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BILL NO. 2009-12

NYE COUNTY ORDINANCE NO. _____

SUMMARY: A Bill proposing to amend Nye County Code Chapter 17.04, the Pahrump Regional Planning District Zoning Regulations, by adding an additional Zoning District called the Airport Overlay (AO) Zone.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE CHAPTER 17.04, THE PAHRUMP REGIONAL PLANNING DISTRICT ZONING REGULATIONS, BY ADDING AN ADDITIONAL ZONING DISTRICT CALLED THE AIRPORT OVERLAY (AO) ZONE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, pursuant to NRS 278.020, for the purpose of promoting the health, safety and the general welfare of the residents of Nye County, the Nye County Board of County Commissioners (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, on July 18, 2000, the Board adopted Ordinance 229 establishing Title 17 of the Nye County Code and adding Section 17.04, which provides regulations concerning zoning districts, variances, special exceptions and conditional use permits within the Pahrump Regional Planning District (PRPD); and

WHEREAS, on June 16, 2004, the Board adopted Ordinance 285 amending Title 17, Section 17.04 of the Nye County Code, by establishing general development standards within the PRPD in order to comply with the Goals, Objectives and Policies of the November 19, 2003 Master Plan Update for the PRPD; and

WHEREAS, the Board hereby finds that adding an additional zoning district called the Airport Overlay (AO) Zone is necessary in order to further promote the goals and objectives of the County in regards to land use planning and development;

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, the following amendments and regulations:

NYE COUNTY CODE 17.04. IS HEREBY AMENDED AS FOLLOWS, with **Deletions** shown in strike-through red font, and **additions** shown in underscored blue font:

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 by the Pahrump Regional Planning District Master Plan. The Airport Overlay Zone may be applied to any properties zoned General Commercial, Light Industrial, Village Residential, Rural Estates, or Suburban Estates.

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.

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:

1. Airport related uses
2. Aircraft sales
3. Maintenance, repair, or assembly of aircraft
4. Airport related offices/lounges
5. Hangars/aircraft structures

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, however, all hangars or other aircraft related

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accessory structures shall comply with the building height and setback requirements for accessory buildings of the underlying zone.

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.

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 _____ day of _____, 2009.

Proposed on the _____ day of _____, 2009

Proposed by: Commissioner _____

Adopted on the _____ day of _____, 2009

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: _____
Joni Eastley, Chairman
Nye County Board of
County Commissioners

ATTEST: _____
Sandra "Sam" Merlino
Clerk and Ex-Officio
Clerk of the Board