

NYE COUNTY AGENDA INFORMATION FORM

Action Presentation Presentation & Action

Department: Planning		Agenda Date:
Category: Timed Agenda Item – 11:00 a.m.		June 20, 2017
Contact: Darrell Lacy	Phone: 775-751-4249	Continued from meeting of:
Return to: Darrell Lacy	Location: Planning	Phone: 775-751-4249
Action requested: (Include what, with whom, when, where, why, how much (\$ and terms))		
Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2017-09: A Bill proposing to amend Nye County Code Title 16 Subdivisions; Chapter 16.28 Division of Land Within The Pahrump Regional Planning District; and Nye County Code Title 17 Comprehensive Land Use Planning and Zoning, relating to dividing land via a subdivision map into lots smaller than 20,000 net square feet; providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.		
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 July 10, 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)		
<input checked="" type="checkbox"/> No financial impact		

Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	TG 04.12.17
4.	Date	9. Finance	Date
5.	Date	10. County Manager	<input checked="" type="checkbox"/> Place on Agenda JL

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 # 10

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

Meeting Date: June 20, 2017

AGENDA ITEMS

For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2017-09: A Bill proposing to amend Nye County Code Title 16 Subdivisions; Chapter 16.28 Division of Land Within The Pahrump Regional Planning District; and Nye County Code Title 17 Comprehensive Land Use Planning and Zoning, relating to dividing land via a subdivision map into lots smaller than 20,000 net square feet; providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.

GENERAL INFORMATION SUMMARY

The purpose of this Bill is to amend the regulations pertaining to the creation of new subdivisions containing lots smaller than 20,000 net square feet; and would require such subdivision proposals to obtain a Planned Unit Development (PUD) approval or enter into a development agreement with Nye County.

On April 18, 2017, the PRPC heard this Bill and voted 7-0 to forward a recommendation of adoption to the BOCC.

Attached is the proposed Bill.

RECOMMENDATION

Recommended BOCC Motion: "I move to adopt Nye County Bill No. 2017-09 with an effective date of July 10, 2017."

BILL NO. 2017-09

NYE COUNTY ORDINANCE NO. _____

SUMMARY: A Bill proposing to amend Nye County Code Title 16 Subdivisions; Chapter 16.28 Division of Land Within The Pahrump Regional Planning District; and Nye County Code Title 17 Comprehensive Land Use Planning and Zoning, relating to the division of land via a subdivision map into lots smaller than 20,000 net square feet; 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 16 SUBDIVISIONS; CHAPTER 16.28 DIVISION OF LAND WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT; AND NYE COUNTY CODE TITLE 17 COMPREHENSIVE LAND USE PLANNING AND ZONING, RELATING TO THE DIVISION OF LAND VIA A SUBDIVISION MAP INTO LOTS SMALLER THAN 20,000 NET SQUARE FEET; 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, chapter 16.28 of the Nye County Code is known as the Division of Land Ordinance of the Pahrump Regional Planning District of the County of Nye, State of Nevada, the purpose of which is to protect the public health, safety, and general welfare, and

WHEREAS, the provisions in NCC 16.28 shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions of the Pahrump Regional Planning District's master plan, and

WHEREAS, Title 17 was adopted pursuant to the Planning and Zoning Act of the State of Nevada, the purpose of which is to preserve the quality of air and water resources; to promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment; to protect life and property in areas subject to floods, landslides and other natural disasters; to ensure that development on land is commensurate with the character and the physical limitations of the land; to take into account the suitability of the land for development; to promote health and the general welfare; and to be in accordance with the master plan for land use;

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

16.28 Division of Land Within The Pahrump Regional Planning District

Article V. Procedure

16.28.150: Purpose

16.28.155: Division of Land Via a Subdivision Map into Lots Smaller than 20,000 Net Square Feet

16.28.160: Title Report

16.28.170: Parcel Map Procedure

16.28.180: Common Interest Community Parcel Map Procedure

16.28.190: Subdivision Procedure

16.28.200: Common Interest Subdivision Procedure

16.28.210: Large Parcels Map Procedure

16.28.220: Map of Reversion (Reversionary Map) Procedure

16.28.230: Boundary Line Adjustment Procedure

16.28.240: Appeal

16.28.150: PURPOSE:

The purpose of this article is to establish procedures for ~~planning commission~~ review and action on applications for maps of reversion, boundary line adjustments, subdivisions, parcel maps, and large parcels maps. The procedures are intended to provide orderly and expeditious processing of such applications. (Ord. 288, 2004: Ord. 215, 1998)

16.28.155: DIVISION OF LAND VIA A SUBDIVISION MAP INTO LOTS SMALLER THAN 20,000 NET SQUARE FEET

A. No subdivision map application shall be submitted which proposes to divide land into lots smaller than 20,000 net square feet, unless a Planned Unit Development (PUD) zoning overlay or a Development Agreement has been approved by the Board of County Commissioners.

16.28.160: TITLE REPORT:

- A. A preliminary report from a title company, not older than ninety (90) days upon the date of submittal of said report, must accompany all of the following maps submitted for recording: final division of land into large parcels maps, parcel maps, final subdivision maps, maps of reversion and boundary line adjustment maps.
- B. The title report must list the names of each owner of record of the land to be divided, and each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.
- C. The written consent of each holder of record of a security interest must be provided by signing the map, or by signing a separate document that is recorded with the map declaring its consent to the preparation and recordation of the map. Should a separate document be recorded with the map the

map must contain a notation that a separate document has been recorded indicating the document number issued by the Nye County recorder's office.

D. No document(s) shall be recorded altering the ownership or holder(s) of any security interest in a parcel from the date the title report was completed until the map is recorded unless the administrative officer is provided with a copy of any such document(s), and the surveyor makes all required changes to the ownership and holder of security interest certificates. The Nye County commissioners may establish a processing fee to apply where any such document(s) is recorded without compliance with this section. (Ord. 215, 1998)

16.28.170: PARCEL MAP PROCEDURE:

A. Application: Any applicant requesting approval of a "parcel map" as defined by this chapter and Nevada Revised Statutes 278.461 to 278.469, inclusive, shall submit to the administrative officer the materials required in the document entitled "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District".

B. Approval: Should the planning commission fail to take action within sixty (60) days after the administrative officer or its representative accepts the map as a complete application pursuant to Nevada Revised Statutes 278.464 the parcel map shall be deemed approved.

C. Expiration Of Approval: Approval of a parcel map shall expire, with no possibility of an extension of time, if not recorded in the office of the Nye County recorder within a period of two (2) years after the date of approval. Any zoning requirements or land use designated by an applicant upon which parcel map approval was granted shall not be changed for a period of two (2) years after the date of recording of the parcel map.

D. Minor Parcel Map(s): The administrative officer shall have the authority to take action on minor parcel maps when street improvements including improvements to flag lot accessways, water or sewer line improvements or other public improvements are not required pursuant to the requirements of this chapter.

E. Major Parcel Map(s): Where a parcel map application requires the creation of a road or street, whether public or private; water/sewer line improvements; or where a parcel map application includes a flag lot, action of the planning commission is required.

F. Parceling Multiple Existing Parcels Via One Parcel Map: Only one existing parcel shall be the subject of a parcel map. Where two (2) or more parcels are proposed to be divided via one parcel map the applicant must first have approved a map of reversion in accordance with the provisions of this chapter and Nevada Revised Statutes 278.490 through 278.4965, inclusive.

G. Subdivision Via Subsequent Or Contiguous Parcel Map(s): In order to prevent evasion or circumvention of Nevada Revised Statutes 278.320 through 278.460, inclusive, the following shall apply to subsequent or contiguous parcel maps:

1. Disapproval Of Applications: In order to protect the public health, safety and welfare; and in order to ensure proper consideration of school district needs, water quality and quantity, disposal of sewage, street alignment and construction, utility needs, proper consideration of available public facilities and services including fire protection and emergency responders, and

other needs; submittal of parcel map applications *seriatim*, or one after another, or covering properties that are contiguous, by any party or parties; and when it is apparent to the planning commission that the purpose is to create more than four (4) parcels and avoid the subdivision requirements, the planning commission shall find that any such activity is in fact subdividing and shall disapprove all such applications.

2. Exception: Where the sole purpose of a new parcel map application is to provide for the public needs of the community (e.g., Nye County, town of Pahrump, Nye County school district, Pahrump community hospital district, other nonprofit organizations serving the community, etc.) subsection G1 of this section shall not apply.

H. Form And Content Of A Parcel Map: A parcel map, at the time application is first made pursuant to this chapter, shall be in essentially the same form, and contain the same information as required pursuant to Nevada Revised Statutes 278.466.

1. Additional Requirements:
 - a. Water Rights: All water within the boundaries of the state of Nevada, whether above or beneath the surface of the ground, belongs to the public, and is subject to appropriation for beneficial use under the laws of the state.
 - b. For Parcel Maps Located Outside Of A Water Service District:
 - (1) Because of concerns over water in the Pahrump regional planning district, certificated water rights in the amount of three (3) acre-feet for each additional parcel created, regardless of the type of zoning or the size of the parcels created, excluding the existing parcel, shall be relinquished to the Nevada state engineer's office, division of water resources. The one acre-foot is a surcharge, and only two (2) acre-feet of the three (3) acre-feet relinquished may be used for a domestic well or "small commercial use" (equal to or less than 2 acre-feet) if permitted by the state engineer. For example, a twenty (20) acre parcel divided into four (4) parcels would require nine (9) acre-feet of water rights, which is calculated as follows: Three (3) additional parcels x three (3) acre-feet per additional parcel = total of nine (9) acre-feet of water rights. The costs associated with water rights transfers shall be borne by the applicant. Because of the costs involved with water rights transfers, this requirement shall be made a condition of approval of a parcel map.
 - c. For Parcel Maps Located Within A Water Service District:
 - (1) When a proposed parcel map is located within the boundaries of a water service district and it is the intent of the service district to provide water service, water rights shall be transferred to the district in an amount to be determined by such district. When the water service district does not intend to provide service to the new parcels, certificated or permitted water rights in the amount of three (3) acre-feet for each additional parcel created, regardless of the type of zoning on the property and regardless of the size of the parcels created, excluding the existing parcel, shall be relinquished to the Nevada state engineer's office, division of water resources. The one acre-foot is a surcharge, and only two (2) acre-feet of the three (3) acre-feet relinquished may be used for a domestic well or "small commercial use" (equal to or less than 2 acre-feet) if permitted by the state engineer. For example, a twenty (20) acre parcel divided into four (4) parcels would require nine (9) acre-

feet of water rights, which is calculated as follows: Three (3) additional parcels x three (3) acre-feet per additional parcel = total of nine (9) acre-feet of water rights. The costs associated with water rights transfers shall be borne by the applicant. Because of the costs involved with water rights transfers, this requirement shall be made a condition of approval of a parcel map.

I. Parcel Size Requirements:

1. **Outside Of Utility Service Area:** An application for a parcel map located outside of a utility service area on a parcel of land zoned for single-family residential use, shall not be submitted for processing if the existing parcel is less than ten (10) gross acres in size.
2. **Minimum Required Size Of New Parcels For Residential Properties:** For parcels of land zoned for single-family residential use, no new parcels smaller than five (5) gross acres in size shall be created through the parcel map application process. (Ord. 472, 2014)

16.28.180: COMMON INTEREST COMMUNITY PARCEL MAP PROCEDURE:

- A. A common interest community consisting of four (4) units or less, not including any common area(s), shall be deemed to be a division of land within the meaning of this chapter, but need only comply with this chapter and Nevada Revised Statutes 278.371, 278.373 to 278.378, inclusive, 278.462, 278.464, and 278.466.
- B. Minimum design standards for common interest community developments are found in the "design standards" section of this title. (Ord. 215, 1998)

16.28.190: SUBDIVISION PROCEDURE:

- A. **Preapplication Conference:** For the purpose of expediting subdivision applications and reducing development costs, the applicant may request a preapplication conference in accordance with the following requirements:
 1. At the request of the applicant, the administrative officer shall authorize a preapplication conference.
 2. The preapplication conference shall allow the applicant to meet with appropriate representatives designated by the board of county commissioners and may include:
 - a. Director of public works or its representative;
 - b. Director of planning or its representative;
 - c. Representative of the Nye County school district;
 - d. Any other appropriate person(s) invited by any of the above parties.
 3. Applicants seeking a preapplication conference shall submit the materials stipulated in the document entitled "Document Submittal Requirements For Planning Applications Within The

Pahrump Regional Planning District" a minimum of ten (10) working days prior to the preapplication conference.

4. The applicant may be charged reasonable fees for a preapplication conference as established by resolution of the board of county commissioners.
5. The applicant shall not be bound by the determination of the preapplication conference, nor shall the planning commission Board of County Commissioners be bound by any such determination.

B. Tentative Subdivision Application:

1. Applicants seeking tentative subdivision approval shall submit to the administrative officer the materials stipulated in the document entitled "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District".
2. The administrative officer or its representative shall review the application and materials submitted and shall comment and make recommendations to the planning commission Board of County Commissioners. A complete application for a tentative subdivision shall be acted upon within sixty (60) days after the date the administrative officer or its representative accepts the application as complete, or within such further time as may be consented to by the applicant.
3. No subdivision map application shall be submitted which proposes to divide land into lots smaller than 20,000 net square feet unless a Planned Unit Development (PUD) zoning overlay or a Development Agreement has been approved by the Board of County Commissioners.

C. Final Subdivision Application:

1. An applicant requesting final approval of a proposed subdivision shall submit to the administrative officer the materials specified in the document entitled "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District". The final plat shall be accompanied by a statement from the director of public works that the county is in receipt of engineered plans showing all streets and utilities in exact location and elevation and identifying those portions already installed and those to be installed; recommendations concerning the acceptance or rejection of all offers of dedication; and a statement that he has reviewed the cost estimates, prepared by a civil engineer licensed by the state of Nevada, associated with any incomplete required improvements and that he concurs with said estimates.
2. Upon certification that the final map application is complete, the administrative officer shall present the final subdivision map to the board of county commissioners at its next regularly scheduled meeting. The board of county commissioners shall approve the map if it conforms to all of the requirements of Nevada Revised Statutes 278.010 to 278.630, inclusive, to any conditions of approval of the tentative map, and to the provisions and requirements of this title.
3. The board of county commissioners shall at that time also accept or reject all offers of dedication and shall, as a condition precedent to the acceptance of streets or easements, require that the subdivider improve or agree to improve the streets or easements.

D. Industrial or Commercial Subdivision:

1. In accordance with Nevada Revised Statutes 278.325, if a subdivision is proposed on land which is zoned or designated by the applicant for commercial or industrial use only, neither the tentative nor the final map need show any division of the land into lots or parcels, but the streets and any other required improvements are subject to the provisions of Nevada Revised Statutes 278.010 to 278.630, inclusive, and the provisions of this chapter. Any zoning requirements or commercial/industrial use designations made by the applicant shall not be changed for a period of two (2) years after the date of recording of the final subdivision map.
2. No parcel of land may be sold for residential use from a subdivision whose final map does not show a division of the land into lots.
3. Except as otherwise provided in subsection D4 of this section, a boundary or line shall not be created by a conveyance of a parcel from an industrial or commercial subdivision unless a professional land surveyor has surveyed the boundary or line and set the monuments. The surveyor shall file a record of the survey pursuant to the requirements set forth in Nevada Revised Statutes 625.340.
4. The provisions of subsection D3 of this section do not apply to a boundary line that is created entirely within an existing industrial or commercial building. A certificate by a professional engineer or registered architect which certifies compliance with the applicable building code must be attached to any document which proposes to subdivide a building. (Ord. 301, 2005: Ord. 271, 2003: Ord. 215, 1998)

16.28.200: COMMON INTEREST SUBDIVISION PROCEDURE:

- A. A common interest community consisting of five (5) units or more, not including any common area(s), shall be deemed to be a subdivision within the meaning of this section. The procedure outlined in section 16.28.190 of this article concerning subdivision procedures shall also apply to common interest subdivisions. In addition, the requirements of Nevada Revised Statutes 116.2109 shall be complied with.
- B. Minimum design standards for common interest community developments are found in the "design standards" section of this title. (Ord. 215, 1998)

16.28.210: LARGE PARCELS MAP PROCEDURE:

- A. Tentative Large Parcels Map: Any applicant requesting approval of a tentative "large parcels map" as defined in this chapter and Nevada Revised Statutes 278.471 shall submit to the administrative officer the materials required in the document entitled "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District".
 1. The minimum lot size for each proposed lot shall be:
 - a. One-sixteenth ($1/16$) of a section as described by a government land office survey; or
 - b. Forty (40) acres in area, including roads and easements.
 2. In accordance with Nevada Revised Statutes 278.4715 the planning commission may, within sixty (60) days after the filing of the tentative map designate the location and width of any

easements for roads and, upon the recommendation of the various public utility entities, easements for public utilities which may be reasonably necessary to serve the area to be divided. The planning commission shall not designate any easements after the expiration of sixty (60) days.

B. Final Large Parcels Map: An applicant desiring approval of a final large parcels map shall deliver to the authorized officer two (2) copies of the proposed final map within one year after the date that the tentative map was first filed. The proposed final map shall conform to the requirements of Nevada Revised Statutes 278.472 through 278.4725, inclusive.

1. Should the planning commission fail to take action within sixty (60) days after the administrative officer or its representative accepts the final map as a complete application, the map shall be deemed approved unconditionally.
2. The planning commission shall not approve a final large parcels map unless:
 - a. The property that is the subject of a large parcels map has a minimum of twenty feet (20') of legal and physical access;
 - b. Each lot is accessible by a minimum fifteen foot (15') wide bladed area within dedicated or private road right of way in which all vegetation and debris is removed. Blading of such roads shall conform to the natural contours of the area; and
 - c. The corners of each lot are set by a professional land surveyor. (Ord. 215, 1998)

16.28.220: MAP OF REVERSION (REVERSIONARY MAP) PROCEDURE:

- A. Any owner or governing body desiring to revert any recorded subdivision map, parcel map, map of division into large parcels, or part thereof to acreage shall submit to the administrative officer the materials required in the document entitled "Document Submittal Requirements for Planning Applications Within the Pahrump Regional Planning District".
- B. A map of reversion shall be required when the intended purpose is to eliminate boundary lines between two (2) or more individual lots or parcels. A boundary line adjustment map as described in this chapter shall not be used for this purpose.
- C. A map of reversion, when submitted, shall contain the signed certificates of the county surveyor, the state of Nevada health division of the department of human resources, and the state of Nevada division of water resources if any or all of these certificates appeared on the original division of land map. The map shall also comply with the requirements of Nevada Revised Statutes 278.490 through 278.4965, inclusive.
- D. The administrative officer shall, within a period of not more than thirty (30) days after the filing of the map of reversion, act on the map. (Ord. 301, 2005: Ord. 215, 1998)

16.28.230: BOUNDARY LINE ADJUSTMENT PROCEDURE:

- A. Any person or persons desiring the adjustment of a boundary line or lines shall provide the administrative officer the materials required pursuant to the "Document Submittal Requirements

For Planning Applications Within The Pahrump Regional Planning District", and in conformance with the requirements of Nevada Revised Statutes 278.5693.

B. The administrative officer shall, if the map conforms to the requirements of subsection A of this section, approve the map. (Ord. 301, 2005: Ord. 215, 1998)

16.28.240: APPEAL:

An applicant or other person aggrieved by a decision of the planning commission or Board of County Commissioners may appeal in writing to the board of county commissioners within thirty (30) days, in accordance with Chapter 16.36 "Procedures for Appeal of Land Use Decisions." (Ord. 215, 1998)

Title 17 Comprehensive Land Use Planning and Zoning

Chapter 17.04 Pahrump Regional Planning District

17.04.200: Residential Districts:

A. General Provisions for Residential Districts:

1. Zone Map Amendment Required: All new developments in residential zoning districts shall be subject to the zone map amendment procedure as set forth in article VIII of this chapter.

 - a. Development Agreement Required: All approved subdivision developments in residential zoning districts greater than four (4) dwelling units shall, as part of the subdivision approval process, and at the board's sole discretion, enter into a development agreement pursuant to title 16, chapter 16.32 of this code as a condition of zone map amendment approval.
1. No subdivision map application shall be submitted which proposes to divide land into lots smaller than 20,000 net square feet, unless a Planned Unit Development (PUD) zoning overlay or a Development Agreement has been approved by the Board of County Commissioners.
2. Site Development Plan Required: All developments in the multi-family residential zoning districts greater than four (4) dwelling units shall comply with the site development plan submittal requirements in article IX of this chapter. Such site plan may be submitted as part of an application for a tentative map.
3. Building Separation: All buildings located on a single parcel within a residential zoning district must be separated by a minimum of ten feet (10') unless a greater separation is required within a specific residential district.
4. Off Street Parking: Off street parking in mMulti-family residential zones shall meet the requirements of article VI of this chapter, relating to off-street parking, landscaping, lighting, screening, walls, fences and signage. All off street parking shall be in compliance with the Americans with disabilities act.
5. Landscaping: Landscaping requirements in residential and multi family residential zones shall meet the requirements of article VI of this chapter.

6. ~~Lighting: Lighting requirements in residential zones shall meet the requirements of article VI of this chapter.~~
7. ~~Screening, Walls And Fences: Screening, walls and fences in residential zones shall meet the requirements of article VI of this chapter.~~
8. ~~Signage: Signage in residential zones shall meet the requirements of article VI of this chapter.~~
9. Manufactured Homes: Notwithstanding any other provisions in this code, manufactured homes are hereby recognized as a "permissive use" in all zoning districts which recognize single-family dwellings as a "permissive use", provided that all manufactured homes outside of mobile home parks must be permanently affixed to a foundation and converted to real property, except when located within an RH zone. In addition, manufactured homes located within a VR zone must be in conformance with the following:
 - a. The manufactured home shall be placed on a foundation permanently affixed to the residential lot and qualify and constitute real property, as established by chapter 361 of the Nevada Revised Statutes.
 - b. Any elevated foundations shall be masked architecturally in a manner to blend and harmonize with exterior siding materials utilized on the manufactured home.
 - c. As provided in the Nevada Revised Statutes, the provisions of this section do not abrogate recorded restrictive covenants prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to Nevada Revised Statutes 384.005 or 384.100.
10. Home Occupations: Home occupations, home based businesses and residential industry are permissive in residential districts and must comply with article VI of this chapter.
11. Garage Sales: All garage sales are limited to twelve (12) days during any twelve (12) consecutive month period, and may not operate for more than three (3) consecutive days during each occurrence.
12. Temporary Living Facilities: Temporary living facilities may be permitted under certain conditions subject to the approval of a temporary use permit.
13. Lot Size Calculations: All lot size calculations shall be measured as net lot area.
14. Prohibited Uses: Any use not listed within a specific zoning district shall not be permitted within such zoning district until such time as a zoning ordinance text amendment has been approved in conformance with article VIII of this chapter.
15. Projections Into Required Yards, Residential Districts:
 - a. Awnings, open fire balconies, fire escape stairs, window type refrigeration units not exceeding one and one-half (1 $\frac{1}{2}$) tons or one and one-half (1 $\frac{1}{2}$) horsepower rating, suspended or roof evaporative coolers, and forced air furnaces, may project not more

than five feet (5') over any required yard, provided that they shall be no closer than two feet (2') to any lot line.

- b. Cornices and eaves may project over any required yard, provided that they shall be no closer than two feet (2') to any lot line.
- c. Sills, belt courses and similar ornamental features may project not more than six inches (6") over or into any required yard.
- d. Unroofed terraces, patios, steps or similar features may project into any required yard, provided that projections into required front yards shall not exceed ten feet (10'). Roofed or covered terraces, patios, steps or similar features may project into the required rear yard no closer than ten feet (10') to the rear lot line, provided two (2) sides of the covered feature remain open.
- e. Fireplaces may be allowed to encroach into required yards no closer than two feet (2') to any lot line.
- f. Carports may be allowed to encroach into required side yards, provided that two (2) sides of the carport remain open, that no portion of the carport structure is closer than three feet (3') to any side lot line, and all drainage from the roof of the structure shall be onto the property itself.
- g. Ground mounted heating and cooling systems may protrude no more than three feet (3') into required side and rear yards.
- h. Swimming pools may protrude into required side and rear yards, but must be no less than five feet (5') from the wall of the pool to the property line.

16. Agriculture Animal Care Project: On parcels that are less than one acre (gross) in size the following conditions and safeguards shall be used in deciding upon applications for this use:

- a. Must be accessory to a residential principal use.
- b. The animal care project must be sponsored and monitored by a multimember animal husbandry society that provides the participants with direction and guidance in the raising of animals and an opportunity to exhibit the animals at the end of the project.
- c. No animal shall be kept for a period of more than six (6) months.
- d. Adjacent property owners must sign a statement of agreement.
- e. No project animal shall exceed forty five (45) pounds. (Ord. 353, 2008: Ord. 346, 2007: Ord. 308, 2005: Ord. 299, 2005: Ord. 285, 2004)

Article III. Zoning Districts; Establishment and General Provisions

17.04.245: VR-10 VILLAGE RESIDENTIAL:

A. Scope: The following regulations shall apply to the VR-10 village residential zones. No new building or structure shall be erected, or parcel developed in a VR-10 zone unless in conformance with the provisions identified herein, and no subdivision map application shall be submitted which proposes to divide land into lots smaller than 20,000 net square feet unless a Planned Unit Development (PUD) zoning overlay or a Development Agreement has been approved by the Board of County Commissioners.

B. Purpose: The VR-10 village residential zone is intended as an area for moderate 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-10 zone is ten thousand (10,000) square feet. The VR-10 zone is appropriate where suburban characteristics are desired and full public services are available.

C. Height, Lot And Setback Requirements:

Minimum lot size	10,000	square feet ¹
Minimum lot width (interior lot)	70	feet
Minimum lot width (corner lot)	80	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	20 feet ¹	10 feet/ 5 feet ²	20 feet	20 feet
Principal buildings for nonresidential uses ³	20 feet	15 feet	15 feet	20 feet
Residential and nonresidential accessory buildings	20 feet	5 feet	5 feet	20 feet

Notes:

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

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 one thousand five hundred (1,500) square feet.

Animal, agricultural care project.

Home occupations, home based businesses (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.

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)

17.04.250: VR-8 VILLAGE RESIDENTIAL:

A. Scope: The following regulations shall apply to the VR-8 village residential zones. No new building or structure shall be erected, or parcel developed in a VR-8 zone unless in conformance with the provisions identified herein, and no subdivision map application shall be submitted which proposes to divide land into lots smaller than 20,000 net square feet unless a Planned Unit Development (PUD) zoning overlay or a Development Agreement has been approved by the Board of County Commissioners.

B. Purpose: The VR-8 village residential zone is intended as an area for moderate 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-8 zone is eight thousand (8,000) square feet. The VR-8 village residential zone is appropriate where suburban characteristics are desired and full public services are available. The minimum district size is forty (40) acres net.

C. Height, Lot And Setback Requirements:

Minimum lot size	8,000	square feet ¹
Minimum lot width (interior lot)	60	feet
Minimum lot width (corner lot)	70	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	20 feet ¹	10 feet/ 5 feet ²	15 feet	10 feet

Principal buildings for nonresidential uses ³	20 feet	15 feet	15 feet	20 feet
Residential and nonresidential accessory buildings	15 feet ¹ / 20 feet	10 feet	10 feet	15 feet

Notes:

1. Front loading garages must be set back 20 feet.
2. Minimum separation between buildings on adjacent lots shall be 15 feet.
3. Principal buildings include institutional uses, quasi-public, churches, etc.

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 one thousand (1,000) square feet.

Animal, agricultural care project.

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

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.

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. 353, 2008: Ord. 346, 2007: Ord. 319, 2006: Ord. 285, 2004)

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:

Dan Schinhofen, Chairman
Nye County Board of
County Commissioners

ATTEST:

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

BILL NO. 2017-09

NYE COUNTY ORDINANCE NO. _____

SUMMARY: A Bill proposing to amend Nye County Code Title 16 Subdivisions; Chapter 16.28 Division of Land Within The Pahrump Regional Planning District; and Nye County Code Title 17 Comprehensive Land Use Planning and Zoning, relating to the division of land via a subdivision map into lots smaller than 20,000 net square feet; 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 16 SUBDIVISIONS; CHAPTER 16.28 DIVISION OF LAND WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT; AND NYE COUNTY CODE TITLE 17 COMPREHENSIVE LAND USE PLANNING AND ZONING, RELATING TO THE DIVISION OF LAND VIA A SUBDIVISION MAP INTO LOTS SMALLER THAN 20,000 NET SQUARE FEET; 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, chapter 16.28 of the Nye County Code is known as the Division of Land Ordinance of the Pahrump Regional Planning District of the County of Nye, State of Nevada, the purpose of which is to protect the public health, safety, and general welfare, and

WHEREAS, the provisions in NCC 16.28 shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions of the Pahrump Regional Planning District's master plan, and

WHEREAS, Title 17 was adopted pursuant to the Planning and Zoning Act of the State of Nevada, the purpose of which is to preserve the quality of air and water resources; to promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment; to protect life and property in areas subject to floods, landslides and other natural disasters; to ensure that development on land is commensurate with the character and the physical limitations of the land; to take into account the suitability of the land for development; to promote health and the general welfare; and to be in accordance with the master plan for land use;

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

16.28 Division of Land Within The Pahrump Regional Planning District

Article V. Procedure

16.28.150: Purpose

16.28.155: Division of Land Via a Subdivision Map into Lots Smaller than 20,000 Net Square Feet

16.28.160: Title Report

16.28.170: Parcel Map Procedure

16.28.180: Common Interest Community Parcel Map Procedure

16.28.190: Subdivision Procedure

16.28.200: Common Interest Subdivision Procedure

16.28.210: Large Parcels Map Procedure

16.28.220: Map of Reversion (Reversionary Map) Procedure

16.28.230: Boundary Line Adjustment Procedure

16.28.240: Appeal

16.28.150: PURPOSE:

The purpose of this article is to establish procedures for review and action on applications for maps of reversion, boundary line adjustments, subdivisions, parcel maps, and large parcels maps. The procedures are intended to provide orderly and expeditious processing of such applications. (Ord. 288, 2004: Ord. 215, 1998)

16.28.155: DIVISION OF LAND VIA A SUBDIVISION MAP INTO LOTS SMALLER THAN 20,000 NET SQUARE FEET

- A. No subdivision map application shall be submitted which proposes to divide land into lots smaller than 20,000 net square feet, unless a Planned Unit Development (PUD) zoning overlay or a Development Agreement has been approved by the Board of County Commissioners.

16.28.160: TITLE REPORT:

- A. A preliminary report from a title company, not older than ninety (90) days upon the date of submittal of said report, must accompany all of the following maps submitted for recording: final division of land into large parcels maps, parcel maps, final subdivision maps, maps of reversion and boundary line adjustment maps.
- B. The title report must list the names of each owner of record of the land to be divided, and each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.
- C. The written consent of each holder of record of a security interest must be provided by signing the map, or by signing a separate document that is recorded with the map declaring its consent to the preparation and recordation of the map. Should a separate document be recorded with the map the

map must contain a notation that a separate document has been recorded indicating the document number issued by the Nye County recorder's office.

D. No document(s) shall be recorded altering the ownership or holder(s) of any security interest in a parcel from the date the title report was completed until the map is recorded unless the administrative officer is provided with a copy of any such document(s), and the surveyor makes all required changes to the ownership and holder of security interest certificates. The Nye County commissioners may establish a processing fee to apply where any such document(s) is recorded without compliance with this section. (Ord. 215, 1998)

16.28.170: PARCEL MAP PROCEDURE:

A. Application: Any applicant requesting approval of a "parcel map" as defined by this chapter and Nevada Revised Statutes 278.461 to 278.469, inclusive, shall submit to the administrative officer the materials required in the document entitled "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District".

B. Approval: Should the planning commission fail to take action within sixty (60) days after the administrative officer or its representative accepts the map as a complete application pursuant to Nevada Revised Statutes 278.464 the parcel map shall be deemed approved.

C. Expiration Of Approval: Approval of a parcel map shall expire, with no possibility of an extension of time, if not recorded in the office of the Nye County recorder within a period of two (2) years after the date of approval. Any zoning requirements or land use designated by an applicant upon which parcel map approval was granted shall not be changed for a period of two (2) years after the date of recording of the parcel map.

D. Minor Parcel Map(s): The administrative officer shall have the authority to take action on minor parcel maps when street improvements including improvements to flag lot accessways, water or sewer line improvements or other public improvements are not required pursuant to the requirements of this chapter.

E. Major Parcel Map(s): Where a parcel map application requires the creation of a road or street, whether public or private; water/sewer line improvements; or where a parcel map application includes a flag lot, action of the planning commission is required.

F. Parceling Multiple Existing Parcels Via One Parcel Map: Only one existing parcel shall be the subject of a parcel map. Where two (2) or more parcels are proposed to be divided via one parcel map the applicant must first have approved a map of reversion in accordance with the provisions of this chapter and Nevada Revised Statutes 278.490 through 278.4965, inclusive.

G. Subdivision Via Subsequent Or Contiguous Parcel Map(s): In order to prevent evasion or circumvention of Nevada Revised Statutes 278.320 through 278.460, inclusive, the following shall apply to subsequent or contiguous parcel maps:

1. Disapproval Of Applications: In order to protect the public health, safety and welfare; and in order to ensure proper consideration of school district needs, water quality and quantity, disposal of sewage, street alignment and construction, utility needs, proper consideration of available public facilities and services including fire protection and emergency responders, and

other needs; submittal of parcel map applications seriatim, or one after another, or covering properties that are contiguous, by any party or parties; and when it is apparent to the planning commission that the purpose is to create more than four (4) parcels and avoid the subdivision requirements, the planning commission shall find that any such activity is in fact subdividing and shall disapprove all such applications.

2. Exception: Where the sole purpose of a new parcel map application is to provide for the public needs of the community (e.g., Nye County, town of Pahrump, Nye County school district, Pahrump community hospital district, other nonprofit organizations serving the community, etc.) subsection G1 of this section shall not apply.

H. Form And Content Of A Parcel Map: A parcel map, at the time application is first made pursuant to this chapter, shall be in essentially the same form, and contain the same information as required pursuant to Nevada Revised Statutes 278.466.

1. Additional Requirements:
 - a. Water Rights: All water within the boundaries of the state of Nevada, whether above or beneath the surface of the ground, belongs to the public, and is subject to appropriation for beneficial use under the laws of the state.
 - b. For Parcel Maps Located Outside Of A Water Service District:
 - (1) Because of concerns over water in the Pahrump regional planning district, certificated water rights in the amount of three (3) acre-feet for each additional parcel created, regardless of the type of zoning or the size of the parcels created, excluding the existing parcel, shall be relinquished to the Nevada state engineer's office, division of water resources. The one acre-foot is a surcharge, and only two (2) acre-feet of the three (3) acre-feet relinquished may be used for a domestic well or "small commercial use" (equal to or less than 2 acre-feet) if permitted by the state engineer. For example, a twenty (20) acre parcel divided into four (4) parcels would require nine (9) acre-feet of water rights, which is calculated as follows: Three (3) additional parcels x three (3) acre-feet per additional parcel = total of nine (9) acre-feet of water rights. The costs associated with water rights transfers shall be borne by the applicant. Because of the costs involved with water rights transfers, this requirement shall be made a condition of approval of a parcel map.
 - c. For Parcel Maps Located Within A Water Service District:
 - (1) When a proposed parcel map is located within the boundaries of a water service district and it is the intent of the service district to provide water service, water rights shall be transferred to the district in an amount to be determined by such district. When the water service district does not intend to provide service to the new parcels, certificated or permitted water rights in the amount of three (3) acre-feet for each additional parcel created, regardless of the type of zoning on the property and regardless of the size of the parcels created, excluding the existing parcel, shall be relinquished to the Nevada state engineer's office, division of water resources. The one acre-foot is a surcharge, and only two (2) acre-feet of the three (3) acre-feet relinquished may be used for a domestic well or "small commercial use" (equal to or less than 2 acre-feet) if permitted by the state engineer. For example, a twenty (20) acre parcel divided into four (4) parcels would require nine (9) acre-

feet of water rights, which is calculated as follows: Three (3) additional parcels x three (3) acre-feet per additional parcel = total of nine (9) acre-feet of water rights. The costs associated with water rights transfers shall be borne by the applicant. Because of the costs involved with water rights transfers, this requirement shall be made a condition of approval of a parcel map.

I. Parcel Size Requirements:

1. **Outside Of Utility Service Area:** An application for a parcel map located outside of a utility service area on a parcel of land zoned for single-family residential use, shall not be submitted for processing if the existing parcel is less than ten (10) gross acres in size.
2. **Minimum Required Size Of New Parcels For Residential Properties:** For parcels of land zoned for single-family residential use, no new parcels smaller than five (5) gross acres in size shall be created through the parcel map application process. (Ord. 472, 2014)

16.28.180: COMMON INTEREST COMMUNITY PARCEL MAP PROCEDURE:

- A. A common interest community consisting of four (4) units or less, not including any common area(s), shall be deemed to be a division of land within the meaning of this chapter, but need only comply with this chapter and Nevada Revised Statutes 278.371, 278.373 to 278.378, inclusive, 278.462, 278.464, and 278.466.
- B. Minimum design standards for common interest community developments are found in the "design standards" section of this title. (Ord. 215, 1998)

16.28.190: SUBDIVISION PROCEDURE:

- A. **Preapplication Conference:** For the purpose of expediting subdivision applications and reducing development costs, the applicant may request a preapplication conference in accordance with the following requirements:
 1. At the request of the applicant, the administrative officer shall authorize a preapplication conference.
 2. The preapplication conference shall allow the applicant to meet with appropriate representatives designated by the board of county commissioners and may include:
 - a. Director of public works or its representative;
 - b. Director of planning or its representative;
 - c. Representative of the Nye County school district;
 - d. Any other appropriate person(s) invited by any of the above parties.
 3. Applicants seeking a preapplication conference shall submit the materials stipulated in the document entitled "Document Submittal Requirements For Planning Applications Within The

Pahrump Regional Planning District" a minimum of ten (10) working days prior to the preapplication conference.

4. The applicant may be charged reasonable fees for a preapplication conference as established by resolution of the board of county commissioners.
5. The applicant shall not be bound by the determination of the preapplication conference, nor shall the Board of County Commissioners be bound by any such determination.

B. Tentative Subdivision Application:

1. Applicants seeking tentative subdivision approval shall submit to the administrative officer the materials stipulated in the document entitled "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District".
2. The administrative officer or its representative shall review the application and materials submitted and shall comment and make recommendations to the Board of County Commissioners. A complete application for a tentative subdivision shall be acted upon within sixty (60) days after the date the administrative officer or its representative accepts the application as complete, or within such further time as may be consented to by the applicant.
3. No subdivision map application shall be submitted which proposes to divide land into lots smaller than 20,000 net square feet unless a Planned Unit Development (PUD) zoning overlay or a Development Agreement has been approved by the Board of County Commissioners.

C. Final Subdivision Application:

1. An applicant requesting final approval of a proposed subdivision shall submit to the administrative officer the materials specified in the document entitled "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District". The final plat shall be accompanied by a statement from the director of public works that the county is in receipt of engineered plans showing all streets and utilities in exact location and elevation and identifying those portions already installed and those to be installed; recommendations concerning the acceptance or rejection of all offers of dedication; and a statement that he has reviewed the cost estimates, prepared by a civil engineer licensed by the state of Nevada, associated with any incomplete required improvements and that he concurs with said estimates.
2. Upon certification that the final map application is complete, the administrative officer shall present the final subdivision map to the board of county commissioners at its next regularly scheduled meeting. The board of county commissioners shall approve the map if it conforms to all of the requirements of Nevada Revised Statutes 278.010 to 278.630, inclusive, to any conditions of approval of the tentative map, and to the provisions and requirements of this title.
3. The board of county commissioners shall at that time also accept or reject all offers of dedication and shall, as a condition precedent to the acceptance of streets or easements, require that the subdivider improve or agree to improve the streets or easements.

D. Industrial or Commercial Subdivision:

1. In accordance with Nevada Revised Statutes 278.325, if a subdivision is proposed on land which is zoned or designated by the applicant for commercial or industrial use only, neither the tentative nor the final map need show any division of the land into lots or parcels, but the streets and any other required improvements are subject to the provisions of Nevada Revised Statutes 278.010 to 278.630, inclusive, and the provisions of this chapter. Any zoning requirements or commercial/industrial use designations made by the applicant shall not be changed for a period of two (2) years after the date of recording of the final subdivision map.
2. No parcel of land may be sold for residential use from a subdivision whose final map does not show a division of the land into lots.
3. Except as otherwise provided in subsection D4 of this section, a boundary or line shall not be created by a conveyance of a parcel from an industrial or commercial subdivision unless a professional land surveyor has surveyed the boundary or line and set the monuments. The surveyor shall file a record of the survey pursuant to the requirements set forth in Nevada Revised Statutes 625.340.
4. The provisions of subsection D3 of this section do not apply to a boundary line that is created entirely within an existing industrial or commercial building. A certificate by a professional engineer or registered architect which certifies compliance with the applicable building code must be attached to any document which proposes to subdivide a building. (Ord. 301, 2005: Ord. 271, 2003: Ord. 215, 1998)

16.28.200: COMMON INTEREST SUBDIVISION PROCEDURE:

- A. A common interest community consisting of five (5) units or more, not including any common area(s), shall be deemed to be a subdivision within the meaning of this section. The procedure outlined in section 16.28.190 of this article concerning subdivision procedures shall also apply to common interest subdivisions. In addition, the requirements of Nevada Revised Statutes 116.2109 shall be complied with.
- B. Minimum design standards for common interest community developments are found in the "design standards" section of this title. (Ord. 215, 1998)

16.28.210: LARGE PARCELS MAP PROCEDURE:

- A. Tentative Large Parcels Map: Any applicant requesting approval of a tentative "large parcels map" as defined in this chapter and Nevada Revised Statutes 278.471 shall submit to the administrative officer the materials required in the document entitled "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District".
 1. The minimum lot size for each proposed lot shall be:
 - a. One-sixteenth ($1/16$) of a section as described by a government land office survey; or
 - b. Forty (40) acres in area, including roads and easements.
 2. In accordance with Nevada Revised Statutes 278.4715 the planning commission may, within sixty (60) days after the filing of the tentative map designate the location and width of any

easements for roads and, upon the recommendation of the various public utility entities, easements for public utilities which may be reasonably necessary to serve the area to be divided. The planning commission shall not designate any easements after the expiration of sixty (60) days.

B. Final Large Parcels Map: An applicant desiring approval of a final large parcels map shall deliver to the authorized officer two (2) copies of the proposed final map within one year after the date that the tentative map was first filed. The proposed final map shall conform to the requirements of Nevada Revised Statutes 278.472 through 278.4725, inclusive.

1. Should the planning commission fail to take action within sixty (60) days after the administrative officer or its representative accepts the final map as a complete application, the map shall be deemed approved unconditionally.
2. The planning commission shall not approve a final large parcels map unless:
 - a. The property that is the subject of a large parcels map has a minimum of twenty feet (20') of legal and physical access;
 - b. Each lot is accessible by a minimum fifteen foot (15') wide bladed area within dedicated or private road right of way in which all vegetation and debris is removed. Blading of such roads shall conform to the natural contours of the area; and
 - c. The corners of each lot are set by a professional land surveyor. (Ord. 215, 1998)

16.28.220: MAP OF REVERSION (REVERSIONARY MAP) PROCEDURE:

- A. Any owner or governing body desiring to revert any recorded subdivision map, parcel map, map of division into large parcels, or part thereof to acreage shall submit to the administrative officer the materials required in the document entitled "Document Submittal Requirements for Planning Applications Within the Pahrump Regional Planning District".
- B. A map of reversion shall be required when the intended purpose is to eliminate boundary lines between two (2) or more individual lots or parcels. A boundary line adjustment map as described in this chapter shall not be used for this purpose.
- C. A map of reversion, when submitted, shall contain the signed certificates of the county surveyor, the state of Nevada health division of the department of human resources, and the state of Nevada division of water resources if any or all of these certificates appeared on the original division of land map. The map shall also comply with the requirements of Nevada Revised Statutes 278.490 through 278.4965, inclusive.
- D. The administrative officer shall, within a period of not more than thirty (30) days after the filing of the map of reversion, act on the map. (Ord. 301, 2005: Ord. 215, 1998)

16.28.230: BOUNDARY LINE ADJUSTMENT PROCEDURE:

- A. Any person or persons desiring the adjustment of a boundary line or lines shall provide the administrative officer the materials required pursuant to the "Document Submittal Requirements

For Planning Applications Within The Pahrump Regional Planning District", and in conformance with the requirements of Nevada Revised Statutes 278.5693.

B. The administrative officer shall, if the map conforms to the requirements of subsection A of this section, approve the map. (Ord. 301, 2005: Ord. 215, 1998)

16.28.240: APPEAL:

An applicant or other person aggrieved by a decision of the planning commission or Board of County Commissioners may appeal in accordance with Chapter 16.36 "Procedures for Appeal of Land Use Decisions." (Ord. 215, 1998)

Title 17 Comprehensive Land Use Planning and Zoning

Chapter 17.04 Pahrump Regional Planning District

17.04.200: Residential Districts:

A. General Provisions for Residential Districts:

1. No subdivision map application shall be submitted which proposes to divide land into lots smaller than 20,000 net square feet, unless a Planned Unit Development (PUD) zoning overlay or a Development Agreement has been approved by the Board of County Commissioners.
2. Site Development Plan Required: All developments in the multi-family residential zoning districts greater than four (4) dwelling units shall comply with the site development plan submittal requirements in article IX of this chapter. 3. Building Separation: All buildings located on a single parcel within a residential zoning district must be separated by a minimum of ten feet (10') unless a greater separation is required within a specific residential district.
4. Multi-family residential zones shall meet the requirements of article VI of this chapter, relating to off-street parking, landscaping, lighting, screening, walls, fences and signage.
- 5.
9. Manufactured Homes: Notwithstanding any other provisions in this code, manufactured homes are hereby recognized as a "permissive use" in all zoning districts which recognize single-family dwellings as a "permissive use", provided that all manufactured homes outside of mobile home parks must be permanently affixed to a foundation and converted to real property, except when located within an RH zone. In addition, manufactured homes located within a VR zone must be in conformance with the following:
 - a. The manufactured home shall be placed on a foundation permanently affixed to the residential lot and qualify and constitute real property, as established by chapter 361 of the Nevada Revised Statutes.

- b. Any elevated foundations shall be masked architecturally in a manner to blend and harmonize with exterior siding materials utilized on the manufactured home.
- c. As provided in the Nevada Revised Statutes, the provisions of this section do not abrogate recorded restrictive covenants prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to Nevada Revised Statutes 384.005 or 384.100.

10. Home Occupations: Home occupations, home based businesses and residential industry are permissive in residential districts and must comply with article VI of this chapter.

11. Garage Sales: All garage sales are limited to twelve (12) days during any twelve (12) consecutive month period, and may not operate for more than three (3) consecutive days during each occurrence.

12. Temporary Living Facilities: Temporary living facilities may be permitted under certain conditions subject to the approval of a temporary use permit.

13. Lot Size Calculations: All lot size calculations shall be measured as net lot area.

14. Prohibited Uses: Any use not listed within a specific zoning district shall not be permitted within such zoning district until such time as a zoning ordinance text amendment has been approved in conformance with article VIII of this chapter.

15. Projections Into Required Yards, Residential Districts:

- a. Awnings, open fire balconies, fire escape stairs, window type refrigeration units not exceeding one and one-half (1½) tons or one and one-half (1½) horsepower rating, suspended or roof evaporative coolers, and forced air furnaces, may project not more than five feet (5') over any required yard, provided that they shall be no closer than two feet (2') to any lot line.
- b. Cornices and eaves may project over any required yard, provided that they shall be no closer than two feet (2') to any lot line.
- c. Sills, belt courses and similar ornamental features may project not more than six inches (6") over or into any required yard.
- d. Unroofed terraces, patios, steps or similar features may project into any required yard, provided that projections into required front yards shall not exceed ten feet (10'). Roofed or covered terraces, patios, steps or similar features may project into the required rear yard no closer than ten feet (10') to the rear lot line, provided two (2) sides of the covered feature remain open.
- e. Fireplaces may be allowed to encroach into required yards no closer than two feet (2') to any lot line.
- f. Carports may be allowed to encroach into required side yards, provided that two (2) sides of the carport remain open, that no portion of the carport structure is closer than three

feet (3') to any side lot line, and all drainage from the roof of the structure shall be onto the property itself.

- g. Ground mounted heating and cooling systems may protrude no more than three feet (3') into required side and rear yards.
- h. Swimming pools may protrude into required side and rear yards, but must be no less than five feet (5') from the wall of the pool to the property line.

16. Agriculture Animal Care Project: On parcels that are less than one acre (gross) in size the following conditions and safeguards shall be used in deciding upon applications for this use:

- a. Must be accessory to a residential principal use.
- b. The animal care project must be sponsored and monitored by a multimember animal husbandry society that provides the participants with direction and guidance in the raising of animals and an opportunity to exhibit the animals at the end of the project.
- c. No animal shall be kept for a period of more than six (6) months.
- d. Adjacent property owners must sign a statement of agreement.
- e. No project animal shall exceed forty five (45) pounds. (Ord. 353, 2008: Ord. 346, 2007: Ord. 308, 2005: Ord. 299, 2005: Ord. 285, 2004)

Article III. Zoning Districts; Establishment and General Provisions

17.04.245: VR-10 VILLAGE RESIDENTIAL:

- A. Scope: The following regulations shall apply to the VR-10 village residential zones. No new building or structure shall be erected, or parcel developed in a VR-10 zone unless in conformance with the provisions identified herein, and no subdivision map application shall be submitted which proposes to divide land into lots smaller than 20,000 net square feet unless a Planned Unit Development (PUD) zoning overlay or a Development Agreement has been approved by the Board of County Commissioners.
- B. Purpose: The VR-10 village residential zone is intended as an area for moderate 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-10 zone is ten thousand (10,000) square feet. The VR-10 zone is appropriate where suburban characteristics are desired and full public services are available.
- C. Height, Lot And Setback Requirements:

Minimum lot size	10,000	square feet ¹
Minimum lot width (interior lot)	70	feet
Minimum lot width (corner lot)	80	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	20 feet ¹	10 feet/ 5 feet ²	20 feet	20 feet
Principal buildings for nonresidential uses ³	20 feet	15 feet	15 feet	20 feet
Residential and nonresidential accessory buildings	20 feet	5 feet	5 feet	20 feet

Notes:

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

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 one thousand five hundred (1,500) square feet.

Animal, agricultural care project.

Home occupations, home based businesses (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.

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)

17.04.250: VR-8 VILLAGE RESIDENTIAL:

A. Scope: The following regulations shall apply to the VR-8 village residential zones. No new building or structure shall be erected, or parcel developed in a VR-8 zone unless in conformance with the provisions identified herein, and no subdivision map application shall be submitted which proposes to divide land into lots smaller than 20,000 net square feet unless a Planned Unit Development (PUD) zoning overlay or a Development Agreement has been approved by the Board of County Commissioners.

B. Purpose: The VR-8 village residential zone is intended as an area for moderate 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-8 zone is eight thousand (8,000) square feet. The VR-8 village residential zone is appropriate where suburban characteristics are desired and full public services are available. The minimum district size is forty (40) acres net.

C. Height, Lot And Setback Requirements:

Minimum lot size	8,000	square feet ¹
Minimum lot width (interior lot)	60	feet
Minimum lot width (corner lot)	70	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	20 feet ¹	10 feet/ 5 feet ²	15 feet	10 feet
Principal buildings for nonresidential uses ³	20 feet	15 feet	15 feet	20 feet
Residential and nonresidential accessory buildings	15 feet ¹ / 20 feet	10 feet	10 feet	15 feet

Notes:

1. Front loading garages must be set back 20 feet.
2. Minimum separation between buildings on adjacent lots shall be 15 feet.
3. Principal buildings include institutional uses, quasi-public, churches, etc.

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 one thousand (1,000) square feet.

Animal, agricultural care project.

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

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.

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. 353, 2008: Ord. 346, 2007: Ord. 319, 2006: Ord. 285, 2004)

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: _____
Dan Schinhofen, Chairman
Nye County Board of
County Commissioners

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