

# NYE COUNTY AGENDA INFORMATION FORM

☒ Action
 ☐ Presentation
 ☐ Presentation & Action

<b>Department: Planning</b>		<b>Agenda Date:</b>	
<b>Category: Timed Agenda Item – 11:00 a.m.</b>		<b>May 15, 2018</b>	
<b>Contact: Brett Waggoner</b>		Phone: 775-751-4249	Continued from meeting of:
<b>Return to: Brett Waggoner</b>	<b>Location: Planning</b>		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. 2018-08: A Bill proposing to amend Nye County Code Chapter 17.04, the Zoning Ordinance of the Pahrump Regional Planning District, by removing the 40-acre minimum area requirement of the Suburban Estates Residential (SE) zoning district; 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 June 4, 2018.

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	Date
4.	Date	9. Finance	Date
5.	Date	10. County Manager	Date

☒ Place on Agenda

ITEM # 10

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

**Meeting Date:** May 15, 2018

**AGENDA ITEMS**

**11:00 - For possible action: Public Hearing**, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2018-08: A Bill proposing to amend Nye County Code Chapter 17.04, the Zoning Ordinance of the Pahrump Regional Planning District, by removing the 40-acre minimum area requirement of the Suburban Estates Residential (SE) zoning district; providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.

**GENERAL INFORMATION SUMMARY**

Staff recommends adoption of this Bill. The RPC voted 5-0 to recommend adoption.

Attached is the proposed Bill.

Staff recommends an effective date of June 4, 2018.

**RPC MINUTES**

**For possible action:** Discussion, deliberation and possible action to recommend to the Board of County Commissioners to adopt, amend and adopt, or reject a Bill proposing to amend Nye County Code Chapter 17.04, the Zoning Ordinance of the Pahrump Regional Planning District, by removing the 40-acre minimum area requirement of the Suburban Estates Residential (SE) zoning district.

Mr. Osborne reviewed and stated the only change to the code will be removing the part stating 40 acre minimum requirement. He was unable to locate information on what the original reasoning was and he was unable to find the purpose of the 40 acre minimum.

Commissioner Blundo stated he was unable to locate anything doing his own research.

Public comment opened at 6:26 and closed with no comments.

**Commissioner Blundo motioned to recommend approval to the BOCC removing the 40 acre minimum. Seconded by Commissioner Bennett.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Derek Fowler, Gary Bennett, Gregory T. Hafen II, Leah-Ann DeAnda, Leo Blundo.

**RECOMMENDATION**

**Recommended BOCC Motion:** "I move to adopt Bill 2018-08 with an effective date of June 4, 2018."

BILL NO. 2018-08

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

**SUMMARY:** A Bill proposing to amend Nye County Code Chapter 17.04, the Zoning Ordinance of the Pahrump Regional Planning District, by removing the 40-acre minimum area requirement of the Suburban Estates Residential (SE) zoning district; 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 CHAPTER 17.04, THE ZONING ORDINANCE OF THE PAHRUMP REGIONAL PLANNING DISTRICT, BY REMOVING THE 40-ACRE MINIMUM AREA REQUIREMENT OF THE SUBURBAN ESTATES RESIDENTIAL (SE) ZONING DISTRICT; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

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

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

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

**NOW, THEREFORE,** pursuant to NRS 244.110, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

**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:

**17.04.230: SE SUBURBAN ESTATES RESIDENTIAL:**

- A. Scope: The following regulations shall apply to the SE suburban estates residential zones. No new building or structure shall be erected, or parcel developed in an SE zone unless in conformance with the provisions identified herein.
- B. Purpose: SE suburban estates residential zones are intended to provide and preserve areas of low density single-family residential living where keeping of large animals is prohibited. The minimum lot size in the SE zone is one gross acre, ~~however an SE zone designation may only be applied for upon request of property owner(s) of sites of forty (40) acres or more to ensure homogeneity of adjacent land uses in the preclusion of large animals.~~

C. Height, Lot and Setback Requirements:

Minimum lot size	1	gross acre <sup>1</sup>
Minimum lot width	100	feet
Minimum lot depth	100	feet
Maximum building height	35	feet

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

MINIMUM BUILDING SETBACKS

Use	Front	Side	Rear	Street Side
Principal residential buildings	25 feet	10 feet	40 feet	25 feet
Principal buildings for nonresidential uses <sup>1</sup>	25 feet	25 feet	40 feet	25 feet
Accessory buildings	25 feet	5 feet	5 feet	25 feet

Note: 1. 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 ten thousand (10,000) square feet.

Animal, agricultural care project.

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

Farms for the raising/growing of tree and bush crops and/or field crops for commercial or household use.

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

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

One single-family residence per lot.

Public, quasi-public and institutional uses.

Recreational vehicles or mobile homes as temporary residences subject to the issuance of a temporary use permit.

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

Adult daycare facilities.

Bed and breakfast inns.

Breeder, commercial establishment.

Cemeteries.

Childcare facilities.

Commercial kennel.

Intermediate care facilities.

Multipet permit.

Public or private schools.

Temporary living facilities. (Ord. 508, 2017)

**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 \_\_\_\_\_, 2018.

Proposed on the \_\_\_\_ day of \_\_\_\_\_, 2018

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

Adopted on the \_\_\_\_ day of \_\_\_\_\_, 2018

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: \_\_\_\_\_  
John Koenig, Chairman  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_  
Sandra L. Merlino  
Clerk and Ex-Officio  
Clerk of the Board

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Nays: Commissioners:

Absent: Commissioners:

BY: \_\_\_\_\_  
John Koenig, Chairman  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_  
Sandra L. Merlino  
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