



NYE COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST FORM

Department: Planning/Code Compliance	Meeting Date:
Category: Timed Agenda Item - 10:00 a.m.	January 3, 2023
Prepared by: Steve Osborne	Phone: (775) 751-4246
Presented by: Brett Waggoner	Phone: (775) 751-4244

Action requested: (Include what, with whom, when, where, why, and terms)

Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2022-19: A Bill proposing to amend Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning, Chapter 17.04, titled Pahrump Regional Planning District, Article III, titled Zoning Districts; Establishment and General Provisions, Section 17.04.210, titled RH-9.5 Rural Homestead Residential, removing solar photovoltaic facility as a permissive use; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

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

Adoption of this Bill would remove solar photovoltaic facility as a permissible use in the RH-9.5 zoning district. The Pahrump Regional Planning Commission (RPC) heard this matter at its November 9, 2022 meeting, and voted to recommend adoption of the Bill by a 7-0 vote.

Recommendation:

Staff recommends adoption with an effective date of January 23, 2023.

Financial Impact

Cost:	Fund Name:	Fund #:
Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	FY:	<input type="checkbox"/> One-Time <input type="checkbox"/> Recurring
Comments:		

Review & Approval

Legal Review Required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Legal Approval Received: <input checked="" type="checkbox"/>	Date: 10/10/22
Financial Review Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Submitted to Finance: <input type="checkbox"/>	Date:
Administrative Manager Review: <input checked="" type="checkbox"/>	Place on Agenda: <input checked="" type="checkbox"/>	Initials: ST

Item # 11

BILL NO. 2022-19

NYE COUNTY ORDINANCE NO. ____

SUMMARY: A Bill to proposing amend Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning, Chapter 17.04, titled Pahrump Regional Planning District, Article III, titled Zoning Districts; Establishment and General Provisions, Section 17.04.210, titled RH-9.5 Rural Homestead Residential, removing solar photovoltaic facility as a permissive use; and providing for the severability, constitutionality, and effective date thereof; and other matters property relating there to.

TITLE: A BILL TO AMEND NYE COUNTY CODE TITLE 17, TITLED COMPREHENSIVE LAND USE PLANNING AND ZONING, CHAPTER 17.04, TITLED PAHRUMP REGIONAL PLANNING DISTRICT, ARTICLE III, TITLED ZONING DISTRICTS; ESTABLISHMENT AND GENERAL PROVISIONS, SECTION 17.04.210, TITLED RH-9.5 RURAL HOMESTEAD RESIDENTIAL, REMOVING SOLAR PHOTOVOLTAIC FACILITY AS A PERMISSIVE USE; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY, AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERTY RELATING THERE TO.

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 community 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;

WHEREAS, the Board finds this change to be appropriate and an improvement to the regulations;

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

17.04.210: RH-9.5 RURAL HOMESTEAD RESIDENTIAL:

- A. Scope: The following regulations shall apply to the RH-9.5 Rural Homestead Residential Zones. No new building or structure shall be erected, or parcel developed in an RH-9.5 Zone unless in conformance with the provisions identified herein.
- B. Purpose: The RH-9.5 Rural Homestead Residential Zones are intended to provide low density uses with a minimum lot size of nine and one-half (9.5) gross acres, where animals may be kept as well as accessory buildings in a quiet, rural setting without maintaining a large agricultural operation. The RH-9.5 Rural Homestead Residential Zone is appropriate in rural areas where urban services will not be provided for an extended period of time.
- C. Height, Lot and Setback Requirements:

Minimum lot size	9.5	gross acres
Minimum lot width	300	feet
Minimum lot depth	300	feet
Maximum building height	35	feet

MINIMUM BUILDING SETBACKS

Use	Front	Side	Rear	Street Side
Principal residential buildings	50 feet	25 feet	100 feet	50 feet
Principal buildings for nonresidential uses ¹	50 feet	50 feet	50 feet	50 feet
Accessory buildings	50 feet	10 feet	10 feet	50 feet

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 hundred thousand (100,000) square feet.

Buildings for the sale and display of products grown/raised on the premises.

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

Family ranch.

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

Hobby breeder.

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

Keeping of livestock or other large animals for commercial or household use, not including commercial slaughtering.

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 in article VIII of this chapter.

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.

Agricultural commercial uses (indoor).

Animal rescue (see definitions in this chapter).

Animal sanctuary (see definitions in this chapter).

Animal, special conditions (see definitions in this chapter)

Apiary.

Bed and breakfast inns.

Breeder, commercial establishment.

Cemeteries.

Childcare facilities.

Family burial plots.

Farrowing pens.

Feedlots.

Gravel pit.

Intermediate care facilities.

Kennel, commercial (see definitions in this chapter).

Multipet permit.

Public or private recreation areas, including campgrounds. Stable, commercial (see definitions in this chapter).

Temporary living facilities.

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, special uses or accessory uses. In those instances where the applicant disagrees with the director's determination, the applicant may appeal the decision to the planning commission. (Ord. 508, 2017)

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application there 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 23rd day of January, 2023.

Proposed on the 6th day of December, 2022

Proposed by: Commissioner _____.

Adopted on the ____ day of _____, 2023

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: _____
Frank Carbone, Chair
Nye County Board of
County Commissioners

ATTEST: _____
Mark F. Kampf
Clerk and Ex-Officio
Clerk of the Board

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~~Solar photovoltaic facility – twenty (20) megawatts maximum.~~

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