



## 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.	November 21, 2023
<b>Prepared by:</b> Qiana Medici	<b>Phone:</b> (775) 751-4242
<b>Presented by:</b> Brett Waggoner	<b>Phone:</b> (775) 751-4244

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

Continued Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2023-04: 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 17.04.430, titled LI - Light Industrial, removing renewable energy generating 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 Renewable Energy Generating Facility as a permissible use in the LI - Light Industrial zoning district.

**Recommendation:**

Staff recommends adoption with an effective date of December 1, 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: 5/2/23
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

BILL NO. 2023-04

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 17.04.430, titled LI Light Industrial, removing renewable energy generating 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 17.04.430, TITLED LI LIGHT INDUSTRIAL, REMOVING RENEWABLE ENERGY GENERATING 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:

### **17.04.430: LI Light Industrial**

- A. Scope: The following regulations shall apply to the LI light industrial zones. No new building or structure shall be erected, or parcel developed in an LI zone unless in conformance with the provisions identified herein.
- B. Purpose: The LI light industrial zone is intended to provide for corporate offices, research and development facilities, office parks and compatible light industrial uses in attractive planned developments that can accommodate complementary neighborhood scale commercial uses. The LI light industrial zone is appropriate in locations which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities.
- C. Height, Lot And Setback Requirements:

Minimum lot size	0.5 acre
Minimum lot size (Interior Lot)	100 feet
Maximum building height	40 feet

#### **MINIMUM BUILDING SETBACKS**

<b>Use</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>	<b>Street Side</b>
All principal and accessory structures	20 feet	10 feet <sup>1</sup>	20 feet	20 feet

Note:

<sup>1</sup>20 feet when adjacent to residential or commercial uses.

#### **D. Permissive Uses:**

Animal shelter, government

operated. Call centers.

Fast food restaurants with drive-

through. Fuel dispensing

facilities.

Indoor recreation facilities, fitness centers, gyms.

Light manufacturing, processing, assembly, fabricating, auto repair facility and similar uses provided that:

1. All such uses and related activities take place indoors.
2. No use shall disseminate smoke, gas, dust, odor or other atmospheric pollutant outside of buildings.
3. No use creates offensive noise, vibration, heat or glare.

4. Uses generate a minimum amount of truck traffic, relative to shipping needs.

Limited neighborhood scale complementary commercial uses including, but not limited to, the following:

Bakeries.  
Cafes and restaurants.  
Coffee shops.  
Convenience stores.  
Copy shops and printing services. Daycare center.  
Dry cleaning, pick up and drop off. Other similar uses.  
Office parks.  
Public, quasi-public and institutional uses.  
Research and development facilities.  
Warehousing and ancillary offices under one hundred thousand (100,000) square feet in size.

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:

Airport related uses.  
Automobile service facilities.  
Cellular towers and related facilities.  
Cemeteries, pet.  
Kennel, commercial.  
Liquor sales establishments (classes I, II and III). Rail/motor freight terminal.  
Sexually oriented businesses.  
Veterinary facility (large and small animal).

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. 394, 2010: Ord. 346, 2007: Ord. 325, 2006: Ord. 299, 2005: Ord. 285, 2004).

**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 11<sup>th</sup> day of December, 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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Nays: Commissioners:

Absent: Commissioners:

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