRUMP REGIONAL PLANNING DISTRICT (PRPD) ZONING REGULATIONS, BY AMENDING SECTION 17.04.740, TO FULFILL THE WATER CONSERVATION SPECIFICATIONS OUTLINED WITHIN THE FOLLOWING ADOPTED POLICY DOCUMENTS; 2014 PRPD MASTER PLAN UPDATE AND THE PAHRUMP BASIN 162 GROUNDWATER MANAGEMENT PLAN PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATED THERETO.

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 Nye County Board of County Commissioners (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 is acutely aware that the dominant issue related to the continued growth within the Pahrump Regional Planning District is the availability of water; and

WHEREAS, wasteful uses of Pahrump Basin groundwater will only accelerate the future need to import water into the Pahrump Valley at great expense; and

WHEREAS, the Board would like to emphasize to all residents that the Pahrump Valley is a desert climate and should be respected as such; and

WHEREAS, adopting water conserving and outdoor landscape design standards for new development will significantly reduce the outdoor use of water, and

NOW, THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith within the Pahrump Regional Planning District, the following regulations:

NYE COUNTY CODE CHAPTER 17.04 IS AMENDED AS FOLLOWS:

17.04.740: LANDSCAPING:

A. Purpose: The purpose of this section is to create visually attractive desert-themed, drought tolerant landscapes~~buffers around the perimeter of developments, provide a visually attractive along streetscape and, especially along commercial corridors, intersperse trees throughout off street parking areas to~~ provide shade and reduce ~~across~~ large expanses of pavement ~~and parked cars~~, provide landscaped areas around multi-family buildings and reduce the impacts of nonresidential uses on residences. ~~Since Pahrump is in a desert setting with scarce water supplies, the use of xeric and native plants is required. For the purposes of this section, "xeric landscaping" shall mean utilizing plants that are drought tolerant with low or moderate water usage; grouping together plants and vegetation with similar watering requirements; using appropriate watering systems; and using mulch to retain moisture and other soil amendments. Use of treated recycled water for irrigation is also required wherever such water is available. The use of artificial trees, shrubs, plants and turf may be approved on a case by case basis. Detached single family residences are not bound to landscape requirements. All required landscaping must consist of live native, xeric and drought tolerant plants to minimize outdoor water use on landscapes. Outdoor sculptures, shade structures, decorative hardscapes and rock work are encouraged~~

B. Landscaping Plan: Scope: Wasting water is unlawful per NRS 534. 0165, 534.020(2), 534.070, and NAC 704.567. Since Pahrump is in a desert with scarce water supplies, the use of xeric and native plants is required. For the purposes of this section, "xeric landscaping" shall mean utilizing plants that are drought tolerant, Great Basin desert compatible and zero to moderate water use. Use of treated recycled water for irrigation is required wherever such water is available. The use of artificial turf is also permitted.

Development that is processed through the Site Development Plan Review Procedures pursuant to NCC 17.04.950, uses authorized by CUP or expansion of legally grandfathered use or building(s) meeting the criteria set forth in section 17.04.905 and Multi-family development greater than 5-units shall comply with these requirements. Livestock pastures, vegetable gardens are specifically exempt from these restrictions.

C. Recommended plants, trees and shrubs are included in Appendix G of the Ground Water Management Plan.

D. Landscaping Plan:

1. As to apartment and nonresidential developments, all applicants for building permits for construction of a new building or building addition over two hundred (200) square feet shall submit and have approved by the zoning administrator, a landscaping plan prior to issuance of a related building permit. Landscape plans must incorporate water conserving designs which includes appropriate soil, soil amendments, mulching and drainage. All applicants for building permits for construction that have an approved and certified site development plan must submit and have approved by the zoning administrator, a

landscaping plan prior to issuance of a related building permit. The landscaping plan must show:

- a. Location of buildings and structures on the property;
- b. The common names of the plants to be used; if there is no common name or if that name does not clearly indicate the species, the botanical name must be used;
- c. Planned location of all plants;
- d. The type and location of watering system/lines, soil amendments and how installation and maintenance will be performed;
- e. The parties responsible for maintenance of the landscaping;
- f. The square footage for all landscaping on the site; dimensions of each landscaping area must be provided, along with the quantities and locations of trees and shrubs, and their mature height and spread;
- g. The location of all underground utility easements, septic, leach field, and any existing or proposed overhead power lines;
- h. The estimated total landscape water use.
- i. Type of groundcover, any portion of a landscape area not planted must be covered with decorative rock, bark, mulch or other suitable material for reducing dust and evaporation and improving the aesthetic appearance of the area.
- j. Salt Cedar plants must be identified on the property if any exist. See G. Prohibited Plantings

2. Prior to design, the existence of overhead and underground utility lines shall be verified. Underground utility lines to be checked are as follows: water and sewer, traffic signal, fire alarm, gas, telephone, electric, and cable television. Planting must be located so as to not interfere, either at the time of installation or later, with the function of such underground lines; trees and shrubs should be planted no less than three feet (3') from existing gas mains or gas service lines.

3. The landscaping plan shall show:

- a. The common names of the plants to be used; if there is no common name or if that name does not clearly indicate the species, the botanical name shall be used;
- b. The type of watering system;
- c. The parties responsible for maintenance of the landscaping;
- d. The square footage for all landscaping on the site; dimensions of each landscaping area shall be provided, along with the quantities and locations of trees and shrubs, and their mature height and spread;
- e. The type and location of irrigation system/lines to be used, and how installation and maintenance will be performed.
- f. The location of all utility easements and any existing or proposed overhead power lines.

E. Installation and Maintenance:

1. ~~Landscaping shall be installed according to the approved plan; installation shall be completed within sixty (60) days of the related building's occupancy.~~
2. ~~Any damage to utility lines resulting from the negligence of the abutting landowner, his agents, or employees in the installation and maintenance of the landscaped area in the public right of way shall be the responsibility of such landowner. Any damage to utility lines resulting from the growth of plant materials shall be the responsibility of such utility. If a utility disturbs a landscaped area in the public right of way, it shall make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work. If, nonetheless some plant materials die, it is the obligation of the abutting landowner to replace the plant materials. All public right of way shall be maintained free of encroachment from growth or overgrowth of landscape material. Any plant materials encroaching in the public right of way shall be removed within thirty (30) days after notification.~~
3. ~~Landscaping shall be irrigated with drip irrigation systems and have adequate maintenance. Landscaping which dies shall be replaced by the owner as expeditiously as possible, but in no case longer than sixty (60) days after notification. Plantings must not obstruct the clear sight triangle views of drivers, see Figure 1 below.~~
- Landscaping must be installed according to the approved plan; installation must be completed at the time of the related building's occupancy.
- Site Grading, must be designed to minimize irrigation water runoff onto streets and to maximize the use of stormwater for on-site irrigation.
 - a. The slope of turf grass areas must exhibit minimal slope or none at all.
- Water conserving irrigation system must be installed along with an automatic rain sensors. All irrigation must be adequately maintained. Landscaping which dies must be replaced by the owner as expeditiously as possible, but in no case longer than sixty (60) days after notification.
- Appropriate soil, soil amendments and top mulch to absorb and retain water and encourage the formation of deep root systems;
- Plants with similar water requirements should be grouped on the same irrigation line.

D. Landscaping Area Requirements:

1. ~~Total Landscaped Area: The total landscaped area required for each development shall equal net less than ten percent (10%) for lots up to and including five thousand (5,000) square feet; twelve percent (12%) for lots five thousand one (5,001) to ten thousand (10,000) square feet; fifteen percent (15%) for lots ten thousand one (10,001) square feet and larger of the net lot area. For the purposes of this section, "net lot area" means the total area of the lot minus:~~
 - a. ~~The area of the lot covered by buildings;~~
 - b. ~~The portions of the lot that are not required for off street parking or a parking lot and which are fully screened from view from any adjacent lot or public right of way by an opaque wall or fence at least six feet (6') high, in which no landscaping will be required except required buffer landscaping; chainlink fence with slats does not constitute acceptable full screening; and~~

c. The area of any approved landscaping that the property owner installs and maintains in the adjacent public right of way, exclusive of the area of any existing or planned public sidewalk.

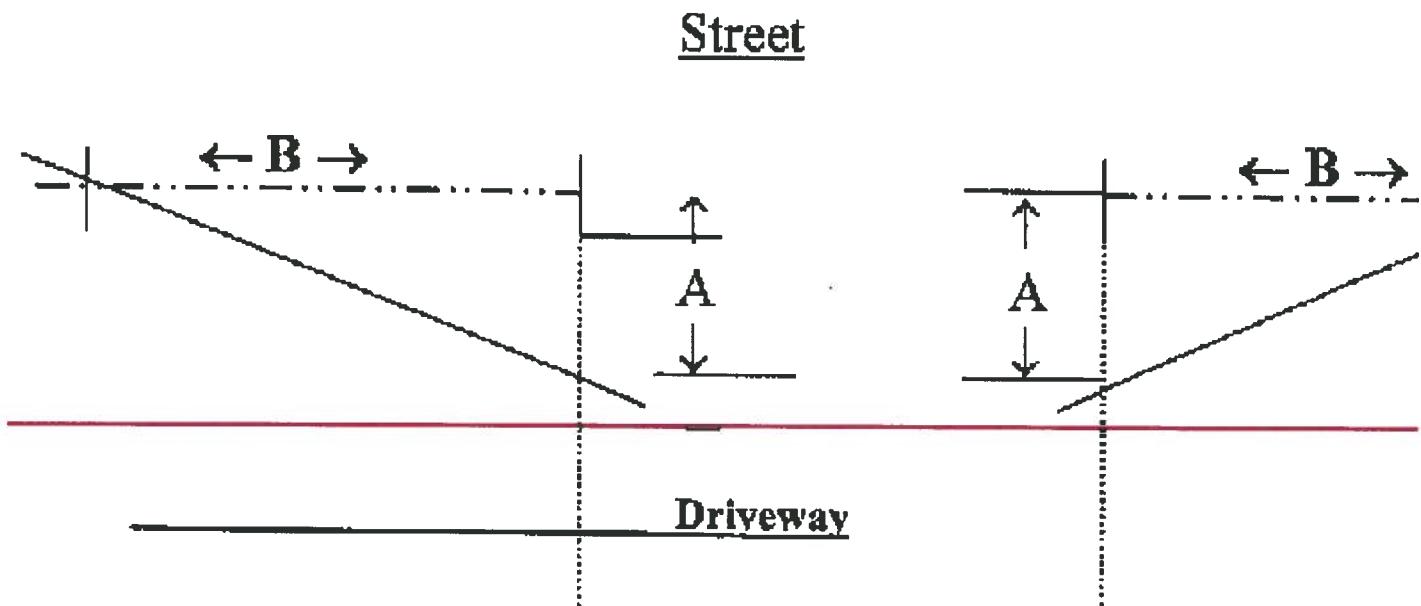
2. Clear Sight Areas: Clear sight areas shall be maintained at all exits of parking areas and driveways in accordance with the below listed matrix. The clear sight triangle at street intersections shall be maintained in accordance with the standards, details and specifications for public improvements within the Pahrump regional planning district.

1. Commercial, Multi-Family and Industrial: The total landscaped area required must equal not less than ten percent (10%) of the net lot area. For the purposes of this section, "net lot area" means the total area of the lot minus:

a. The area of the lot covered by buildings;

b. The portions of the lot that are fully screened from view from any adjacent lot or public right of way by an opaque wall or fence at least six feet (6') high, no landscaping will be required except buffer landscaping, as applicable;

(1) Chain link fence with slats does not constitute acceptable full screening;



Legend:	Property Line
Street Line	
Driveway/Access Lines	

	Street			
	Residential Access	Residential Subcollector	Residential Collector	Arterial
Driveway	A = 6 feet B = 30 feet	A = 6 feet B = 40 feet	A = 8 feet B = 60 feet	A = 10 feet B = 100 feet

Note: No walls, fences, trees, shrubs or any other object other than street hardware may be constructed or installed within the sight triangle easement, unless said object is maintained at less than thirty inches (30") in height, measured from top of curb; or, where no curb exists, less than thirty three inches (33") in height, measured from the top of adjacent asphalt, gravel or pavement street surface.

3. Standard Landscape Buffers: Landscape buffer areas are required to separate off street parking and circulation areas from front, side, and rear boundaries of premises, and to buffer residential uses from nonresidential uses. Landscape buffers may be crossed by driveways connecting to adjacent land. No parking is permitted within a required landscape buffer area. Landscaping approved within adjacent public right of way may be counted toward this requirement if there is no existing or planned public sidewalk between such landscaping and the premises, but in no case shall the width of the on site landscape buffer be less than the requirements listed below. Specific required landscape buffer locations and minimum widths shall be as follows:

- Front: Ten feet (10') for sites of three (3) acres or less, increasing at the rate of one foot (1') in width per two (2) acre increase in size to a maximum required width of twenty feet (20').
- Side: Five feet (5'). The landscape buffer may be relocated if the lot line is within a common access easement.
- Rear: Six feet (6'). The landscape buffer may be relocated if the lot line is within a common access easement.
- The standard full width buffer landscaping between residential and nonresidential property lines shall be maintained on the nonresidential side of the boundary.
- When adjacent properties have similar zoning (i.e., commercial adjacent to commercial or industrial adjacent to industrial) the side and rear landscape buffers may be reduced to three feet (3') on each property, or replaced with a decorative block wall.
- When properties are developed where the public cannot access the rear of the building or lot, or when the rear property line abuts an alley, the rear landscaping buffer and the portion of the side landscaping buffer that will not be accessed or viewed by the public may be removed or replaced with a decorative block wall.
- The buffer landscaping shall consist primarily of drought tolerant trees of an approved variety, which trees shall be at least eight feet (8') high at time of planting and capable of reaching a height at maturity of at least twenty feet (20'). Spacing of the trees shall be equal to seventy five percent (75%) of the mature canopy diameter of the trees.

h. The buffer landscaping shall consist primarily of drought tolerant trees of an approved variety, which trees shall be at least eight feet (8') high at time of planting and capable of reaching a height at maturity of at least twenty feet (20'). Spacing of the trees shall be equal to seventy five percent (75%) of the mature canopy diameter of the trees.

(1) If the landscaping buffer is below overhead power lines, the trees in this buffer shall consist of slow growing native species that will have a maximum mature height of not more than ten feet (10'). No part of the trees shall be closer than ten feet (10') to the overhead power lines.

(2) Trees may be relocated to a different landscape buffer within the property, provided the total number of trees required is provided.

i. Where parking or vehicle circulation areas are adjacent to the landscaping strip, a minimum six foot (6') high opaque decorative wall or fence shall also be required, located along the property line, to visually screen the parking or circulation area from the adjacent residential zone; chainlink fence with slats shall not constitute acceptable screening.

j. Where perimeter walls are used surrounding residential developments in village residential, multi-family, mobile home park or mixed use zoning districts a minimum fifteen feet (15') of perimeter landscaping (which may include the sidewalk) must be installed.

(1) Irrigated landscaping that could adversely impact a block wall may be relocated away from the block wall and all other structures on the property, provided a soils report is submitted with the site development plan.

(2) The soils report submitted shall be prepared by a licensed geotechnical or civil engineer licensed in the state of Nevada, and should indicate minimum separation from irrigation and any block walls or other structures on the property.

4. Landscaping Plants, Shrubs And Trees: The use of xeric and native plants is required. It is recommended and preferred that the low water and moderate water use, drought tolerant, species of the "Pahrump Demonstration Garden Plant List" as published and regularly updated by the Pahrump cooperative extension office of the University of Nevada, Reno, be used in accordance with the below listed table:

ZERO TO LOW WATER	
Genus/Common Name	Mature Height x Mature Spread
Trees:	-
- <u>Acacia greggii/catclaw acacia[†]</u>	<u>10_15 feet x 25 feet</u>
- <u>Acacia smallii/sweet acacia</u>	<u>15_30 feet x 15_30 feet</u>
- <u>Celtis reticulata/canyon hackberry</u>	<u>20_30 feet x 20_30 feet</u>

- <i>Cercidium hybrid</i> /desert museum "palo verde"	25 feet x 25 feet
- <i>Cercidium microphyllum</i> /little leaf palo verde	10-20 feet x 12-18 feet
- <i>Cercis occidentalis</i> /western redbud	15 feet x 15 feet
- <i>Chamaerops humilis</i> /Mediterranean fan palm	5-20 feet x 5-15 feet
- <i>Chilopssis linearis</i> /desert willow "Lucretia Hamilton"	6-30 feet x 6-30 feet
- <i>Chilopssis linearis</i> /desert willow "red"	6-30 feet x 6-30 feet
- <i>Cupressus arizonica</i> /Arizona cypress ³	40-50+ feet x 20+ feet
- <i>Eucalyptus camaldulensis</i> v. <i>obtuse</i> /red gum eucalyptus ²	80-120 feet x 30-50 feet
- <i>Eucalyptus microtheca</i> /eucalyptus "coolibah" ²	35-40 feet x 30-50 feet
- <i>Juniperus scopulorum</i> /weeping juniper ³	30-40 feet x 3-12 feet
- <i>Pinus brutia</i> eldarica/mondel pine ²	30-60 feet x 20-40 feet
- <i>Pinus halepensis</i> /aleppo pine ²	30-60 feet x 20-40 feet
- <i>Pinus pinea</i> /Italian stone pine ²	30-60 feet x 20-40 feet
- <i>Pinus roxburghii</i> /chir pine ²	30-60 feet x 20-40 feet
- <i>Pistacia chinensis</i> /Chinese pistache	30 feet x 2/3 height
- <i>Prosopis chilensis</i> sp./Chilean mesquite	30 feet x 30 feet
- <i>Prosopis glandulosa</i> /Texas honey mesquite	15-40 feet x 15-40 feet
- <i>Prosopis glandulosa</i> /Texas honey mesquite "maverick"	15-40 feet x 15-40 feet
- <i>Prosopis juliflora</i> /western honey, Arizona native mesquite	25-40 feet x 25-40 feet
- <i>Prosopis pubescens</i> /screwbean mesquite	25-40 feet x 25-40 feet

- Vitex agnus-castus/chaste tree	10_25 feet x 10_25 feet
- Washington robusta/Mexican fan palm	75+ feet x 10_12 feet
Shrubs:	-
- Artemisia abinithium/common wormwood	2_4 feet x 4_5 feet
- Artemisia ludoviciana/silver king artemisia	2_4 feet x 4_5 feet
- Artemisia tridentata/big sagebrush	2_4 feet x 4_5 feet
- Atriplex canescens/fourwing saltbrush	2_6 feet x 2_8 feet
- Atriplex lentiformis/quail brush	2_6 feet x 2_8 feet
- Gaesalpinia gelliesii/yellow bird of paradise	5_10 feet x 4_6 feet
- Gaesalpinia pulcherrima/red bird of paradise	3_10 feet x 3_10 feet
- Calliandra eriophylla/fairy duster	1_3 feet x 3_4 feet
- Chrysactinia Mexicana-damianita/damianita	1 foot x 2 feet
- Chrysothamnus nauseosus/rabbitbrush	5 feet x 5 feet
- Cytisus spachianus/sweet broom	6 feet x 6 feet
- Ephedra viridis/Mormon or Indian tea	3 feet x 4 feet
- Ericameria laricifolia/turpentine bush "aguirre"	3 feet x 3 feet
- Fallugia paradoxa/Apache plume	6 feet x 7 feet
- Lagerstroemia indica/crape myrtle fuscia	4_20 feet x 1/2 height
- Lagerstroemia indica/crape myrtle pink	4_20 feet x 1/2 height
- Lagerstroemia indica/crape myrtle purple	4_20 feet x 1/2 height
- Larrea tridentata/creosote bush	3_10 feet x 3_10 feet
- Leptospermum "ruby glow"/leptospermum "ruby glow"	6_8 feet x 4_5 feet
- Leucophyllum frutescens/Texas ranger "green cloud"	4_8 feet x 3/4 or equal height
- Leucophyllum frutescens/Texas ranger "heavenly cloud"	4_8 feet x 3/4 or equal height
- Leucophyllum frutescens/Texas ranger "Rio Bravo"	4_8 feet x 3/4 or equal height

- <u>Leucophyllum frutescens/Texas ranger "white cloud"</u>	<u>4 _ 8 feet x 3/4 or equal height</u>
- <u>Leucophyllum langmaniae/Texas ranger "Lynn's legacy"</u>	<u>4 _ 8 feet x 3/4 or equal height</u>
- <u>Leucophyllum pruinatum/Texas ranger "Sierra bouquet"</u>	<u>4 _ 8 feet x 3/4 or equal height</u>
- <u>Nerium oleander/oleander</u>	<u>3 _ 20 feet x 3 _ 12 feet</u>
- <u>Pervovskia/Russian sage</u>	<u>4 feet x 3 feet</u>
- <u>Pomegranate/pomegranate</u>	<u>12 _ 16 feet x</u>
- <u>Rhus microphylla/little leaf sumac</u>	<u>8 feet x 12 _ 15 feet</u>
- <u>Sophora secundiflora/Texas mountain laurel</u>	<u>15 _ 25 feet x 5 _ 15 feet</u>
- <u>Thuja occidentalis/American arborvitae</u>	<u>20 feet x 8 feet</u>

Perennials:

- <u>Amsonia grandiflora/amsonia "blue star"</u>	<u>2 feet x 2 feet</u>
- <u>Aptenia cordifolia/hearts and flowers</u>	<u>0.5 _ 1 foot x 1 _ 2 feet</u>
- <u>Bahia absinthifolia/bahia</u>	<u>16 inches</u>
- <u>Baileya multiradiata/desert marigold</u>	<u>1 foot x 2 feet</u>
- <u>Eupatorium greggii/beothill</u>	<u>1.5 _ 2.5 feet x 2 _ 3 feet</u>
- <u>Euphorbia biglandulosa/gopher plant</u>	<u>Varies x varies</u>
- <u>Psilostrophe cooperi/paper flower</u>	<u>1 _ 1.5 feet x 2 feet</u>
- <u>Sphaeralcea ambigua/globe mallow</u>	<u>3 feet x 2 _ 3 feet</u>
- <u>Tetraneuris acaulis/angelita daisy</u>	<u>1 foot x 1 foot</u>
- <u>Zexmenia hispida/"devil's river" daisy</u>	<u>2 _ 3 feet x 2 _ 3 feet</u>

Accents:

- <u>Hesperaloe parviflora/red yucca</u>	<u>2 _ 3 feet x 4 feet</u>
- <u>Nannorrhops sp. (Iran silver)/silver Mazari palm</u>	<u>10 _ 20 feet x 20+ feet</u>

Ornamental grass:

- <u>Aristida purpurea/purple three awn grass</u>	<u>1 _ 2 feet x 1 foot</u>
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Ground covers:

- Malephora crocea/orange ice plant	6 inches _ 1 foot x 6 feet
- Malephora lutea/rocky point ice plant	1 foot x 6 feet
- Sedum spurium/bronze carpet	4 inches x 8 inches
-	-

MODERATE WATER

Genus/Common Name	Mature Height x Mature Spread
Trees:-	-
- Apple/Anna, Dorset golden	10 _ 20 feet x 10 _ 20 feet
- Forestiera neomexicana/desert olive¹	15 feet x 15 feet
- Fraxinus greggii/little leaf ash^{1,2}	15 feet x 10 feet
- Fraxinus raywood/raywood ash²	20 _ 60 feet x 20 _ 60 feet
- Fraxinus veluntina/Arizona ash²	30 _ 50 feet x $2\frac{1}{3}$ height
- Koelreuteria paniculata/golden raintree	25 feet x 25 feet
- Melia azedarach umbraculiformis/Texas umbrella/chinaberry²	30 _ 40 feet x 30 _ 40 feet
- Morus chaparral/weeping mulberry	30 feet x 30 feet
- Plum/Santa Rosa plum¹	15 feet x 10 feet
- Quercus fusiformis/heritage oak²	25 feet x 30 feet
- Quercus gambelii/gambel oak²	25 feet x 25 feet
- Quercus suber/cork oak²	30 feet x 30 feet
- Sambucus Mexicana/Mexican elderberry	20 feet x 25 feet
- Sophora japonica/Japanese pagoda tree	35 feet x 35 feet
- Trachycarpus takil/fan palm	-
- Ulmus parvifolia/true Chinese elm³	-
Shrubs:-	-

- <i>Anisacanthus quadrifidus</i> /desert honeysuckle "Mexican fire"	3 _ 5 feet x 4 feet
- <i>Anisacanthus quadrifidus</i> v. <i>wrightii</i> /desert honeysuckle "flame"	3 feet x 4 feet
- <i>Baccharis</i> "centennial"/centennial broom	8 _ 10 feet x 8 _ 10 feet
- <i>Baccharis</i> hybrid "starn"/ <i>baccharis</i> starn	8 _ 10 feet x 8 _ 10 feet
- <i>Buxus</i> /boxwood	2 _ 4 feet x 2 _ 4 feet
- <i>Caragana arborescens</i> /Siberian pea shrub	20 feet x 20 feet
- <i>Caragana pygmaea</i> /pygmy caragana	20 feet x 20 feet
- <i>Cassia artemisioides</i> /feathery cassia	3 _ 6 feet x 4 _ 6 feet
- <i>Cassia phyllodinea</i> /silver leaf cassia	3 _ 6 feet x 4 _ 6 feet
- <i>Cordia parvifolia</i> /little leaf cordia	4 _ 8 feet x 4 _ 10 feet
- <i>Crataegus laevigata</i> /cotoneaster	2 _ 4 feet x 8 _ 9 feet
- <i>Dalea bicolor</i> /indigo bush	2 feet x 9+ feet
- <i>Dalea greggii</i> /trailing indigo bush	2 feet x 9+ feet
- <i>Eremophila laanii</i> /emu bush "pink beauty"	3 feet x 3 feet
- <i>Olea europaea</i> "montre"/dwarf olive "little olive"	25 _ 30 feet x 25 _ 30 feet
- <i>Philadelphus x virginalis</i> /mock orange	10 feet x 10 feet
- <i>Rhus ovata</i> /sugar bush	6 feet x 6 feet
- <i>Rhus trilobata</i> /three-leaf sumac "squawbush"	6 feet x 6 feet
- <i>Rosmarinus officinalis</i> /rosemary trailing, "Huntington carpet"	6 feet x 6 feet
- <i>Rosmarinus officinalis</i> /rosemary "Tuscan blue"	6 feet x 6 feet
- <i>Salvia chamaedryoides</i> /Mexican blue sage	2 feet x 2 feet
- <i>Salvia leucantha</i> /Mexican blue sage, velvet sage	2 _ 6 feet x 2 _ 6 feet
- <i>Tecoma stans</i> orange jubilee/orange trumpet flower	4 _ 10 feet x 3 _ 8 feet
- <i>Vauquelinia corymbosa</i> <i>ungustifolia</i> /narrow leaf rosewood	15 feet x 8 feet

Perennials:

- <u>Achillea yarrow/yarrow</u>	<u>2 _ 6 feet x 1 _ 2 feet</u>
- <u>Agastache foeniculum/anise hyssop</u>	<u>2 feet x 2 feet</u>
- <u>Artemisia ludoviciana/prairie sagebrush</u>	<u>18 inches x 3 feet</u>
- <u>Bulbine/bulbine "tiny tangerine"</u>	<u>1.5 feet x 1 _ 2 feet</u>
- <u>Coreopsis grandiflora/coreopsis</u>	<u>2 _ 3 feet x 2 feet</u>
- <u>Erigeron karvinskianus "profusion"/fleabane, Santa Barbara daisy</u>	<u>1 foot x 1 foot</u>
- <u>Gaura lindheimeri/gaura "pink" and "Karalee petite pink"</u>	<u>4 feet x 4 feet</u>
- <u>Helianthus maximilianii/maximilian sunflower</u>	<u>Varies x varies</u>
- <u>Penstemon amphorellae/penstemon light blue</u>	<u>10 inches _ 3 feet x 8 inches _ 3 feet</u>
- <u>Penstemon eatonii/penstemon "firecracker"</u>	<u>10 inches _ 3 feet x 8 inches _ 3 feet</u>
- <u>Penstemon palmeri/light pink penstemon</u>	<u>10 inches _ 3 feet x 8 inches _ 3 feet</u>
- <u>Penstemon parryi/penstemon "Parry's pink"</u>	<u>10 inches _ 3 feet x 8 inches _ 3 feet</u>
- <u>Penstemon pseudospectabilis/penstemon "canyon"</u>	<u>10 inches _ 3 feet x 8 inches _ 3 feet</u>
- <u>Penstemon superbus/penstemon "superb"</u>	<u>10 inches _ 3 feet x 8 inches _ 3 feet</u>
- <u>Penstemon triflorus/penstemon "hill country"</u>	<u>10 inches _ 3 feet x 8 inches _ 3 feet</u>
- <u>Penstemon wrightii/penstemon "Texas rose"</u>	<u>10 inches _ 3 feet x 8 inches _ 3 feet</u>
- <u>Salvia/blue spire</u>	<u>1 _ 3 feet x 2 _ 3 feet</u>
- <u>Salvia farinacea/salvia "Texas violet"</u>	<u>1 _ 3 feet x 2 _ 3 feet</u>
- <u>Sedum spurium "purple emperor"/sedum</u>	<u>2 feet x 2 feet</u>
- <u>Sedum spurium tricolor/sedum</u>	<u>2 feet x 2 feet</u>

- Sedum x "Vera Jamison"/sedum	2 feet x 2 feet
- Stachys byzantine/lamb's ear	1 feet x 18 inches
- Stachys coccinea/scarlet hedge	1 feet x 18 inches
- Zinnia acerosa/desert zinnia	6 _ 10 inches x 2 feet
- Zinnia grandiflora/prairie zinnia	1 feet x 1 feet
Vines:	-
- Bougainvillea/bougainvillea	10 _ 12+ feet x 8 feet
- Lonicera/honeysuckle	Climbing x 8 _ 12 feet
Accents:	-
- Manfreda maculosa/Texas tuberose	1 feet x 2 feet
Ornamental grass:	-
- Imperata cylindrical/Japanese blood grass	1 _ 2 feet x 1 feet
- Muhlenbergia capillaries/regal mist	4 feet x 4 feet
- Muhlenbergia lindheimeri/autumn glow	4 feet x 4 feet
- Muhlenbergia rigens/deer grass	4 feet x 4 feet
- Stipa tenuissima (nassella)/Mexican feather grass	2 feet x 2 feet
Ground covers:	-
- Teucrium chamaedrys "prostratum"/prostrate germander	12 _ 18 inches x 2 feet
- Verbena puchella gracillior/rock or moss verbena	6 _ 12 inches x 3 _ 6 feet
- Verbena x hybrid/summer beauty	6 _ 12 inches x 3 _ 6 feet

Notes:

1. Trees allowed to be planted below overhead power lines.
2. Trees considered to have invasive root systems and should not be planted within 3 feet of a wall, sidewalk, street or public utility easement.
3. Trees with high allergens and pollens.

E. Special Landscape Standards Turf Restrictions:

1. Single Family Residential:

- a. 1,500 square feet is the maximum turf area allowed for single family residential parcels.

- b. Turf in the front yard is prohibited, except for artificial,
- c. Turf must be placed at least 3-feet from all buildings, structures and walls, except for artificial,
- d. Turf must be at least 15-feet from the pavement of all streets, except for artificial.
- e. Planting cool season grasses such as Rye and Fescue from seeds is prohibited May through August, (the hottest times of the year). Laying sod is permitted,

2. All new golf courses must limit turf to 3-5 acres of turf per hole, watered with effluent reuse water to the extent possible,

3. Farming, ranching and livestock pastures using permitted water rights and in existence prior to the adoption of this ordinance are exempt from turf grass restrictions.

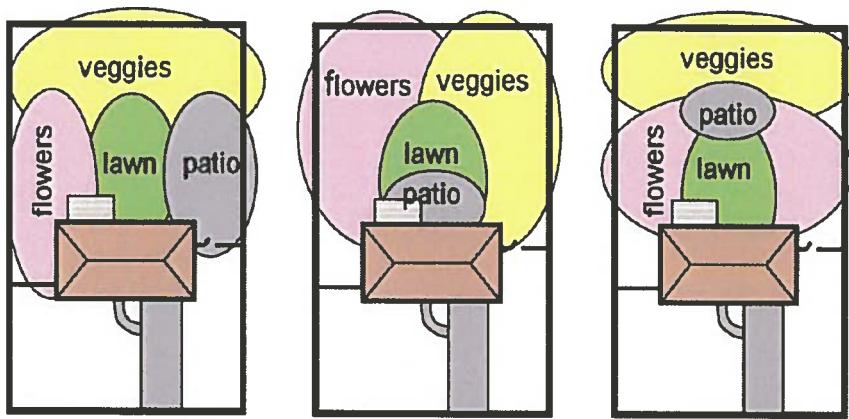


Figure 1: Examples of residential backyard layout with minimized turf grass area

H. Prohibited Plantings:

1. Salt cedar (tamarisk) bushes or trees is specifically prohibited
 - a. Salt cedars of all sizes must be removed from a property prior to any new development.
2. Planting cool season grasses such as Rye and Fescue from seed is prohibited from May through August.

Off Street Parking Area Landscaping: ~~Parking areas shall include landscaping as part of their design as shown on a plan submitted to the regional planning commission and shall include living tree and shrub plantings within the parking area. Existing trees and shrubs shall be preserved to the fullest extent possible. At least ten percent (10%) of the total area used for parking and related activities shall be established in permanent living landscaping. Desert landscaping and drought tolerant plant material is required. Trees, shrubs and other vegetative landscaping shall be trimmed and maintained so as not to interfere with the ability of vehicles to park in any provided spaces.~~

2. Off Street Parking Area Trees: ~~Trees are required in and around off street parking areas to provide shade and relieve the adverse visual impact of large expanses of pavement and parked cars. Quantity and distribution of trees shall be as follows:~~

- a. ~~One tree is required per twenty (20) parking spaces;~~
- b. ~~No parking space may be more than one hundred fifty feet (150') from a tree trunk;~~
- c. ~~The minimum size of tree planters within off street parking areas shall be thirty six (36) square feet per tree;~~
- d. ~~At least seventy five percent (75%) of the required parking area trees shall be drought tolerant shade trees, capable of achieving a mature canopy diameter of at least twenty five feet (25').~~
- e. ~~If any trees will be below overhead power lines, the trees shall consist of slow growing native species that will have a maximum mature height of not more than ten feet (10'). The trees shall be no closer than ten feet (10') to the power lines.~~
- f. ~~Trees may be relocated to a different landscaped area within the property, provided the total number of trees required is provided.~~

3. ~~Street Trees: Street trees of an approved variety are required along all arterial and collector street frontages at a ratio of one tree for every thirty feet (30') of street frontage.~~

- a. ~~If street trees will be located below overhead power lines, the trees shall consist of slow growing native species that have a maximum mature height of not more than ten feet (10') and no part of the tree shall be closer than ten feet (10') to the power line(s).~~

4. ~~Required Vegetative Ground Cover: All required landscape areas thirty six (36) square feet in size or larger shall be covered with living, vegetative materials, such as grasses, vines, spreading shrubs, or flowers, over at least sixty percent (60%) of the required landscape area. Coverage will be calculated from the mature spread of the plants. To minimize water consumption, the use of vegetative ground cover other than turf grass is encouraged; however turf is prohibited along any public right of way in order to reduce water waste. Any nonliving ground cover areas not intended as mulch around spreading plants must be clearly delineated on the landscaping plan.~~

5. ~~Tree Requirements For Multi-Family Residential Developments: In addition to the above requirements, multi-family residential sites must provide drought tolerant trees in areas around residential structures as follows:~~

- a. ~~Trees shall be provided at not less than the rate of one tree per ground floor dwelling unit and one tree per two (2) second story dwelling units. No additional trees are required for units above the second story;~~
- b. ~~At least fifty percent (50%) of the required trees shall be drought tolerant shade trees or coniferous trees capable of attaining a mature canopy diameter of at least twenty five feet (25'), unless a palm variety is used;~~
- c. ~~The standard buffer landscaping between multi-family residential and single-family residential property lines shall be a landscaping strip at least ten feet (10') wide and located on the multi-family side of the boundary;~~
- d. ~~The buffer landscaping shall consist primarily of trees, which trees shall be at least eight feet (8') high at time of planting and capable of reaching a height at maturity of at least twenty feet (20').~~

~~Spacing of the trees shall be equal to seventy five percent (75%) of the mature canopy diameter of the trees; and~~

~~e. Where parking or vehicle circulation areas are adjacent to the landscaping strip, a minimum six foot (6') high opaque decorative wall or fence located along the property line shall also be required to visually screen the parking or circulation area from the adjacent residential zone; chainlink fence with slats shall not constitute acceptable screening.~~

~~6. Artificial Outdoor Landscaping: When developer's wish to use artificial outdoor landscaping, the following minimum guidelines must be followed:~~

~~a. Artificial outdoor landscaping must be located within required landscaping buffers, or located in appropriate places where irrigation is not available or impractical.~~

~~b. Artificial outdoor landscaping products must be constructed of a low density polyethylene material with a melting point equal to or in excess of one hundred fifty degrees Fahrenheit (150°F), a softening point equal to or in excess of one hundred twenty degrees Fahrenheit (120°F), and a brittle point equal to or in excess of zero degrees Fahrenheit (0°F).~~

~~c. Artificial outdoor landscaping shall use natural plant colors to mirror living vegetation, with UV resistant pigmentation and UV stabilization to prevent fading and allow for longevity.~~

~~d. Artificial outdoor landscaping products shall be installed and anchored so as to withstand ninety (90) mile per hour wind loads, especially in trees ten feet (10') or taller, and be anchored to reasonably withstand storm event flooding.~~

~~e. Artificial outdoor landscaping products that are broken, faded, damaged or missing shall be replaced immediately.~~

~~f. The use of plastic, vinyl, polyester, silk or glass in artificial outdoor landscaping products is prohibited.~~

I. Clear Sight Areas: Clear sight areas must be maintained at all entrances and exits of parking areas and driveways in accordance with Table VIII: Sight Triangle Easement Requirements of the Standard Details and Specifications for Public Improvements within the Pahrump Regional Planning District.

1. No walls, fences, trees, shrubs or any other object other than street hardware may be constructed or installed within the sight triangle easement, unless maintained at less than thirty-six inches (36") in height measured from the top of adjacent asphalt, curb, gravel or pavement street surface.

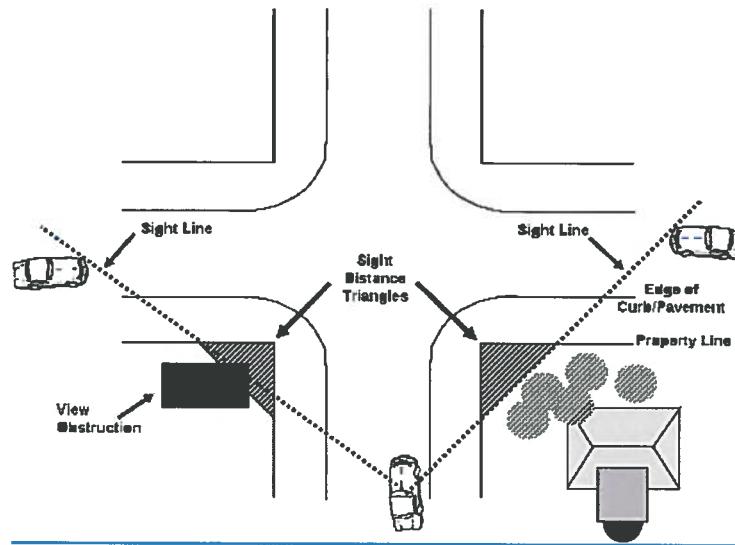


Figure 2: Clear Sight Triangle Diagram

J. Landscape Buffering and Screening Requirements: Landscape buffer areas are required between residential uses and nonresidential uses. Landscape buffers may be crossed by driveways connecting to adjacent land. No parking is permitted within a required landscape buffer area. The buffer landscaping must consist primarily of drought tolerant trees of an approved variety, which trees must be at least eight feet (8') high at time of planting and capable of reaching a height at maturity of at least twenty feet (20'). Spacing of the trees must be equal to seventy five percent (75%) of the mature canopy diameter of the trees. In no case shall the width of the on-site landscape buffer be less than the requirements listed below.

1. Locations and minimum widths:

- a. **Front:** Ten feet (10') minimum.
- b. **Side:** Five feet (5'). The landscape buffer may be relocated if the lot line is within a common access easement or where overhead powerlines exist.
- c. **Rear:** Six feet (6'). The landscape buffer may be relocated if the lot line is within a common access easement or where overhead powerlines exist.
- d. The buffer landscaping between residential and nonresidential property lines must be maintained on the nonresidential side of the boundary.
- e. When adjacent properties have similar zoning (i.e., commercial adjacent to commercial or industrial adjacent to industrial) the side and rear landscape buffers may be replaced with a block wall.
- f. No trees shall be planted in any landscaping buffer that is located below overhead power lines.
 - (1) Trees may be relocated to a different landscape buffer within the property, provided the total number of trees required is provided.

2. Screened areas: When properties are developed and the public cannot access the rear of the building or lot, the rear landscaping buffer and the portion of the side landscaping buffer that will

not be accessed or viewed by the public may be removed or replaced with a block wall.

a. Where parking or vehicle circulation areas are adjacent to the landscaping strip, a minimum six foot (6') high opaque wall or fence shall also be required, located along the property line, to visually screen the parking or circulation area from any adjacent residential zone; chain link fence with slats shall not constitute acceptable screening.

b. Where perimeter walls are used surrounding residential developments in village residential, multi-family, mobile home park or mixed use zoning districts a minimum fifteen feet (15') of perimeter landscaping (which may include the sidewalk) must be installed, but shall not be turf.

(1) Irrigated landscaping that could adversely impact a block wall may be relocated away from the block wall and all other structures on the property, provided a soils report is submitted with the site development plan.

(2) The soils report submitted must be prepared by a licensed geotechnical or civil engineer licensed in the state of Nevada, and should indicate minimum separation from irrigation and any block walls or other structures on the property.

K. Special Landscape Standards:

1. Commercial, Industrial and Multi-Family Housing greater than four units must include landscaping as part of their design as shown on a plan submitted pursuant to NCC 17.04.950 and must include live native, xeric and drought tolerant plants and be designed to minimize outdoor water use on landscapes. Outdoor sculptures, shade structures, decorative hardscapes and rock work are encouraged. Existing native trees and shrubs must be preserved to the fullest extent possible. Trees, shrubs and other vegetative landscaping must be trimmed and maintained so as not to interfere with the ability of vehicles to park in any provided parking spaces.

a. Off Street Parking Area Trees: Quantity and distribution of trees shall be as follows:

(1) One tree is required per twenty (20) parking spaces;

(2) The minimum size of tree planters within off street parking areas shall be thirty six (36) square feet per tree;

(3) Trees must be drought tolerant shade trees, capable of achieving a mature canopy diameter of at least twenty five feet (25').

(4) The total number of trees may be reduced by 20% if 10% or more of the required parking lot is finished with a permeable surface or pavers.

b. Ground Cover: To minimize water consumption, the use of vegetative ground cover other than turf grass is encouraged. Any portion of a landscape area not planted must be covered with decorative rock, bark, mulch or other material suitable for reducing dust and evaporation and improve the aesthetic appearance of the area.

(1) Any nonliving ground cover areas must be clearly delineated on the landscaping plan.

c. Water Features, Ponds and Artificial Lakes:

(1) Decorative water features and ponds are limited to less than 50 square feet surface area.

- (2) Bodies of water used for recreation purposes that are not one hundred percent (100%) reclaimed water are to be authorized by conditional use permit.
- (3) Swimming pools and spas are encouraged to be covered to mitigate evaporation when not in use.

d. Artificial Outdoor Landscaping:

(1) Artificial Turf Landscaping:

- (i) Must be constructed of a low density polyethylene material with a melting point equal to or in excess of one hundred fifty degrees Fahrenheit (150°F), a softening point equal to or in excess of one hundred twenty degrees Fahrenheit (120°F), and a brittle point equal to or in excess of zero degrees Fahrenheit (0°F).
- (ii) Shall be a minimum of three colors combined of natural grass colors to mirror living vegetation. The primary color must be green. Product must have UV resistant pigmentation and UV stabilization to prevent fading and allow for longevity.
- (iii) Products must be installed and anchored so as to withstand ninety (90) mile per hour wind loads, and anchored to reasonably withstand storm event flooding.
- (iv) Products that are torn, broken, faded, damaged or missing must be replaced immediately.
- (v) The use of plastic, vinyl, polyester, silk or glass in artificial outdoor landscaping products is prohibited.

L. Water Conservation Standards – New Construction:

1. Wasting water is unlawful per NRS 534.0165, 534.020(2), 534.070, and NAC 704.567:
 - a. Automatic irrigation systems are required for all common areas, residential and commercial landscaped areas,
 - b. Overhead spray must be minimized and restricted to turf grass and flower beds, all other landscaped areas must use low volume drip lines,
 - c. Large radius spray heads adjacent to roads or sidewalks are prohibited,
 - d. Runoff or spraying water directly onto roads, paths, sidewalks or other non-turf areas is prohibited,
 - e. Overhead spray watering during high wind events is prohibited,

M. Watering Restrictions and Watering Schedules – New Construction:

1. All common areas, residential dwellings and commercial areas must comply with watering schedules issued by Nye County Water District (NCWD) which sets forth the days, time of day and duration of time allowed for outdoor watering.
 - a. From November 1 through February watering is limited to one day a week.
 - b. From September 1 through October and March 1 through April, watering is limited to three days

per week.

c. From May 1 through August, watering is allowed seven days of the week.

(1) Summer watering restrictions allow landscape watering any day of the week through August

(2) Watering newly installed sod is allowed daily for up to 30 days once per calendar year.

2. Additional Watering Restrictions:

a. From May 1 until October 1 sprinkler and drip system watering is prohibited from 11 am to 7 pm.

F. Water Conservation Standards:

1. Purpose: The purpose of this section is to:

a. Set forth development standards that reduce water consumption in the portion of the Pahrump groundwater basin encompassed by the Pahrump regional planning district.

b. Establish a desert compatible community image through the use of low water, climate appropriate landscaping materials.

2. Scope: These development standards apply to all new residential and commercial construction, all new planned unit developments, and any expansion of existing facilities by more than twenty-five percent (25%). Public parks, school athletic fields, farming and agricultural uses using agricultural water rights are exempt from these restrictions.

3. Prohibited Water Uses:

a. Artificial lakes, decorative water features, or ponds using more than five hundred (500) gallons of water or of a size greater than two hundred fifty (250) square feet in surface area except:

(1) Those using one hundred percent (100%) reclaimed water.

(2) Facilities utilizing treated effluent under this section may temporarily utilize potable water to augment effluent, until such time as the amount of generated effluent is sufficient to meet the design demands.

(A) "Temporary use of potable water" is defined as: the time from construction to when the sewage treatment facility generating the treated effluent is operating at fifty percent (50%) of design capacity.

(3) A body of water which stores runoff water as a flood control measure, or for purposes relating to disposal of sewage effluent in infiltration basins.

(4) Bodies of water located on a golf course or a cemetery which are used for the purpose of storing irrigation water for the same and which have a combined aggregate surface area less than eight percent (8%) of the total golf course or cemetery area.

b. Bodies of water used for recreation purposes that are not one hundred percent (100%) reclaimed water are to be authorized by conditional use permit.

(1) Residential swimming pools are required to use a pool cover to mitigate evaporation when not in use for a period of time greater than twenty four (24) hours.

4. Landscape Design Requirements:

a. No development shall impose restrictions which require the use of turf in landscaping or which prevent the use of Xeriscape as an alternative to turf.

b. Landscape plans shall incorporate water conserving design including the use of:

(1) Appropriate soil, soil amendments and top mulch to absorb and retain water and encourage the formation of deep root systems;

(2) Drip irrigation (except for grass turf areas). Plants with similar water requirements should be grouped on the same irrigation line.

c. Grading, whenever possible, should be designed to minimize irrigation water runoff onto streets and to maximize the use of stormwater for on-site irrigation. The maximum slope of a grass turf area shall not exceed thirty three percent (33%).

d. Golf courses that are not irrigated with at least fifty percent (50%) reclaimed water shall be designed to have less than twenty five percent (25%) grass turf overall.

5. Residential Landscaping Plants, Shrubs And Trees:

a. Per this section, the use of xeric and native plants is required. It is recommended that the low water use, drought tolerant, species of the "Pahrump Demonstration Garden Plant List" as published and regularly updated by the Pahrump cooperative extension office of the University of Nevada, Reno, be used.

b. Growing of salt cedar (tamarisk) bushes or trees is specifically prohibited.

c. Vegetable gardens are specifically exempt from these restrictions.

6. Residential Grass Turf Restrictions:

a. The area of turf within a residential subdivision shall not exceed ten percent (10%) of the total landscaped area of the common open space within the development. The addition of usable grass turf areas may increase the total landscaped area of the common open space within the development to no more than thirty percent (30%). Individual residential lots within a subdivision shall conform to the requirements outlined below.

(1) "Usable grass turf" shall be defined as an area that is appropriately sized and situated and is available for recreational activities.

b. The use of grass turf in individual residential use lot landscaping is limited to ten percent (10%) of the gross lot area.

~~c. When the residential lot contains an aerobic type septic system requiring grass turf irrigation to make use of the output reclaimed water, the ten percent (10%) limit may be exceeded to meet the turf area recommended by the engineer certifying the septic installation.~~

~~d. The maximum allowable amount of grass turf on parcels 1.25 acres or larger is five thousand five hundred (5,500) square feet.~~

~~e. Livestock pastures are exempt from grass turf restrictions.~~

~~f. Grass turf in multi family housing development is regulated in this section. (Ord. 376, 2009)~~

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 _____, 2017.

Proposed on the _____ day of _____, 2017

Proposed by: Commissioner _____.

Adopted on the _____ day of _____, 2017

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: _____

Daniel Schinhofen, Chairman
Nye County Board of
County Commissioners

ATTEST: _____

Sandra "Sam" Merlino
Clerk and Ex-Officio
Clerk of the Board

BILL NO. 2017-06

NYE COUNTY ORDINANCE NO. 514

SUMMARY: A Bill proposing to amend Nye County Code 17.04, the Pahrump Regional Planning District (PRPD) Zoning Regulations, by amending Section 17.04.740, to fulfill the water conservation specifications outlined within the following adopted policy documents; 2014 PRPD Master Plan Update, and the Pahrump Basin 162 Groundwater Management Plan, providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE 17.04, THE PAHRUMP REGIONAL PLANNING DISTRICT (PRPD) ZONING REGULATIONS, BY AMENDING SECTION 17.04.740, TO FULFILL THE WATER CONSERVATION SPECIFICATIONS OUTLINED WITHIN THE FOLLOWING ADOPTED POLICY DOCUMENTS; 2014 PRPD MASTER PLAN UPDATE AND THE PAHRUMP BASIN 162 GROUNDWATER MANAGEMENT PLAN PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATED THERETO.

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 Nye County Board of County Commissioners (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 is acutely aware that the dominant issue related to the continued growth within the Pahrump Regional Planning District is the availability of water; and

WHEREAS, wasteful uses of Pahrump Basin groundwater will only accelerate the future need to import water into the Pahrump Valley at great expense; and

WHEREAS, the Board would like to emphasize to all residents that the Pahrump Valley is a desert climate and should be respected as such; and

WHEREAS, adopting water conserving and outdoor landscape design standards for new development will significantly reduce the outdoor use of water, and

NOW, THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith within the Pahrump Regional Planning District, the following regulations:

NYE COUNTY CODE CHAPTER 17.04 IS AMENDED AS FOLLOWS:

17.04.740: LANDSCAPING:

A. Purpose: The purpose of this section is to create visually attractive desert-themed, drought tolerant landscapes along streets and commercial corridors, provide shade across large expanses of pavement, provide landscaped areas around multi-family buildings and reduce the impacts of nonresidential uses on residences. All required landscaping must consist of live native, xeric and drought tolerant plants to minimize outdoor water use on landscapes. Outdoor sculptures, shade structures, decorative hardscapes and rock work are encouraged

B. Scope: Wasting water is unlawful per NRS 534.0165, 534.020(2), 534.070, and NAC 704.567. Since Pahrump is in a desert with scarce water supplies, the use of xeric and native plants is required. For the purposes of this section, "xeric landscaping" shall mean utilizing plants that are drought tolerant, Great Basin desert compatible and zero to moderate water use. Use of treated recycled water for irrigation is required wherever such water is available. The use of artificial turf is also permitted.

Development that is processed through the Site Development Plan Review Procedures pursuant to NCC 17.04.950, uses authorized by CUP or expansion of legally grandfathered use or building(s) meeting the criteria set forth in section 17.04.905 and Multi-family development greater than 5-units shall comply with these requirements. Livestock pastures, vegetable gardens are specifically exempt from these restrictions.

C. Recommended plants, trees and shrubs are included in Appendix G of the Ground Water Management Plan.

D. Landscaping Plan:

1. Landscape plans must incorporate water conserving designs which includes appropriate soil, soil amendments, mulching and drainage. All applicants for building permits for construction that have an approved and certified site development plan must submit and have approved by the zoning administrator, a landscaping plan prior to issuance of a related building permit. The landscaping plan must show:

- a. Location of buildings and structures on the property;
- b. The common names of the plants to be used; if there is no common name or if that name does not clearly indicate the species, the botanical name must be used;
- c. Planned location of all plants;
- d. The type and location of watering system/lines, soil amendments and how installation and maintenance will be performed;

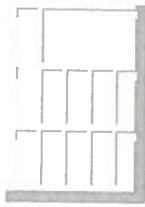
- e. The parties responsible for maintenance of the landscaping;
- f. The square footage for all landscaping on the site; dimensions of each landscaping area must be provided, along with the quantities and locations of trees and shrubs, and their mature height and spread;
- g. The location of all underground utility easements, septic, leach field, and any existing or proposed overhead power lines;
- h. The estimated total landscape water use.
- i. Type of groundcover, any portion of a landscape area not planted must be covered with decorative rock, bark, mulch or other suitable material for reducing dust and evaporation and improving the aesthetic appearance of the area.
- j. Salt Cedar plants must be identified on the property if any exist. See G. Prohibited Plantings

E. Installation and Maintenance:

- 1. Plantings must not obstruct the clear sight triangle views of drivers, see Figure 1 below.
- 2. Landscaping must be installed according to the approved plan; installation must be completed at the time of the related building's occupancy.
- 3. Site Grading, must be designed to minimize irrigation water runoff onto streets and to maximize the use of stormwater for on-site irrigation.
 - a. The slope of turf grass areas must exhibit minimal slope or none at all.
- 4. Water conserving irrigation system must be installed along with an automatic rain sensors. All irrigation must be adequately maintained. Landscaping which dies must be replaced by the owner as expeditiously as possible, but in no case longer than sixty (60) days after notification.
- 5. Appropriate soil, soil amendments and top mulch to absorb and retain water and encourage the formation of deep root systems;
- 6. Plants with similar water requirements should be grouped on the same irrigation line.

D. Landscaping Area Requirements:

- 1. 1. Commercial, Multi-Family and Industrial: The total landscaped area required must equal not less than ten percent (10%) of the net lot area. For the purposes of this section, "net lot area" means the total area of the lot minus:
 - a. The area of the lot covered by buildings;
 - b. The portions of the lot that are fully screened from view from any adjacent lot or public right of way by an opaque wall or fence at least six feet (6') high, no landscaping will be required except buffer landscaping, as applicable;
 - (1) Chain link fence with slats does not constitute acceptable full screening;



G.Turf Restrictions:

1. Single Family Residential:
 - a. 1,500 square feet is the maximum turf area allowed for single family residential parcels,
 - b. Turf in the front yard is prohibited, except for artificial,
 - c. Turf must be placed at least 3-feet from all buildings, structures and walls, except for artificial,
 - d. Turf must be at least 15-feet from the pavement of all streets, except for artificial,
 - e. Planting cool season grasses such as Rye and Fescue from seeds is prohibited May through August, (the hottest times of the year). Laying sod is permitted,
2. All new golf courses must limit turf to 3-5 acres of turf per hole, watered with effluent reuse water to the extent possible,
3. Farming, ranching and livestock pastures using permitted water rights and in existence prior to the adoption of this ordinance are exempt from turf grass restrictions.

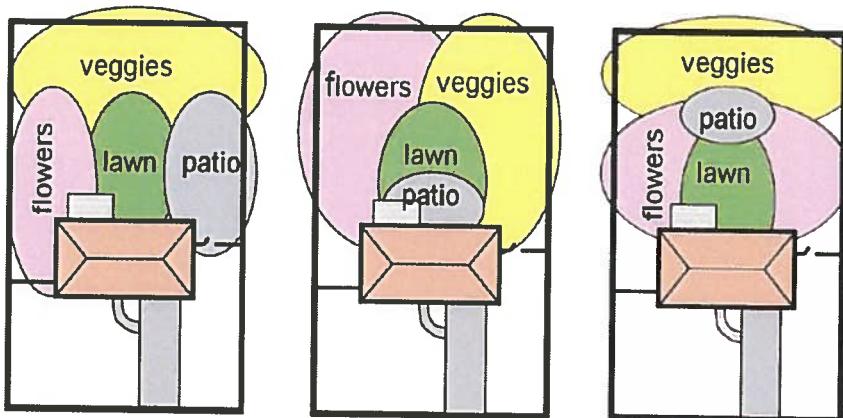


Figure 1: Examples of residential backyard layout with minimized turf grass area

H. Prohibited Plantings:

1. Salt cedar (tamarisk) bushes or trees is specifically prohibited
 - a. Salt cedars of all sizes must be removed from a property prior to any new development.
2. Planting cool season grasses such as Rye and Fescue from seed is prohibited from May through August.

I. Clear Sight Areas: Clear sight areas must be maintained at all entrances and exits of parking areas and driveways in accordance with Table VIII: Sight Triangle Easement Requirements of the Standard Details and Specifications for Public Improvements within the Pahrump Regional Planning District.

1. No walls, fences, trees, shrubs or any other object other than street hardware may be constructed or installed within the sight triangle easement, unless maintained at less than thirty-six inches (36") in height measured from the top of adjacent asphalt, curb, gravel or pavement street surface.

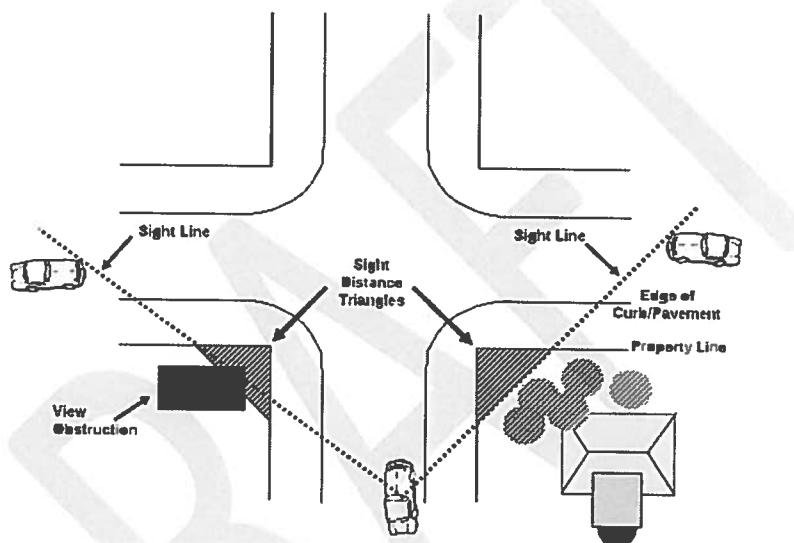


Figure 2: Clear Sight Triangle Diagram

J. Landscape Buffering and Screening Requirements: Landscape buffer areas are required between residential uses and nonresidential uses. Landscape buffers may be crossed by driveways connecting to adjacent land. No parking is permitted within a required landscape buffer area. The buffer landscaping must consist primarily of drought tolerant trees of an approved variety, which trees must be at least eight feet (8') high at time of planting and capable of reaching a height at maturity of at least twenty feet (20'). Spacing of the trees must be equal to seventy five percent (75%) of the mature canopy diameter of the trees. In no case shall the width of the on-site landscape buffer be less than the requirements listed below.

1. Locations and minimum widths:
 - a. Front: Ten feet (10') minimum.
 - b. Side: Five feet (5'). The landscape buffer may be relocated if the lot line is within a common access easement or where overhead powerlines exist.
 - c. Rear: Six feet (6'). The landscape buffer may be relocated if the lot line is within a common

access easement or where overhead powerlines exist.

- d. The buffer landscaping between residential and nonresidential property lines must be maintained on the nonresidential side of the boundary.
- e. When adjacent properties have similar zoning (i.e., commercial adjacent to commercial or industrial adjacent to industrial) the side and rear landscape buffers may be replaced with a block wall.
- f. No trees shall be planted in any landscaping buffer that is located below overhead power lines.

- (1) Trees may be relocated to a different landscape buffer within the property, provided the total number of trees required is provided.
- 2. Screened areas: When properties are developed and the public cannot access the rear of the building or lot, the rear landscaping buffer and the portion of the side landscaping buffer that will not be accessed or viewed by the public may be removed or replaced with a block wall.
 - a. Where parking or vehicle circulation areas are adjacent to the landscaping strip, a minimum six foot (6') high opaque wall or fence shall also be required, located along the property line, to visually screen the parking or circulation area from any adjacent residential zone; chain link fence with slats shall not constitute acceptable screening.
 - b. Where perimeter walls are used surrounding residential developments in village residential, multi-family, mobile home park or mixed use zoning districts a minimum fifteen feet (15') of perimeter landscaping (which may include the sidewalk) must be installed, but shall not be turf.
 - (1) Irrigated landscaping that could adversely impact a block wall may be relocated away from the block wall and all other structures on the property, provided a soils report is submitted with the site development plan.
 - (2) The soils report submitted must be prepared by a licensed geotechnical or civil engineer licensed in the state of Nevada, and should indicate minimum separation from irrigation and any block walls or other structures on the property.

K. Special Landscape Standards:

- 1. Commercial, Industrial and Multi-Family Housing greater than four units must include landscaping as part of their design as shown on a plan submitted pursuant to NCC 17.04.950 and must include live native, xeric and drought tolerant plants and be designed to minimize outdoor water use on landscapes. Outdoor sculptures, shade structures, decorative hardscapes and rock work are encouraged. Existing native trees and shrubs must be preserved to the fullest extent possible. Trees, shrubs and other vegetative landscaping must be trimmed and maintained so as not to interfere with the ability of vehicles to park in any provided parking spaces.
 - a. Off Street Parking Area Trees: Quantity and distribution of trees shall be as follows:
 - (1) One tree is required per twenty (20) parking spaces;
 - (2) The minimum size of tree planters within off street parking areas shall be thirty six (36) square feet per tree;
 - (3) Trees must be drought tolerant shade trees, capable of achieving a mature canopy diameter of at least twenty five feet (25').

- (4) The total number of trees may be reduced by 20% if 10% or more of the required parking lot is finished with a permeable surface or pavers.
- b. Ground Cover: To minimize water consumption, the use of vegetative ground cover other than turf grass is encouraged. Any portion of a landscape area not planted must be covered with decorative rock, bark, mulch or other material suitable for reducing dust and evaporation and improve the aesthetic appearance of the area.
 - (1) Any nonliving ground cover areas must be clearly delineated on the landscaping plan.

c. Water Features, Ponds and Artificial Lakes:

- (1) Decorative water features and ponds are limited to less than 50 square feet surface area.
- (2) Bodies of water used for recreation purposes that are not one hundred percent (100%) reclaimed water are to be authorized by conditional use permit.
- (3) Swimming pools and spas are encouraged to be covered to mitigate evaporation when not in use.

d. Artificial Outdoor Landscaping:

- (1) Artificial Turf Landscaping:
 - (i) Must be constructed of a low density polyethylene material with a melting point equal to or in excess of one hundred fifty degrees Fahrenheit (150°F), a softening point equal to or in excess of one hundred twenty degrees Fahrenheit (120°F), and a brittle point equal to or in excess of zero degrees Fahrenheit (0°F).
 - (ii) Shall be a minimum of three colors combined of natural grass colors to mirror living vegetation. The primary color must be green. Product must have UV resistant pigmentation and UV stabilization to prevent fading and allow for longevity.
 - (iii) Products must be installed and anchored so as to withstand ninety (90) mile per hour wind loads, and anchored to reasonably withstand storm event flooding.
 - (iv) Products that are torn, broken, faded, damaged or missing must be replaced immediately.
 - (v) The use of plastic, vinyl, polyester, silk or glass in artificial outdoor landscaping products is prohibited.

L. Water Conservation Standards – New Construction:

- 1. Wasting water is unlawful per NRS 534.0165, 534.020(2), 534.070, and NAC 704.567:
 - a. Automatic irrigation systems are required for all common areas, residential and commercial landscaped areas,
 - b. Overhead spray must be minimized and restricted to turf grass and flower beds, all other landscaped areas must use low volume drip lines,
 - c. Large radius spray heads adjacent to roads or sidewalks are prohibited,

d. Runoff or spraying water directly onto roads, paths, sidewalks or other non-turf areas is prohibited,

e. Overhead spray watering during high wind events is prohibited,

M. Watering Restrictions and Watering Schedules – New Construction:

1. All common areas, residential dwellings and commercial areas must comply with watering schedules issued by Nye County Water District (NCWD) which sets forth the days, time of day and duration of time allowed for outdoor watering.

a. From November 1 through February watering is limited to one day a week.

b. From September 1 through October and March 1 through April, watering is limited to three days per week.

c. From May 1 through August, watering is allowed seven days of the week.

(1) Summer watering restrictions allow landscape watering any day of the week through August

(2) Watering newly installed sod is allowed daily for up to 30 days once per calendar year.

2. Additional Watering Restrictions:

a. From May 1 until October 1 sprinkler and drip system watering is prohibited from 11 am to 7 pm.

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 _____, 2017.

Proposed on the ____ day of _____, 2017

Proposed by: Commissioner _____.

Adopted on the ____ day of _____, 2017

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: _____

Daniel Schinhofen, Chairman
Nye County Board of
County Commissioners

ATTEST: _____

Sandra "Sam" Merlino
Clerk and Ex-Officio
Clerk of the Board

DRAFT