

BILL NO. 2017-15

NYE COUNTY ORDINANCE NO. 523

SUMMARY: AN ORDINANCE AMENDING NYE COUNTY CODE CHAPTER 16.36, PROCEDURES FOR APPEAL OF LAND USE DECISIONS; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

TITLE: AN ORDINANCE AMENDING NYE COUNTY CODE CHAPTER 16.36, PROCEDURES FOR APPEAL OF LAND USE DECISIONS; 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, Chapter 16.24 of the Nye County Code established the Pahrump Regional Planning Commission for the purpose of carrying out the provisions of Nevada Revised Statutes 278.010 through 278.630, inclusive; and to act on planning related matters with the specific authority established by the Board; and

WHEREAS, Chapter 16.28 of the Nye County Code is known as the Division of Land Ordinance of the Pahrump Regional Planning District of the County of Nye, State of Nevada, the purpose of which is to protect the public health, safety, and general welfare, and

WHEREAS, the provisions in NCC 16.28 shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions of the Pahrump Regional Planning District's master plan,

NOW, THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith within Nye County, the following amendments and regulations.

16.36.050: FEES:

Fees shall be charged in accordance with the current fee schedule as adopted by resolution of the board of county commissioners. It is intended that the fees required for the filing of appeals are for the purpose of covering the county's costs associated with the processing of any applicable public hearing notifications and related administrative costs.

A. Summary Of Fees For Appeals:

Appeal Type	Appeal Fee
Public hearing items: Appeal of Pahrump regional planning commission decisions to the board of county commissioners related to public hearing items such as waiver, variance, conditional use permit, or road abandonment applications.	See adopted fee schedule.

Nonpublic hearing items: Appeal of Pahrump regional planning commission decisions to the board of county commissioners related to division of land applications, parcel maps, large parcels maps, and tentative subdivision maps.	See adopted fee schedule.
Zoning administrator decisions: Appeal of decisions of the zoning administrator or planning director to the Pahrump regional planning commission, related to administrative interpretations, code compliance actions, or other administrative decisions.	See adopted fee schedule.
Pahrump regional planning commission decisions: Appeal of decisions of the Pahrump regional planning commission to the board of county commissioners related to administrative interpretations, code compliance actions, or other related administrative decisions of the zoning administrator or planning director.	See adopted fee schedule.

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 25th day of September, 2017.

Proposed on the 1st day of August, 2017


Proposed by: Commissioner Koenig.


Adopted on the 5th day of September, 2017

Vote: Ayes: Commissioners: Schinhofen, Koenig, Wichman, Borasky, Cox

Nays: Commissioners: Ø

Absent: Commissioners: Ø

BY: 
 Dan Schinhofen, Chairman
 Nye County Board of
 County Commissioners

ATTEST: 
 Sandra E. Merlino
 Clerk and Ex-Officio
 Clerk of the Board

Nye County Planning Applications *3	Current Fee	Proposed Fee
Abandonment: Road		\$500 plus advertising/noticing fee
Abandonment: Road (PRPD)	\$500	
Abandonment: Road (outside PRPD)	\$650	
Address Street Number for New Lots	\$5	\$10.00
Administrative Extension of Time: Map	\$150	\$150
Administrative Extension of Time: Zone Change	\$300	\$300
Administrative Minor Deviation	\$300	\$300
Agricultural Exemption	No Fee	No Fee
Appeals		
Non Public Hearing	\$100	200.00
Public Hearing	\$200	\$200 + advertise/noticing fee
Directors Decision (Non Public Hearing)	No Charge	\$100.00
Boundary Line Adjustment (PRPD)	\$300	\$500.00
Boundary Line Adjustment (outside PRPD)	\$650	\$500.00
Business License Review Application		
Home Occupation Permit	\$10	\$20.00
Mobile Food Vendors	\$10	\$20.00
None	None	\$50.00
Certificates of Amendment (each)		
No survey monuments, property line or boundary line changes.	\$100	\$100.00
Changes to monuments, property line or boundary line.	\$100	\$200 plus Surveyor Fees
Conditional Use Permit *2	\$350	\$200 + adv./notice fee
Conditional Use Permit: Class I Liquor Service	\$400	\$500 + adv./notice fee
Conditional Use Permit: Class II Liquor Service	\$750	\$500 + adv./notice fee
Conditional Use Permit: Class III Liquor Service	\$750	\$500 + adv./notice fee
Conditional Use Permit: Highly Hazardous Materials	\$750 plus \$25 per acre	\$750 plus \$25/acre + adv./notice fee
Continuance & Rehearing (Applicant Requested)	\$250	\$250
County Surveyor Review	\$250	\$250
Deed Execution	None	\$100.00
Development Agreement	\$6,500	\$6,500
Amended Development Agreement	\$1,000	\$1,000
Document Research (as work load allows)	\$50 per hour with \$50 minimum	\$50 per hour with \$50 minimum
Easement Deed Preparation	\$20	\$100.00
Elevation Certificate Review	None	\$75.00
Extention of Time		
Public Hearing	\$250	\$250 + advertise/noticing fee
Family Cemetery Designation (outside PRPD)	No Charge	\$100.00
Field Review Fee (Site not surveyed, etc)	\$100 after initial review	\$100, plus mileage
Improvement Agreement		
Parcel Map	\$500	500.00
Subdivision	\$750	750.00
Security Release (all or part)	\$150	150.00
Release Preparation Fee	None	None

Nye County Planning Applications *3	Current Fee	Proposed Fee
Large Format Maps	.24 sq ft	2'x3' \$10; 3'x4' \$20
Map of Reversion/Merger Re-Subdivision		
Inside PRPD	\$300	\$300.00
Outside PRPD	\$650	\$650.00
Master Plan Map Amendment (Major)	\$750	\$1,500 + advertise/noticing fee
Master Plan Text Amendment (Minor)	\$750	\$1,000 + advertise/noticing fee
Maintenance and Operation Agreement		
Sewer System	\$500 Separately	No changes made
Water System	\$500 Separately	no changes made
Medical Marijuana Business License Application		
Dispensary - Initial	\$15,000.00	\$15,000.00
Dispensary - Annual Renewal	\$7,500.00	\$7,500.00
Cultivation - Initial	\$5,000.00	\$5,000.00
Cultivation - Annual Renewal	\$2,500.00	\$2,500.00
Production - Initial	\$5,000.00	\$5,000.00
Production - Annual Renewal	\$2,500.00	\$2,500.00
Testing Laboratory - Initial	\$2,500.00	\$2,500.00
Testing Laboratory - Annual Renewal	\$1,250.00	\$1,250.00
Parcel Map	\$850.00	\$850 + Cost of travel for outside PRPD + \$10.00 per lot
Administrative Second Approval	\$150.00	200.00
Large Parcels Map Tentative (Outside PRPD)	\$650.00	\$650 + Cost of travel for outside PRPD + \$10.00 per lot
Large Parcels Map (Final) (Outside PRPD)	\$350.00	\$350 + Cost of travel for outside PRPD + \$10.00 per lot
Large Parcels Map (Final) (PRPD)	\$200.00	\$200 + \$10.00 per lot
Large Parcel Map (Tentative) (PRPD)	\$500.00	\$500 + \$10.00 per lot
Planned Unit Development	\$550.00 plus \$25.00 per acre	\$550 plus \$25.00 per acre
Pre-Development Meeting (no charge for first meeting)		
Additional Pre-Development Meetings	None	\$100.00
Reconsideration of Conditions of Approval		
Non Public Hearing	\$250.00	\$250.00
Public Hearing	\$450.00	450 + advertise/noticing fee
Sign Review Application	No fee at this time.	\$25 per sign/\$100 max per application
Site Development Plan Review *1		
Single Family plus all Accessory Buildings including Detached Guest Residences	\$150	Remove, combined below.
Detached Guest Building	\$50	
Other Accessory Buildings > 199 square feet	\$50	
Commercial/Industrial Buildings	\$0.20 per sq ft	
Commercial/Industrial Accessory Buildings	\$0.10 per sq ft	
ALL Commercial/Industrial Buildings/Accessory Buildings		\$.20 per sq ft for the first 10,000 Sq. Ft. and \$.02 for any additional Sq. Footage.

Nye County Planning Applications *3	Current Fee	Proposed Fee
Each additional final site inspection		\$100.00
Solid Waste Permit	\$1,500	1,500 + advertise/noticing fee
Special Use Permit	\$350	350 + advertise/noticing fee
Marijuana Applications	\$350	\$1,500.00
Marijuana Amendments	\$350	\$750.00
Street Name Change (Public or Private Street) add advertising fee/noticing		
One Intersection	\$500 plus all sign costs	\$500 plus all sign costs
Two to Four Intersections	\$750 plus all sign costs	\$750 plus all sign costs
More than Four Intersections	\$1000 plus all sign costs	\$1000 plus all sign costs
Subdivision Map		
Tentative Residential (PRPD)	\$750.00 plus \$10 per lot	\$750.00 plus \$10 per lot
Modified Tentative Map (PRPD)	1/2 of original application fee	1/2 of original application fee
Final Map Technical Review	\$300 plus \$10 per lot	\$300 plus \$10 per lot
Final Map (PRPD)	\$10 per lot	
Amended Final Map (PRPD)	\$350	350.00
Subdivision Map (outside PRPD)		
Tentative (Outside PRPD)	\$1200 + \$10 per lot	\$1200 + \$10 per lot
Final Map (Outside PRPD)	\$850 + \$10 per lot	\$850 + \$10 per lot
Amended Final Map (Outside PRPD)	\$650	\$650
Mobile Home Park / RV Parks (outside PRPD)	\$500 + \$10/lot or space	\$500 + \$10/lot or space
Temporary Use Permit	\$30	Same
Annual Renewal	\$10	20.00
Tenant Improvement Application	\$10	10.00
Waiver (Public Hearing) *2	\$350	350 + advertise/noticing fee
Waiver of Design or Document Submittal Standards (Administrative Waiver)	\$20	25.00
Zoning District Amendment (Zone Change) Application *2	\$550 plus \$25 per acre	\$550 + advertise/noticing fee
Zone Change Extension of Time (Public Hearing)	\$275 plus \$10 per acre	Same + advertise/noticing fee
Zoning Ordinance Text Amendment	\$750	Same
Zoning Review Application	\$10	Accessory structures < 400 Sq Ft. \$10; SFR, Guest Residence, Accessory Structures > 400 Sq. Ft. \$25
Additional charges to applicable applications:	None	Advertising fee \$100, Noticing fee \$75.00

FOOTNOTES

*1 Site Development projects that fall under Rural Agricultural Exemption are half the cost of Site Development fees.

*2 Zone Change, Waivers, CUPs, Master Plan Amendments are half price if combined with applicable applications.

*3 BOCC can waive some or all application fee's at their discretion.