



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

<b>Department:</b> Planning/Code Compliance	<b>Meeting Date:</b>
<b>Category:</b> Timed Agenda Item - 10:00 a.m.	June 27, 2023
<b>Prepared by:</b> Steve Osborne	<b>Phone:</b> (775) 751-4246
<b>Presented by:</b> Brett Waggoner	<b>Phone:</b> (775) 751-4244
<b>Action requested:</b> (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. 2023-07: 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, Section 17.04.260, titled MF Multifamily Residential, allowing for the provision of single-family detached residences in the MF zone; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.	
<b>Complete description of requested action:</b> (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)  If adopted this Bill would amend Nye County Code Chapter 17.04 relating to the Multifamily Residential (MF) zoning district by allowing for detached single-family dwelling units where currently the MF zone requires dwelling units to be attached. On May 16, 2023 the BOCC set a Public Hearing for June 27, 2023 at 10:00 AM in Pahrump, NV.	
<b>Recommendation:</b>  Staff recommends adoption with an effective date of July 17, 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: 4/18/23
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 # 11

## 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, Section 17.04.260, titled MF Multifamily Residential, allowing for the provision of single-family detached residences in the MF zone; 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, SECTION 17.04.260, TITLED MF MULTIFAMILY RESIDENTIAL, ALLOWING FOR THE PROVISION OF SINGLE-FAMILY DETACHED RESIDENCES IN THE MF ZONE; 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:

**17.04.260: MF Multifamily Residential**

- A. Scope: The following regulations shall apply to the MF Multifamily Residential Zones. No new building or structure shall be erected, or parcel developed in an MF Multifamily Residential Zone unless in conformance with the provisions identified herein.

B. Purpose: The MF Multifamily Residential Zone is intended as an area for moderate and high-density residential uses in a more urban environment, the principal purpose is for single-family attached, single-family detached and multi-family residential development, and to preclude incompatible uses. The MF Multifamily Residential Zone is appropriate where more urban living characteristics are desired and full public services and infrastructure are available.

C. Height, Lot And Setback Requirements:

Minimum lot size	15,000	square feet <sup>1</sup>
Minimum lot area per DU	3,500	square feet
Lot width (interior lot)	80	feet
Lot width (corner lot)	85	feet
Maximum building height	35	feet <sup>2</sup>
	36	feet <sup>3</sup>

Notes:

<sup>1</sup>Duplex, triplex, fourplex and townhomes.

<sup>2</sup>Apartments.

MINIMUM BUILDING SETBACKS

Use	Front	Side	Rear	Street Side	Minimum Building Separation
Principal residential buildings (attached or detached)	20 feet <sup>1</sup>	5 feet each side	15 feet	10 feet	10 feet
Principal nonresidential buildings <sup>1</sup>	20 feet	5 feet	15 feet	10 feet	10 feet
Residential/garages accessory buildings <sup>2</sup>	20 feet	5 feet	15 feet	10 feet	5 feet

Notes:

<sup>1</sup>Principal nonresidential buildings include quasi-public, churches, etc.

<sup>2</sup>Garages and storage buildings.

D. Permissive Uses:

Accessory buildings not in excess of five hundred (500) square feet per unit.

Duplex.

Fourplex.

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

Single-family detached residence

Townhome residence (up to 4 units).

Triplex.

- 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:

Apartments (more than 4 units).

Bed and breakfast inns.

Childcare facilities.

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

Condominiums.

Congregate living facilities.

Group homes.

Intermediate care facilities.

Public or private recreation areas.

Public or private schools.

Public, quasi-public and institutional uses.

Townhome residence (more than 4 units). (Ord. 521, 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 17<sup>th</sup> day of July, 2023.

Proposed on the 16<sup>th</sup> day of May, 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

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Proposed on the 16<sup>th</sup> day of May, 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  
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ATTEST: \_\_\_\_\_  
Mark F. Kampf  
Clerk and Ex-Officio  
Clerk of the Board