

BILL NO. 2018-20

NYE COUNTY ORDINANCE NO. 540

SUMMARY: An ordinance amending Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by amending Chapter 17.04 entitled Pahrump Regional Planning District, relating to Section 17.04.910 Zoning Review Required; 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, BY AMENDING CHAPTER 17.04 ENTITLED PAHRUMP REGIONAL PLANNING DISTRICT, RELATING TO SECTION 17.04.910 ZONING REVIEW REQUIRED; 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 the general welfare of the community 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;

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

17.04.910: ZONING REVIEW REQUIRED:

- A. A zoning review application shall be submitted to the Planning Department prior to the start of any construction or improvement which may require a building permit for any residence, accessory building, garage, or structure including but not limited to patios and carports; the placement of a manufactured home; construction that involves modification or expansion of an existing building or structure; non-roof mounted panels for solar or electrical panel installation; lot development, including well, septic, leach fields, electrical pedestal, driveway, perimeter fencing, inground swimming pools, or inground spas.

B. The zoning review application shall be complete after the following requirements, when applicable, have been provided or complied with:

1. A plot plan to scale;
2. A directional arrow indicating North on the plot plan;
3. All development, both existing and proposed;
4. Setbacks and property dimensions;
5. Distances between all structures;
6. Street names of streets adjacent to the subject property;
7. Easements with locations and dimensions;
8. Driveway location and an encroachment permit, if applicable, in accordance with Nye County Code Chapter 12.08, "Excavations And Encroachments";
9. Existing and proposed rights of way;
10. HOA approval, if applicable;
11. Proof of ownership, along with a copy of the Assessor's Parcel Map;
12. Dust Control Plan or signed Dust Control Acknowledgement form (applicant must show entire area of disturbance on the plot plan);
13. One of the following: (1) Proof of owned or purchased Water Rights if drilling a well, (2) an "Intent to Serve Letter" from utility company that will be providing water and/or sewer services, or (3) approval from Nevada Division of Water Resources ("NDWR") that water rights have been relinquished to allow the drilling of a domestic well;
14. If new construction, locations and distances separating the well, septic system, and leach lines, including setbacks to all property lines, buildings or inground swimming pools and spas, and setbacks or distances to all existing well and septic system locations on all adjacent properties to the best of applicant's knowledge;
15. If drilling a well or installing a septic system without new construction, locations of proposed well, septic system, and leach lines, including setbacks or distances to all existing well and septic system locations on all adjacent properties to the best of applicant's knowledge; and
16. All applicable fees have been paid.

C. A zoning review application approval is valid for one hundred eighty (180) calendar days from the date of approval, and expires after one hundred eighty (180) calendar days if work is not commenced for the proposed use or plan of development for which the zoning review was obtained. The zoning administrator may extend a zoning review application not more than one time for an additional one hundred eighty (180) calendar days for good cause shown. Upon the issuance of a building permit or approval to construct from other federal, state or county agencies, the zoning review shall track along the same expiration time frames and policies as the building permit or other approval.

1. If the applicant wishes to amend the zoning review application, the applicant can request an amendment within thirty (30) calendar days of approval without a fee. If amendment is requested more than thirty (30) calendar days after approval, a new application will need to be submitted and new fees paid, unless one of the below exceptions is applicable.

2. Exceptions:

- i. If amendment is needed due to amending utility locations, applicant will have up to one hundred eighty (180) calendar days to amend the application without a fee; or
- ii. If the approved project requires a change that does not add to or delete from any portion of the original proposed plan, the applicant will have up to sixty (60) calendar days to amend the application without a fee.

D. Any zoning review application submitted prior to the effective date of this chapter shall expire one hundred eighty (180) calendar days after the effective date.

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 5th day of November, 2018.

Proposed on the 18th day of September, 2018.

Proposed by: Commissioner Schinhofen.

Adopted on the 16th day of October, 2018

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


Nays: Commissioners: Ø

Absent: Commissioners: Ø

BY:


John Koenig, Chairman
Nye County Board of
County Commissioners

ATTEST:


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