

NYE COUNTY ORDINANCE NO. 562

**SUMMARY:** An ordinance amending Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by amending Chapter 17.04 entitled Pahrump Regional Planning District, relating to Section 17.04.220 RE-2 Rural Estates Residential; Section 17.04.225 RE-1 Rural Estates Residential; Section 17.04.230 SE Suburban Estates Residential and Section 17.04.465 OS Open Space, Parks, and Recreation, by removing the permissive use of commercial farming/growing of crops in those zoning districts; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

**TITLE:** AN ORDINANCE AMENDING NYE COUNTY CODE TITLE 17, COMPREHENSIVE LAND USE PLANNING AND ZONING, BY AMENDING CHAPTER 17.04 ENTITLED PAHRUMP REGIONAL PLANNING DISTRICT, RELATING TO SECTION 17.04.220 RE-2 RURAL ESTATES RESIDENTIAL; SECTION 17.04.225 RE-1 RURAL ESTATES RESIDENTIAL; SECTION 17.04.230 SE SUBURBAN ESTATES RESIDENTIAL AND SECTION 17.04.465 OS OPEN SPACE, PARKS, AND RECREATION, BY REMOVING THE PERMISSIVE USE OF COMMERCIAL FARMING/GROWING OF CROPS IN THOSE ZONING DISTRICTS; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

**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;

**NOW, THEREFORE**, pursuant to NRS 244.110, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

**17.04.220: RE-2 RURAL ESTATES RESIDENTIAL:**

- A. Scope: The following regulations shall apply to the RE-2 rural estates residential zones. No new building or structure shall be erected, or parcel developed in a RE-2 zone unless in conformance with the provisions identified herein.

B. Purpose: RE-2 rural estates residential zones are intended to provide and preserve low density single-family residential living areas with minimum lot sizes of two (2) gross acres, where livestock or other large animals may be kept as well as accessory buildings in a semirural setting. The RE-2 rural estates residential zone is transitional in relationship to more urbanized residential areas of higher density.

C. Height, Lot and Setback Requirements:

Minimum lot size	2	gross acres
Minimum lot width	150	feet
Minimum lot depth	150	feet
Maximum building height	35	feet

**MINIMUM BUILDING SETBACKS**

<b>Use</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>	<b>Street Side</b>
Principal residential buildings	25 feet	10 feet	40 feet	25 feet
Principal buildings for nonresidential uses <sup>1</sup>	25 feet	25 feet	40 feet	25 feet
Accessory buildings	25 feet	5 feet	5 feet	25 feet

Note:

1. 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 twenty thousand (20,000) square feet.

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

Family ranch.

Subsistence Farming

Hobby breeder.

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.
- Animal rescue (see definitions in this chapter).
- Animal sanctuary (see definitions in this chapter).
- Animal, special conditions (see definitions in this chapter).
- Bed and breakfast inns.
- Breeder, commercial establishment.
- Cemeteries.
- Childcare facilities.
- Commercial kennel.
- Intermediate care facilities.
- Commercial Farming
- Multipet permit.
- Public or private recreation areas.
- Public or private schools.
- Stable, commercial (see definitions in this chapter).
- Temporary living facilities. (Ord. 508, 2017)

**17.04.225: RE-1 RURAL ESTATES RESIDENTIAL:**

- A. Scope: The following regulations shall apply to the RE-1 rural estates residential zones. No new building or structure shall be erected, or parcel developed in an RE-1 zone unless in conformance with the provisions identified herein.
- B. Purpose: RE-1 rural estates residential zones are intended to provide and preserve low density single-family residential living areas with minimum lot sizes of one gross acre, where livestock or other large animals may be kept as well as accessory buildings in a semirural setting. The RE-1 rural estates residential zone is transitional in relationship to more urbanized residential areas of higher density.
- C. Height, Lot And Setback Requirements:

Minimum lot size	1	gross acre <sup>1</sup>
Minimum lot width	100	feet
Minimum lot depth	100	feet
Maximum building height	35	feet

Note:

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

Note:

1. 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.

Family ranch.

Subsistence Farming

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 Farming

Commercial kennel.

Intermediate care facilities.

Multipet permit.

Public or private recreation areas.

Public or private schools.

Stable, commercial (see definitions in this chapter).

Temporary living facilities. (Ord. 508, 2017)

**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 large animals 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 <sup>1</sup>
Minimum lot width	100	feet
Minimum lot depth	100	feet
Maximum building height	35	feet

Note:

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

Note:

1. 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.

Animal, agricultural care project.

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

Subsistence Farming

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. (Ord. 534, 2018)

**17.04.465: OS OPEN SPACE, PARKS, AND RECREATION:**

- A. Scope: The following regulations shall apply to the OS open space, parks, and recreation zone. No new building or structure shall be erected, or parcel developed in the OS open space, parks, and recreation zone unless in conformance with the provisions identified herein.
- B. Purpose: The OS open space, parks, and recreation zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas. This includes providing opportunities for outdoor recreation, protecting sensitive or fragile environmental areas, preserving scenic qualities, and providing pedestrian and bicycle transportation connections.
- C. Height, Lot And Setback Requirements:

Minimum lot size	n/a
Minimum lot width	n/a
Minimum lot depth	n/a
Maximum building height	35 feet

**MINIMUM BUILDING SETBACKS**

Use	Front	Side	Rear	Street Side
Outdoor activity facilities <sup>1</sup>	50 feet for properties abutting a residentially zoned or occupied property <sup>2</sup>			
Structures	1 foot for each foot of building height			

Notes:

- 1. Including athletic fields, campgrounds, swimming pools, tennis courts, etc., where the primary use is an outdoor activity.
- 2. Playground facilities may be set back a minimum of 25 feet from residentially zoned or occupied property if nonilluminated.

- D. Permissive Uses:

Biological, habitat, and nature reserves.

Bodies of water, major floodplains, and natural drainage corridors.

Parks and playgrounds with no ancillary facilities.

- 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:

Amusement parks.

Animal racetracks.

Athletic fields.

Campgrounds.

Camps, education and recreation.

Cellular towers and related facilities, concealed or disguised only.

Cemeteries.

Commercial Farming

Country clubs.

Dairies, feedlots, farrowing pens, and other animal confinement facilities and ranches.

Fairgrounds.

Farmers' markets.

Fishing and recreational lakes.

Flea markets, swap meets.

Golf courses.

Golf driving ranges, miniature golf courses, baseball batting ranges.

Gymnasiums or physical fitness centers.

Hunting clubs.

Interpretive centers.

Outdoor amphitheaters.

Parks with ancillary facilities, including recreation centers, bathroom facilities, etc.

Public utilities.

Racetrack, auto and motorcycle.

Recreation facilities.

Riding academies.

Rifle ranges.

Rodeo arenas.

Swimming pools.

Tennis courts.

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 administrator's determination, the applicant may appeal the decision to the planning commission.

G. General Development Standards: Future development shall provide for passive and active open space uses and recreational activities that are available to the public.

1. Those areas in the BLM lands designated as wildlife habitat reserves shall be limited to passive and informal recreational activities, such as walking, cycling, and equestrian trails.

2. Buildings and structures shall be located such that the least amount of open space is disturbed and that the buildings will not detract from the open space character. (Ord. 338, 2007)

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application 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 10<sup>th</sup> day of August, 2020.

Proposed on the 19<sup>th</sup> day of May, 2020.

Proposed by: Commissioner Blundo.

Adopted on the 21<sup>st</sup> day of July, 2020

Vote: Ayes: Commissioners: Koenig, Strickland, Wichman, Blundo, Cox

Nays: Commissioners: Ø

Absent: Commissioners: Ø

BY: Louinda A. Wickman 6-21-20  
John Koenig, Chairman  
Nye County Board of  
County Commissioners

ATTEST: Kelly G. Sidman  
Sandra L. Merlino  
Clerk and Ex-Officio  
Clerk of the Board