

BILL NO. 2022-07

NYE COUNTY ORDINANCE NO. 583

**SUMMARY:** An Ordinance Amending Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, Section 17.04.700.A.49, by removing Sexually Oriented Business as an allowed use in the General Commercial (GC) zoning district and adding Sexually Oriented Business as a use allowed in the Light Industrial (LI) zoning district; 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, SECTION 17.04.700.A.49, BY REMOVING SEXUALLY ORIENTED BUSINESS AS AN ALLOWED USE IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT AND ADDING SEXUALLY ORIENTED BUSINESS AS A USE ALLOWED IN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT; 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/and the general welfare of the residents 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; and

**WHEREAS,** Nye County Code 17.04.700.A.49.b states that Sexually Oriented Businesses must be located in a General Commercial or Heavy Industrial zoning district, which contradicts the permissive uses listed in the zoning districts which specify that Sexually Oriented Businesses are allowed only in the Light Industrial and Heavy Industrial zones, and

**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:

**17.04.700.A.49**

49. Sexually Oriented Business, Adult Use: The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Must comply with all state and county regulations
  - b. Must be located in a LI or HI zone.

- c. Must not locate within one thousand five hundred feet (1,500') of any community use including a: church/synagogue, school, childcare facility, public library, community recreation facility, park, residentially zoned property, and distances from proposed structures to public use streets.
- d. Must submit a certificate and straight line drawing prepared by a professional land surveyor, engineer or architect, which depicts the distances to property boundary lines within one thousand five hundred feet (1,500') of any established community use which includes a: church/synagogue, school, childcare facility, public library, community recreation facility, park, residentially zoned property, and distances from proposed structures to public use streets.

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 provision or applications, and to this end the provision 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 provision 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 26<sup>th</sup> day of September, 2022.


Proposed on the 2<sup>nd</sup> day of August, 2022.

Proposed by: Commissioner Blundo.

Adopted on the 7<sup>th</sup> day of September, 2022

Vote: Ayes:	Commissioners: Carbone, Blundo, Cox, Strickland, Jabbour
Nays:	Commissioners: Ø
Absent:	Commissioners: Ø

BY:   
 Frank Carbone, Chair  
 Nye County Board of  
 County Commissioners

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