

BILL NO. 2019-10

NYE COUNTY ORDINANCE NO. 553

SUMMARY: An ordinance amending Nye County Code Section 17.04.407 relating to the Airport Overlay (AO) Zone; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

TITLE: AN ORDINANCE AMENDING NYE COUNTY CODE SECTION 17.04.407 RELATING TO THE AIRPORT OVERLAY (AO) ZONE; 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 and the general welfare of the residents of Nye County, the Board is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures; and

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

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

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

17.04.407: AO AIRPORT OVERLAY ZONE:

- A. Scope: The following regulations shall apply to the airport overlay (AO) zone. No new building or structure shall be erected, or parcel developed in the airport overlay zone unless in conformance with the provisions identified herein.
- B. Purpose: The airport overlay zone is intended to protect the single-family residential character of an area while providing the opportunity to develop aircraft hangars and related accessory structures on residentially zoned lots, and to allow airport related uses such as aircraft sales, maintenance, repair and assembly on commercially or industrially zoned lots.
- C. Applicability: The airport overlay zone may be applied to any properties designated as mixed use, general commercial, or business park/light industrial, village residential, rural estates, or suburban estates by the Pahrump regional planning district master plan.

- D. Height, Lot And Setback Requirements: Proposed development within the airport overlay zone shall conform to the height, lot and setback requirements of the underlying zone, with the following exceptions for single-family residences and accessory structures on residential lots:

MINIMUM SETBACKS FOR HANGERS/AIRCRAFT STRUCTURES RESIDENCES AND ACCESSORY STRUCTURES

| Use | Front | Side | Rear | Street Side |
|---|---------|----------------|---------|-------------|
| Hangers | 25 feet | 5 feet/10 | 20 feet | 15 feet |
| Residential buildings on residential lots | 25 feet | 5 feet/10 feet | 20 feet | 15 feet |
| Accessory Building on residential lots | 25 feet | 5 feet/10 feet | 20 feet | 15 feet |

*Maximum building height on any lot is twenty-five feet (25').

*On all properties abutting a taxi way on any property line, a minimum 30' set back is required for all structures on any side abutting the taxi way.

- E. Permissive Uses: For all lots with an underlying zone of general commercial (GC) or light industrial (LI): The use regulations for the underlying zone or zones shall determine the permissive uses. However, in addition to the uses allowed by the underlying zone, all lots in the airport overlay zone with an underlying zone of general commercial (GC) or light industrial (LI) shall be permitted the following uses:

Aircraft sales.

Airport related offices/lounges.

Airport related uses.

Hangars/aircraft structures.

Maintenance, repair, or assembly of aircraft.

For all lots with an underlying zone of village residential (VR), rural estates (RE), or suburban estates (SE): The use regulations for the underlying zone or zones shall determine the permissive uses. In addition to the uses allowed by the underlying zone, all lots in the airport overlay zone with an underlying zone of village residential (VR), rural estates (RE), or suburban estates (SE) shall be permitted to develop aircraft hangars or other airport related accessory structures of any size with or without an existing or planned primary single family residence. All hangars and other aircraft related accessory structures shall comply with the building height and setback requirements of the AO zone as specified herein.

F. Uses Not Listed As Permissive Or Conditional: In those instances where a requested use is not listed above, the zoning administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, conditional uses, or accessory uses. In those instances where the applicant disagrees with the administrator's determination, the applicant may appeal the decision to the planning commission.

G. Site Development Plan Review: Commercial and industrial uses proposed within the AO airport overlay zone shall adhere to the site development plan review and approval procedures in article IX of this chapter as they apply to commercial and industrial development. (Ord. 382, 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 5th day of August, 2019.

Proposed on the 18th day of June, 2019.

Proposed by: Commissioner Wichman.

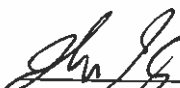
Adopted on the 16th day of July, 2019

Vote: Ayes: Commissioners: Koenig, Strickland, Wichman, Blundo, Cox

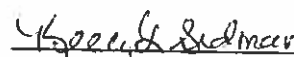
Nays: Commissioners: Ø

Absent: Commissioners: Ø

BY:


John Koenig, Chairman
Nye County Board of
County Commissioners

ATTEST:


Sandra L. Merlino
Clerk and Ex-Officio
Clerk of the Board