

# NYE COUNTY WAIVER APPLICATION (NCC 17.04.915)



**\*\*\* This application will not be taken over the counter. Please call (775) 751-4249 to schedule an appointment \*\*\***

## Application Checklist

- Original signed application
- Fee (Application includes a \$175 notification fee)
- Proof of Ownership
- Conceptual Site Development Plan (one legible 8.5"x 11" print and one electronic) in conformance with Article IX of the NCC (17.04.970)
- A Legal Description of the property involved
- Justification letter (letter must address the following):
  - Explain the provisions or regulations of this chapter from which the property or structure is sought to be waived or excepted
  - Justification to reduce/waive buffer and distance separation requirements (if applicable)
  - Does the proposed use comply with all applicable provisions of the development code?
  - Is the proposed use compatible with adjacent uses in terms of scale, site design, operating characteristics, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts?
- Elevations of all proposed buildings or alterations in sufficient detail to meet requirements of the planning commission
- Evidence of ability and intent of applicant to proceed with actual construction in accordance to submitted plans within six (6) months of filing date
- Application needs to be verified before a Notary Public by the owner of the land and/or buildings affected or by its acknowledged agent (***Required for all waiver applications***)

**Any person requesting a waiver or exception by the Zoning Administrator shall present a valid application. It shall include:**

- All required documents previously listed
- Fee (\$25 application fee)
- If the subject property is located within an area governed by a homeowners' association (HOA), the applicant must present at time of filing of the application a letter from the HOA approving the proposed development on the subject property, specifically stating they are aware of the applicant's intent to apply for a waiver and they approve the size, height, setback and/or location on the subject property.
- An applicant applying for a waiver or exception, in addition to the above listed submittal requirements must provide written consent of the owner(s) of any adjacent property that would be affected by the waiver or exception.
- Evidence of ability and intent of applicant to proceed with actual construction in accordance to submitted plans within six (6) months of filing date.

***Pursuant to Nevada Revised Statutes 278.319, the Director of Planning may grant a deviation of less than ten percent (10%) from the requirements for land use established within a zoning district without conducting a hearing.***

***Any action that has in effect granted a waiver or exception of ten percent (10%) or more shall be deemed a violation of the zoning administrator's power and this chapter and be of no force and effect; however, the zoning administrator may recommend to the planning commission that an amendment to this chapter be considered.***

***\*\*Falsification of any information contained hereon may cause all approvals to be revoked.***

## Application Fee

Public Hearing \$525

Administrative \$25

Department of Planning  
250 N. Hwy 160, Ste. 1  
Pahrump, NV 89060  
Phone: 775-751-4249  
Fax: 775-751-4324  
Website: [www.nyecounty.net](http://www.nyecounty.net)

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# Waiver

Administrative     Public Hearing

Project Name: \_\_\_\_\_

Project Location: \_\_\_\_\_

Assessor's Parcel Number(s): \_\_\_\_\_

Existing Zoning: \_\_\_\_\_ Master Plan Land Use: \_\_\_\_\_ Gross Acres: \_\_\_\_\_

Intent of this Request: \_\_\_\_\_

\_\_\_\_\_

<b>Property Owner</b>	Name _____ Company _____
	Address _____ City _____
	State _____ Zip Code _____ Phone _____ Email _____
<b>Agent/Applicant</b>	Name _____ Company _____
	Address _____ City _____
	State _____ Zip Code _____ Phone _____ Email _____

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application to initiate under Nye County Code; that the information on the plans and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted, (I, We) also authorize the Nye County Planning Department and its designee, to enter the premises of the property subject to this application for the purpose of gathering information for the purposed of advising the public of the proposed application. FURTHER, THE UNDERSIGNED HEREBY ACKNOWLEDGES THAT HE/SHE IS AWARE OF AND HAS READ THE ATTACHED "LIST OF POTENTIAL NYE COUNTY DEVELOPMENT REQUIREMENTS."

\_\_\_\_\_  
Property Owner/Agent Signature

\_\_\_\_\_  
Print Name

### For Office Use Only

<b>Date Filed:</b>	<b>Application Number:</b>	<b>Received By:</b>
<b>Processed By:</b>	<b>MEETING DATES</b>	<b>PHN Mailed:</b>
<b>Receipt #:</b>	<b>RPC:                      BOCC:</b>	
	<b>Advertise Date:</b>	<b>FAM Issued:</b>
<b>Code Compliance on File?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Related Case Numbers:</b>	
<b>Case #</b>		
<b>STAFF NOTES:</b>		

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## **LIST OF POTENTIAL NYE COUNTY DEVELOPMENT REQUIREMENTS**

This is a list of potential land development requirements based on existing Nye County Code and other adopted regulations and policies that may be applicable to your development project. Not all requirements listed here will necessarily apply in all cases. The type and extent of the development will determine which requirements apply to your specific project. Please be advised this list is not intended to be all-inclusive; there may be other federal, state or local regulations not listed here that may be applicable to your development project.

1. A liquor, gaming and/or fireworks license, permit, or other State, County or Town issued permit, license, or approval may be required for your intended use.
2. Drainage studies, construction plans, geotechnical reports and/or traffic studies may be required and must be submitted and approved, and all improvements must comply with the approved plans.
3. Development of the subject property may require the installation of an engineered septic system or connection to public utilities.
4. Prior to development of the site, approval may be required of a Site Development Plan, which may include review of parking layout, landscaping, lighting, public improvements, proposed signage, etc.
5. Property owner or developer may be required to make road or other improvements to the adjacent right-of-way(s) in accordance with Nye County standards.
6. Water rights may be required to be transferred to the Nevada State Water Engineer's Office in the amount of 2.0 acre-feet for each additional parcel created less than five (5) acres gross in size.
7. No construction of public improvements shall occur until any required plans are submitted and approved in accordance with the Guidelines for Design & Review of Development Engineering Submissions along with the calculations of the construction valuation, and plan check and inspection fees shall be borne by the Developer(s).
8. Developer may be required, at their own cost, to perform and complete other improvements required by the Board of County Commissioners, state and county statutes, codes, regulations, etc., and those improvements set forth in the plans, documents and reports submitted by the Developer. Improvements include, but are not limited to, road construction, installation of traffic signage, drainage improvements, and any extensions of utility lines.
9. Should the developer submit a land division map for recordation prior to the completion of any required improvements, the developer shall include cost estimates prepared by a civil engineer licensed in the state of Nevada indicating the costs of all remaining improvements.
10. Developer may be required to provide Nye County with adequate financial security such as a performance bond or irrevocable letter of credit in an amount equal to 125% of the engineer's estimate, in order to ensure completion of the required improvements.
11. The submittal of an Adequate Public Facilities (APF) report applicable to the project for which such approval is sought may be required, containing background information that describes the proposed development, its location, and the adequacy and conditions of all surrounding public facilities; identification and analysis of development impacts to public facilities; and proposed program for mitigating impacts to the public facilities. Any such submittal must address the impacts of each phase of the project development and must submit a schedule for each phase of construction.
12. As deemed appropriate under applicable rules, the Director of Public Works may determine that certain public improvements are required as a condition of approval but may be deferred upon technical review of owner's submissions. The owner of the property shall agree to pay for his share of the deferred public improvements and such agreement shall be recorded by the owner on the title of the land.
13. The developer may be responsible for improvements, repairs, striping, re-striping, signage, reconstruction, rehabilitation, or resurfacing of roads. Determination of this requirement is the sole responsibility of the Department of Public Works.
14. The need for traffic improvements required as a result of a Traffic Impact Analysis (TIA) shall be subject to Public Works Department review and approval.
15. The Public Works Department reserves the right to provide further comments on all development servicing issues upon review (if applicable) of sanitary, geotechnical, technical drainage studies, and/or traffic impact analysis.
16. All encroachments into a road easement must conform to Nye County Code § 12.08.010 and a permit must be obtained from Nye County Public Works.
17. Any above-ground obstructions within an easement, right-of-way, roadway and/or street, such as trees, utility lines, utility poles, utility boxes, guy wires, mailboxes and similar items may be required to be removed or relocated from the easement, right-of-way, roadway and/or street.
18. Prior to construction of new buildings or structures, the property owner may be required to obtain approval of building, plumbing, electrical or other construction permit(s) through Pahrump Building & Safety.
19. Should any interior work to an existing building be proposed, applicant may be required to submit and obtain approval of a Tenant Improvement (TI) application through the Planning Department, followed by any required building, electrical or plumbing permits from Pahrump Building & Safety.
20. Prior to beginning operation, property owner may be required to obtain approval of a Business License from the Town of Pahrump.