

NYE COUNTY AGENDA INFORMATION FORM

Action
 Presentation
 Presentation & Action

Department: Planning		Agenda Date:	
Category: Timed Agenda Item – 11:00 a.m.		June 20, 2017	
Contact: Darrell Lacy	Phone: <i>775-751-4249</i>	Continued from meeting of:	
Return to: Darrell Lacy	Location: Planning	Phone: <i>775-751-4249</i>	

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. 2017-10: A Bill proposing to amend Nye County Code 17.04, the Pahrump Regional Planning District Zoning Regulations, by amending Section 17.04.260 by revising the Multifamily Residential Development Standards, the Permissive Uses and Uses Subject to a Conditional Use Permit; 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 July 10, 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)

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	Date

TS 04.12.17
 [Signature] Place on Agenda

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 # 11

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

Meeting Date: June 20, 2017

AGENDA ITEMS

For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2017-10: A Bill proposing to amend Nye County Code 17.04, the Pahrump Regional Planning District Zoning Regulations, by amending Section 17.04.260 by revising the Multifamily Residential Development Standards, the Permissive Uses and Uses Subject to a Conditional Use Permit; 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) related to the Multi-Family Residential Zoning district and are designed to promote compatibility, accessibility and livability in the design and layout of Multi-Family Residential development within the Pahrump Regional Planning District.

Since the adoption of the Zoning Ordinance for the PRPD the Multi-Family section has been amended a few time on matters regarding; revised setbacks for accessory buildings and principal non-residential buildings.

The RPC reviewed this matter in September – 2016, April and May of this year voting 7-0 to recommend approval of the attached Bill, along with separate building setback standards for single-story units and multi-story units.

RECOMMENDATION

Recommended BOCC Motion: “I move to adopt Nye County Bill No. 2017-10 with an effective date of July 10, 2017.”

NYE COUNTY ORDINANCE NO. _____

SUMMARY: A Bill proposing amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning Regulations within the Pahrump Regional Planning District, by amending Section 17.04.260 the Multi-Family (MF) Residential Zoning District pertaining to minimum building setbacks, permissive uses and uses allowed by Conditional Use Permit; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 17, COMPREHENSIVE LAND USE PLANNING AND ZONING REGULATIONS WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT, BY AMENDING SECTION 17.04.260 THE MULTI-FAMILY (MF) RESIDENTIAL ZONING DISTRICT PERTAINING TO MINIMUM BUILDING SETBACKS, PERMISSIVE USES AND USES ALLOWED BY CONDITIONAL USE PERMIT; 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 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, pursuant to NRS 278.250, the zoning regulations must be adopted in accordance with the master plan for land use and be designed to preserve the quality of air and water resources, promote the conservation of open spaces and other natural and scenic resources from unreasonable impairment, consider existing views and access to solar resources, reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings, provide for recreational needs, and ensure the protection of existing neighborhoods including the protection of rural preservation neighborhoods; 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, 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 CHAPTER 17.04 IS HEREBY AMENDED AS FOLLOWS: ~~deletions~~ noted as strike-through, additional text and modifications are noted by underscore.

17.04.260: MF MULTIFAMILY RESIDENTIAL:

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

B. Purpose: The MF multifamily residential zone is intended as an area for moderate and high density residential uses in a more urban environment, the principal purpose is for single-family attached and multi-family residential development, and to preclude incompatible uses. The MF multifamily residential zone is appropriate where more urban living characteristics are desired and full public services and infrastructure are available.

C. Height, Lot And Setback Requirements:

Minimum lot size	15,000	square feet ¹
Minimum lot area per DU	3,000 <u>3,500</u>	square feet
Lot width (interior lot)	80	feet
Lot width (corner lot)	85	feet
Maximum building height	35	feet ¹ -feet ²
	36	feet ² -feet ³

Notes:

1. Minimum lot size applies only to new MF zoned lots created after the effective date of this ordinance.
2. Duplex, triplex, and fourplex and townhomes.
3. Apartments.

MINIMUM BUILDING SETBACKS FOR SINGLE-STORY UNITS:

Use	Front	Side	Rear	Street Side	Minimum Building Separation
Principal attached-residential buildings (attached or detached)	15-20 <u>15-20</u> feet ¹	5 feet- <u>5 feet-</u> 10 feet- <u>10 feet-</u> each side	15 feet	15-10 <u>15-10</u> feet	10 feet
Principal nonresidential buildings ^{1,2}	20 feet	3-5 <u>3-5</u> feet	3-15 <u>3-15</u> feet	20-10 <u>20-10</u> feet	20-10 <u>20-10</u> feet
Residential /garages and nonresidential accessory buildings ²	15-feet+/- <u>15-feet+/-</u> 20 feet	10-5 <u>10-5</u> feet	10-15 <u>10-15</u> feet	10 feet	10-5 <u>10-5</u> feet

MINIMUM BUILDING SETBACKS FOR MULTI-STORY UNITS:

Use	Front	Side	Rear	Street Side	Minimum Building Separation
Principal residential buildings (attached or detached)	<u>20 feet</u>	<u>10 feet</u> each side	<u>20 feet</u>	<u>15 feet</u>	<u>10 feet</u>
Principal nonresidential buildings ¹	<u>20 feet</u>	<u>10 feet</u>	<u>20 feet</u>	<u>15 feet</u>	<u>10 feet</u>
Residential /garages accessory buildings ²	<u>20 feet</u>	<u>10 feet</u>	<u>20 feet</u>	<u>15 feet</u>	<u>10 feet</u>

Notes:

1. Principal nonresidential buildings include quasi-public, churches, etc. Front loading garages must be set back 20 feet.
 2. Garage and accessory buildings
- Principal buildings include institutional uses, quasi-public, churches, etc.

D. Permissive Uses:

Accessory buildings not in excess of ~~four~~ five hundred (500) square feet per unit.

~~Apartments.~~

~~Duplex, triplex and fourplex, townhome residence.~~

Fourplex

Home occupations, home based businesses (subject to the general provisions for residential zones section).

Townhome residence (up to four units)

Triplex

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:

Apartments (more than four units)

Bed and Breakfast Inns

Childcare facilities.

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

Condominiums

Congregate living facilities.

Group homes

Intermediate care facilities.

Public or private recreation areas.

Public or private schools.

Public, quasi-public and institutional uses.

Townhome residence (more than 4-units)

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: _____

Dan Schinhofen, Chairman
Nye County Board of
County Commissioners

ATTEST: _____

Sandra L. Merlino
Clerk and Ex-Officio
Clerk of the Board

DRAFT

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Residential /garages and accessory buildings ²	20 feet	5 feet	15 feet	10 feet	5 feet

MINIMUM BUILDING SETBACKS FOR MULTI-STORY UNITS:

Use	Front	Side	Rear	Street Side	Minimum Building Separation
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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: _____

Dan Schinhofen, Chairman
Nye County Board of
County Commissioners

ATTEST: _____

Sandra L. Merlino
Clerk and Ex-Officio
Clerk of the Board

DRAFT