

NYE COUNTY AGENDA INFORMATION FORM

Action Presentation Presentation & Action

Department: Planning		Agenda Date:
Category: Timed Agenda Item – 11:00 a.m.		May 16, 2017
Contact: Darrell Lacy		Phone: 775-751-4249 Continued from meeting of:
Return to: Darrell Lacy	Location: Tonopah Planning	Phone: 775-751-4249
Action requested: (Include what, with whom, when, where, why, how much (\$ and terms))		
Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2017-07: A Bill proposing to amend Nye County Code 17.04, the Pahrump Regional Planning District (PRPD) Zoning Regulations, by amending Section 17.04.800, the Home Occupation Regulations providing increased flexibility in the operation of a home occupation or residential industry based on the size of the property and not just the zoning of the property, providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.		
Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)		
Staff recommends adoption with an effective date of June 5, 2017.		
Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.		
Expenditure Impact by FY(s): (Provide detail on Financial Form)		
<input checked="" type="checkbox"/> No financial impact		

Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date
4.	Date	9. Finance	Date
5.	Date	10. County Manager	<input checked="" type="checkbox"/> Place on Agenda <i>TS</i> <i>04.11.17</i>

Board of County Commissioners Action

<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	<input type="checkbox"/> Amended as follows:
Clerk of the Board	Date	

ITEM # 12

**NYE COUNTY BOARD OF COUNTY COMMISSIONERS
PLANNING DEPARTMENT STAFF REPORT**

Meeting Date: May 16, 2017

AGENDA ITEMS

For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2017-07: A Bill proposing to amend Nye County Code 17.04, the Pahrump Regional Planning District (PRPD) Zoning Regulations, by amending Section 17.04.800, the Home Occupation Regulations providing increased flexibility in the operation of a home occupation or residential industry based on the size of the property and not just the zoning of the property, providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.

GENERAL INFORMATION SUMMARY

The purpose of this Bill is to update Title 17 (Zoning) to add flexibility to the Home Occupation Regulations and Residential Industry based on the size of the property and not just the zoning of the property.

Attached is the proposed Bill.

At their Feb. 15, 2017 meeting, the RPC voted 6-0 to recommend approval of this Bill.

RECOMMENDATION

Recommended BOCC Motion: "I move to adopt Nye County Bill No. 2017-07 with an effective date of June 5, 2017."

BILL NO. 2017-07

NYE COUNTY ORDINANCE NO.

SUMMARY: A Bill proposing to amend Nye County Code 17.04, the Pahrump Regional Planning District (PRPD) Zoning Regulations, by amending Section 17.04.800, the Home Occupation Regulations providing increased flexibility in the operation of a home occupation or residential industry based on the size of the property and not just the zoning of the property, and amending Section 17.04.770 the Signs Permitted in Residential Zones related to home occupations, providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE 17.04, THE PAHRUMP REGIONAL PLANNING DISTRICT (PRPD) ZONING REGULATIONS, BY AMENDING SECTION 17.04.800, THE HOME OCCUPATION REGULATIONS PROVIDING INCREASED FLEXIBILITY IN THE OPERATION OF A HOME OCCUPATION OR RESIDENTIAL INDUSTRY BASED ON THE SIZE OF THE PROPERTY, NOT JUST THE ZONING OF THE PROPERTY, PROVIDING FOR THE SERVARABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEROF; AND OTHER MATTERS PROPERLY RELATED 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

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 regulations:

NYE COUNTY CODE CHAPTER 17.04 IS AMENDED AS FOLLOWS:

17.04.800 HOME OCCUPATIONS

A. Scope. This Chapter applies to all licensed Home Occupations and Residential Industries within the residential zoning districts.

B. Purpose. The purpose of this Chapter is to provide for limited business uses in association with a dwelling unit where such uses are clearly incidental and secondary to the use of the premises as a dwelling and will not alter the exterior appearance of the residence to insure the residential integrity of the neighborhood character. Residential industry shall be allowed in the single-family residential zoning districts on lots that are 20,000 square feet or larger.

To this end, these regulations minimize noise, nuisance traffic, hazardous material usage, and other possible side effects of commercial uses being conducted in residential areas.

C. Requirements. Requirements are as follows:

1. The use of the dwelling or permitted accessory structure for purposes of the home-based business or residential industry shall be clearly incidental and subordinate to its use for residential purposes. The home-based business or residential industry shall be conducted entirely within the dwelling unit or a permitted accessory structure.
 - a. On parcels less than 1-acre in size and regardless of the zoning, the home occupation or residential industry:
 - 1) Shall be carried on only by the family members who reside on premise. Employees are permitted so long as they do not report for work at the property.
 - 2) Within a dwelling unit, the home occupation or residential industry shall not exceed twenty-five (25%) percent of the gross floor area of the dwelling unit.
 - 3) Within an attached or detached accessory building, the home-based business or residential industry shall not exceed fifty (50%) of the gross floor area of the accessory building.
 - 4) Under no circumstances shall the existence of a home occupation or residential industry change the residential character of the property.
 - b. On parcels of land greater than 1-acre in size and regardless of the zoning, the home occupation or residential industry:
 - 1) Up to 3 employees are permitted, in addition to family members who reside on premise.
 - 2) Within a dwelling unit on property greater than 1-one acre in size, the home-based business or residential industry shall not exceed thirty-five (35%) percent of the gross floor area of the dwelling unit.
 - 3) Within an attached or detached accessory building, the home occupation or residential industry may occupy 50% of the gross floor area of the accessory building.
 - 4) Under no circumstances shall the existence of a home occupation or residential industry change the residential character of the property.
2. Signage, if any must conform to Section 17.04.770 of this Chapter.
3. No addition, alteration, or remodeling which would change the residential character of the unit.
4. No home occupation, home-based business or residential industry which would or might produce noise, fumes or odor, industry smoke, or electrical disturbance or in any way interfere with the peace, contentment, and general welfare of the area..
5. Prohibited home-based business or residential industry include: automotive or equipment repair, automotive body or fender repair, ~~commercial preparation of food for service on the premises~~, sexually-oriented businesses, liquor sales or distribution, undertaking or funeral homes, medical or dental clinics, businesses related to or involving explosives or highly hazardous substances as defined by NRS 459.~~9533~~, or any

business activity that is regulated through the Conditional Use Permit Procedures.

- a6. Beauty and barber shop including aesthetician services may be permitted in accordance with State regulations, and shall be limited to no employees and providing service to one (1) customer at a time.
- 7. Cottage food production is allowed in accordance with NRS 446.866.
- 68. The use of special equipment or the repair or the manufacture of goods or equipment may be subject to conditions.
- 79. There shall be no outdoor storage of goods or materials, supplies or solid wastes associated with the home-based business or residential industry. Merchandise shall not be displayed in a manner to be visible from outside of the dwelling or accessory structure.
- 810. ~~Truck~~^dDeliveries to a home-based business or residential industry, shall be limited to ~~delivery by federal or private mail and/or express package delivery services. Not more than ten (10) deliveries and/or pickup of materials, goods, supplies or products allowed in any one (1) week.~~
- 119. Any additional on-site parking shall be approved by the Zoning Administrator with a scaled parking plan layout. If additional parking is provided, it shall be provided on an improved (asphalt or concrete), chip-seal, gravel (Type II), chat, brick, stone, special paving blocks, or other such similar type of durable surface. Under no circumstances shall company or employee vehicles be parked in the public right-of-way.
- 412. Home-based business and residential industry are assigned to the holder of the home-based business license and are not appurtenant to the land or structure.

17.04.770: SIGNAGE REQUIREMENTS:

F. Signs Permitted In Residential Zones:

- 1. Wall Signs: Only one non-lighted wall sign not exceeding two (2) square feet in area per dwelling unit may be permitted to indicate the ~~name and address of the occupant or~~ home occupation.

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 _____ day of _____, 2017.

Proposed on the _____ day of _____, 2017

Proposed by: Commissioner _____.

Adopted on the _____ day of _____, 2017

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: _____

Daniel Schinhofen, Chairman
Nye County Board of
County Commissioners

ATTEST: _____

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

BILL NO. 2017-07

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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

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 regulations:

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B. Purpose. The purpose of this Chapter is to provide for limited business uses in association with a dwelling unit where such uses are clearly incidental and secondary to the use of the premises as a dwelling and will not alter the exterior appearance of the residence to insure the residential integrity of the neighborhood. Residential industry

shall be allowed in the single-family residential zoning districts on lots that are 20,000 square feet or larger. To this end, these regulations minimize odor, noise, nuisance traffic, hazardous material usage, and other possible side effects of commercial uses being conducted in residential areas.

C. Requirements. Requirements are as follows:

1. The use of the dwelling or permitted accessory structure for purposes of the home occupation, home-based business or residential industry shall be clearly incidental and subordinate to its use for residential purposes. The home-based business or residential industry shall be conducted entirely within the dwelling unit or a permitted accessory structure.
 - a. On parcels less than 1-acre in size and regardless of the zoning, the home occupation or residential industry:
 - 1) Shall be carried on only by the family members who reside on premise. Employees are permitted so long as they do not report for work at the property.
 - 2) Within a dwelling unit, the home occupation, home-based business or residential industry shall not exceed twenty-five (25%) percent of the gross floor area of the dwelling unit.
 - 3) Within an attached or detached accessory building, the home occupation, home-based business or residential industry shall not exceed fifty (50%) of the gross floor area of the accessory building.
 - 4) Under no circumstances shall the existence of a home occupation, home based-business or residential industry change the residential character of the property.
 - b. On parcels of land greater than 1-acre in size and regardless of the zoning, the home occupation, home-based business or residential industry:
 - 1) Up to 3 employees are permitted, in addition to family members who reside on premise.
 - 2) Within a dwelling unit on property greater than 1-one acre in size, the home occupation, home-based business or residential industry shall not exceed thirty-five (35%) percent of the gross floor area of the dwelling unit.
 - 3) Within an attached or detached accessory building, the home occupation, home-based business or residential industry may occupy 50% of the gross floor area of the accessory building.
 - 4) Under no circumstances shall the existence of a home occupation, home-based business or residential industry change the residential character of the property.
2. Signage, if any must conform to Section 17.04.770 of this Chapter.
3. No addition, alteration, or remodeling which would change the residential character of the unit.
4. No home occupation, home-based business or residential industry which would or might produce noise, fumes or odor, industry smoke, or electrical disturbance or in any way interfere with the peace, contentment, and general welfare of the area..

5. Prohibited home occupation, home-based business or residential industry include: automotive or equipment repair, automotive body or fender repair, commercial preparation of food for service on the premises, sexually-oriented businesses, liquor sales or distribution, undertaking or funeral homes, medical or dental clinics, businesses related to or involving explosives or highly hazardous substances as defined by NRS 459.9533, or any business activity that is regulated through the Conditional Use Permit Procedures.
 - a. Beauty and barber shop including aesthetician services may be permitted in accordance with State regulations, and shall be limited to no employees and providing service to one (1) customer at a time.
6. The use of special equipment or the repair or the manufacture of goods or equipment may be subject to conditions.
7. There shall be no outdoor storage of goods or materials, supplies or solid wastes associated with the home-based business or residential industry. Merchandise shall not be displayed in a manner to be visible from outside of the dwelling or accessory structure.
8. Truck deliveries to a home occupation, home-based business or residential industry shall be limited to delivery by federal or private mail and/or express package delivery services.
9. Any additional parking shall be approved by the Zoning Administrator. If additional parking is provided, it shall be provided on an improved (asphalt or concrete), chip-seal, gravel (Type II), chat, brick, stone, special paving blocks, or other such similar type of durable surface.
11. Home occupation, home-based business and residential industry are assigned to the holder of the home-based business license and are not appurtenant to the land or structure. (Ord. 353, 2008)

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 ____ day of _____, 2017.

Proposed on the ____ day of _____, 2017

Proposed by: Commissioner _____.

Adopted on the ____ day of _____, 2017

Vote: Ayes: Commissioners:

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Absent: Commissioners:

BY: _____

Daniel Schinhofen, Chairman
Nye County Board of
County Commissioners

ATTEST: _____

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