

BILL NO. 2026-11

NYE COUNTY ORDINANCE NO. 631

SUMMARY: AN ORDINANCE AMENDING NYE COUNTY CODE TITLE 17, TITLED COMPREHENSIVE LAND USE PLANNING AND ZONING, BY CREATING CHAPTER 13, TITLED DATA CENTERS, TO PROVIDE FOR A PROHIBITION; PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE HEREOF, AND OTHER MATTERS PROPERLY RELATING THERETO.

TITLE: AN ORDINANCE AMENDING NYE COUNTY CODE TITLE 17, TITLED COMPREHENSIVE LAND USE PLANNING AND ZONING, BY CREATING CHAPTER 13, TITLED DATA CENTERS, TO PROVIDE FOR A PROHIBITION; PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE HEREOF, AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Nye County Board of Commissioners (Board) is empowered, pursuant to the provisions of Chapter 244.119 of the Nevada Revised Statutes, to amend the Nye County Code;

WHEREAS, data center development and operation, including associated electrical infrastructure, cooling systems, backup generation, and increased heavy vehicle traffic, can create noise, visual, and infrastructure impacts that interfere with the use and enjoyment of nearby property, diminish private property values, and constitute a blight on the community that is inimical to the health, safety, and general welfare of the community; and

WHEREAS, the Board recognizes that data centers typically require substantial electrical infrastructure, cooling systems, backup generation, and continuous operational support systems; and

WHEREAS, the Board further recognizes that data centers may require significant water usage for cooling, fire suppression, and related operations, which may place additional demands on the limited groundwater resources of Pahrump Valley Hydrographic Basin (Pahrump Basin), Basin 162; and

WHEREAS, the Board finds that large-scale data centers are incompatible with the rural-residential, agricultural, and development patterns of Nye County, as well as infrastructure, redevelopment, and groundwater resource management objectives;

WHEREAS, the Board has recently approved a temporary moratorium on data centers while permanent regulations are developed; and

WHEREAS, the Board finds this to be appropriate and an improvement to the regulations;

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

CHAPTER 17.13 - DATA CENTERS

17.13.010: Purpose and Intent

The purpose of this chapter is to prohibit data centers in unincorporated areas lacking an elected town governing board, in order to preserve rural-residential and agricultural character, protect groundwater resources, minimize land use conflicts, and maintain consistency with Nye County planning and redevelopment objectives.

17.13.015: Limitation on Applicability

This chapter applies to all real property located within Nye County that lies, in whole or in part, within the boundary of Basin 162, regardless of whether such property also lies within the Pahrump Regional Planning District, any town boundary, or any other zoning, planning, or administrative subdivision of Nye County.

17.13.020: Definitions

For purposes of this chapter, the following terms will have the meanings ascribed to them below:

DATA CENTER: "Data Center" means any facility primarily used for the storage, processing, management, mining, transmission, or hosting of digital or electronic data, cloud computing, artificial intelligence processing, cryptocurrency mining, blockchain processing, or similar digital infrastructure operations.

A Data Center includes associated servers, telecommunications equipment, cooling systems, backup generators, substations, utility infrastructure, and related support facilities.

The term includes hyperscale facilities, colocation facilities, cloud computing facilities, artificial intelligence processing facilities, cryptocurrency mining facilities, blockchain processing facilities, and similar high-density digital infrastructure uses, regardless of how such use is described.

The term does not include an Accessory Server Room.

ACCESSORY SERVER ROOM: "Accessory Server Room" means a room or area within a lawful principal use containing computer or networking equipment that is accessory and subordinate to the primary use of the property.

Accessory Server Rooms:

1. will be limited to the lesser of (1) Two percent (2%) of the gross floor area of the principal structure; or (2) Two thousand (2,000) square feet; and
2. Accessory Server Rooms shall not function as independent commercial data hosting, cloud computing, artificial intelligence processing, or cryptocurrency mining operations.

17.13.030: Prohibited Use

Data Centers and substantially similar uses are prohibited in all zoning districts, redevelopment areas, overlay districts, and land use classifications.

No permit, approval, zoning classification, development agreement, special use permit, conditional use permit, building permit, business license, or site plan approval shall authorize a Data Center within the area governed by this chapter.

17.13.040: Applicability

This chapter applies to all real property, zoning districts, redevelopment areas, overlay districts, and land use classifications.

17.13.050: Prohibition on Circumvention

No use substantially similar to or functionally equivalent to a Data Center will be permitted regardless of the name or description assigned to the use.

In determining whether a use is substantially similar to or functionally equivalent to a Data Center, Nye County may consider the functional characteristics of the proposed or actual use, including power demand, cooling demand, server density, utility infrastructure, marketing materials, tenant mix, and the services provided. This determination will not be controlled solely by the label assigned by the applicant, owner, or operator.

17.13.060: Preexisting Uses and Approvals

No prior approval shall vest any right to establish or operate a Data Center unless the use was lawfully established and operational prior to the effective date of this chapter.

Any lawfully established and operational Data Center existing prior to the effective date of this chapter shall be deemed a legal nonconforming use, subject to all otherwise applicable provisions

of the Nye County Code, but shall not be expanded, enlarged, intensified, or resumed after abandonment unless expressly authorized by law.

17.13.070: Enforcement and Violations

1. It shall be unlawful to establish, construct, operate, expand, or maintain a Data Center within the area regulated by this chapter.
2. The County Manager, Planning Director, Building Official, Code Enforcement Officer, Sheriff, or any other authorized County official may enforce this chapter.
3. Upon determining that a violation exists, the County may issue a Notice of Violation requiring correction within a period not to exceed ten (10) days unless immediate action is necessary to protect public health or safety.
4. Failure to comply may result in administrative citations, fines, permit revocation, injunctive relief, abatement, civil action, criminal enforcement where otherwise authorized by law, or any other remedy authorized by law.
5. Each day a violation continues constitutes a separate offense.

17.13.080: Administrative Appeal and Relief

- A. Any person aggrieved by a determination that a proposed or existing use is a Data Center, or is substantially similar to or functionally equivalent to a Data Center under this chapter, may file a written appeal with the Board of County Commissioners within thirty (30) days after the date of the determination. The appeal shall state the specific grounds of error and include any supporting documentation.
- B. Filing a timely appeal shall stay further enforcement of the determination being appealed, except where the County Manager or designee determines in writing that a stay would pose an immediate threat to public health or safety.
- C. Upon receipt of a timely and complete appeal, the Board shall schedule a public hearing and provide notice in the manner required for comparable land use decisions under Title 17. The appellant shall bear the burden of demonstrating that the proposed or existing use is not a Data Center and is not substantially similar to or functionally equivalent to a Data Center as defined in this chapter.
- D. After the close of the public hearing, the Board may affirm, modify, or overturn the determination, and may impose such conditions as are reasonably necessary to ensure compliance with this chapter and to protect the public health, safety, and welfare. The Board's decision shall constitute the County's final administrative decision.
- E. Nothing in this section shall be construed to authorize the Board to approve a Data Center or substantially similar use in violation of section 17.13.030; rather, the purpose of this section is to provide a process for review of determinations and enforcement actions under this chapter.

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application there 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 7th day of September 2026.

Proposed on the 7th day of July 2026

Proposed by: Commissioner Bayne.

Adopted on the 18th day of August 2026

Vote: Ayes: Commissioners: Boskovich, Koenig, Strickland, Jabbour, Bayne

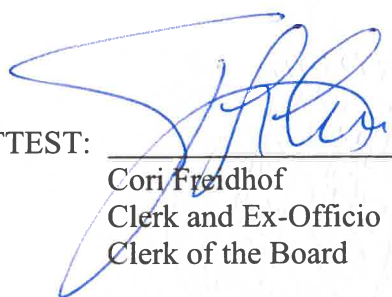
Nays: Commissioners: Ø

Absent: Commissioners: Ø

BY:


Ron Boskovich, Chair
Nye County Board of
County Commissioners

ATTEST:


Cori Freidhof
Clerk and Ex-Officio
Clerk of the Board

By: Juanita Torres, Deputy Clerk

FIGURES

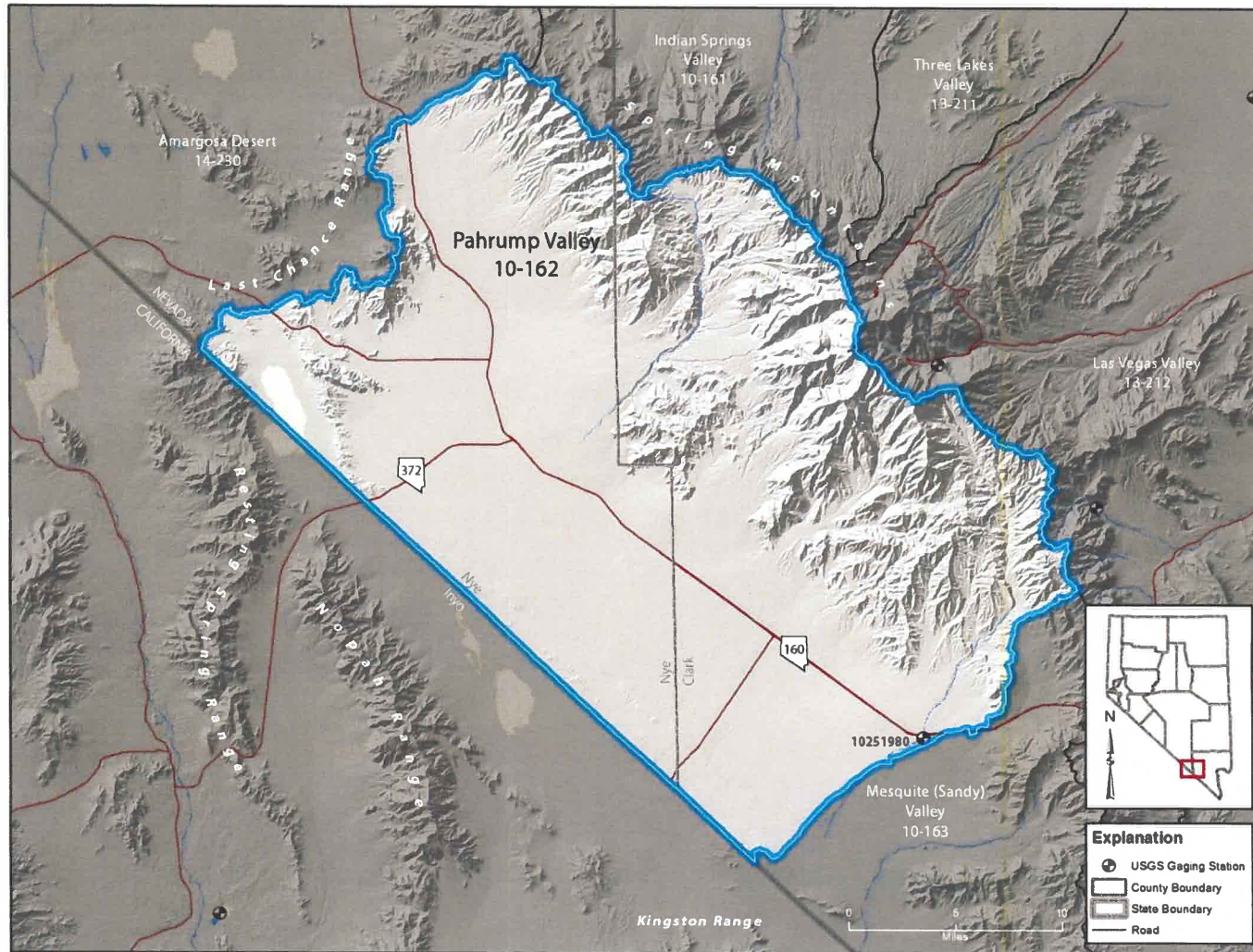


Figure 1. Pahrump Valley (Hydrographic Basin 10-162) physiographic map.