



**NYE COUNTY BOARD OF COUNTY COMMISSIONERS**  
**AGENDA ITEM REQUEST FORM**

1

<b>Department:</b> Planning/Code Compliance	<b>Meeting Date:</b>
<b>Category:</b> Timed Agenda Item - 10:00 a.m.	May 2, 2023
<b>Prepared by:</b> Amanda Marshall	<b>Phone:</b> (775) 751-4241
<b>Presented by:</b> Brett Waggoner	<b>Phone:</b> (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. 2023-02: 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 17.04.230, titled SE Suburban Estates Residential, removing Subsistence Farming as a permissive use and adding “Farms for the raising/growing of tree and bush crops and/or field crops for commercial or household 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 Subsistence Farming as a permissible use and add farms for the raising / growing of tree and bush crops and/or field crops for commercial or household use as a permissible use in the SE zoning district.

**SUBSISTENCE FARMING:** The growing of field crops or raising of livestock for food for household use, cottage industry or sale at a farmer's markets. This does not include the cultivation or production of hemp.

**17.04.230: SE Suburban Estates Residential**

B. Purpose: SE Suburban Estates Residential Zones are intended to provide and preserve areas of low density single-family residential living where keeping of livestock is prohibited. The minimum lot size in the SE Zone is one gross acre.

**Recommendation:**

Staff recommends adoption with an effective date of May 22, 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: 4/4/23
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 # 10

# Amended Proposed Draft

BILL NO. 2023-02

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

**SUMMARY:** 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 17.04.230, titled SE Suburban Estates Residential, removing Subsistence Farming as a permissive use and adding "Farms for the raising/growing of tree and bush crops and/or field crops for commercial or household 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 17.04.230, TITLED SE SUBURBAN ESTATES RESIDENTIAL, REMOVING SUBSISTENCE FARMING AS A PERMISSIVE USE AND ADDING "FARMS FOR THE RAISING/GROWING OF TREE AND BUSH CROPS AND/OR FIELD CROPS FOR COMMERCIAL OR HOUSEHOLD 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:

**17.04.230: 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 livestock is prohibited. The minimum lot size in the SE Zone is one gross acre.
- C. Height, Lot and Setback Requirements:

Minimum lot size	1 gross acre
Minimum lot width	100 Feet
Minimum lot depth	100 Feet
Maximum building height	35 Feet

Note:

<sup>1</sup>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	25 feet	25 feet	40 feet	25 feet
Accessory buildings	25 feet	5 feet	5 feet	25 feet

Note:

<sup>1</sup>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.

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.

**SEVERABILITY.** If any provision of this ordinance or amendments thereto, or the application thereof 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 22<sup>nd</sup> day of May, 2023.

Proposed on the 18<sup>th</sup> day of April, 2023

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

Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: \_\_\_\_\_  
Bruce Jabbour, Chair  
Nye County Board of  
County Commissioners

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

BILL NO. 2023-02

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

**SUMMARY:** 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 17.04.230, titled SE Suburban Estates Residential, removing Subsistence Farming as a permissive use and adding "Farms for the raising/growing of tree and bush crops and/or field crops for commercial or household 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 17.04.230, TITLED SE SUBURBAN ESTATES RESIDENTIAL, REMOVING SUBSISTENCE FARMING AS A PERMISSIVE USE AND ADDING "FARMS FOR THE RAISING/GROWING OF TREE AND BUSH CROPS AND/OR FIELD CROPS FOR COMMERCIAL OR HOUSEHOLD 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

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- 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 livestock is prohibited. The minimum lot size in the SE Zone is one gross acre.
- C. Height, Lot and Setback Requirements:

Minimum lot size	1 gross acre 1
Minimum lot width	100 Feet
Minimum lot depth	100 Feet
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Note:

<sup>1</sup>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.

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Home occupations, home based businesses and residential industry (subject to the general

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Breeder, commercial establishment.

Cemeteries.

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Commercial kennel.

Intermediate care facilities.

Multipet permit.

Public or private schools.

Temporary living facilities.

**SEVERABILITY.** If any provision of this ordinance or amendments thereto, or the application thereof 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 22<sup>nd</sup> day of May, 2023.

Proposed on the 18<sup>th</sup> day of April, 2023

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

Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: \_\_\_\_\_  
Bruce Jabbour, Chair  
Nye County Board of  
County Commissioners

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

# Proposed Draft

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Bill No. 2023-02 Amending NCC Title 17 Comprehensive Land Use Chapter 17.04.230 SE Suburban Estates  
Removing Subsistence Farm\_Clean

#### 17.04.230: SE SUBURBAN ESTATES RESIDENTIAL:

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Animal, agricultural care project.

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BY: \_\_\_\_\_

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Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_

Mark F. Kampf  
Clerk and Ex-Officio  
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Removing Subsistence Farm\_Tracked Changes

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Vote: Ayes: Commissioners:

Nays: Commissioners:

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BY: \_\_\_\_\_

Bruce Jabbour, Chair  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_

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