

## Chapter 16.08

### ADMINISTRATION, CONSTRUCTION AND ENFORCEMENT\*

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#### **16.08.010 Purpose and intent.**

The purpose of this title is to provide for the orderly growth and harmonious development of the city to insure adequate traffic circulation through a coordinated subdivision street system with relation to major thoroughfares, adjoining subdivisions, and public facilities to achieve individual property lots of optimum utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements; to facilitate reservation of adequate sites for schools, recreation areas, and another public facilities; to promote the conveyance of and by accurate legal description and to provide logical procedures for the achievement of this purpose; safeguard the public health, safety and general welfare; to insure development in conformance with the city general plan. In its interpretation and application, the provisions of this title are intended to provide a common ground of understanding and a sound and equitable working relationship between public and private interests to the end that both independent and mutual objectives can be achieved in the subdivision of the land. (Ord. 391 § 100, 1983)

#### **16.08.020 Outline of procedures.**

The preparation, submission, review and official action concerning all subdivision plats located within the city of Winnemucca shall proceed through the following progressive states:

- A. (Stage I) Pre-application (conference) stage.
- B. (State II) Preliminary plat stage.
- C. (Stage III) Final plat stage (Ord. 391 § 102, 1983)

#### **16.08.030 General provisions for subdivision design.**

A. Conformance with General Plan. Every subdivision shall conform to requirements and objectives of the city general plan, to the city zoning ordinance as set out in Title 17, to other ordinances and regulations of the city and to the statutes of the state of Nevada.

B. Provision of Public Facility Sites. Whenever the statutes of the state of Nevada permit the dedication of school sites or parks, the city council may require the subdivider to dedicate such sites.

C. Land Unsuitability. No land shall be subdivided which is held by the commission to be unsuitable for use by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, erosion susceptibility or similar conditions which are likely to prove harmful to the health, safety and general welfare of the community or the future property owners. The commission, in applying the provisions of this section, shall state the particular facts upon which its conclusions are based, and shall also define the conditions under which the land may, in its opinion, become suitable for the proposed development. Any subdivider proposing development of such land shall have the right to present evidence to the city council contesting such determination of unsuitability, whereupon the city council may affirm, modify or withdraw the restriction. (Ord. 391 § 108, 1983)

**16.08.040 Modification of standards.**

A. Where, in the opinion of the planning commission, there exists extraordinary conditions of topography, land ownership, or adjacent development or other circumstances not provided for in this title, the city council may modify the provisions in such manner and to the minimum extent necessary to carry out the intent of this title.

B. In modifying the standards or requirements of this title, as outlined heretofore, the city council may make such additional requirements as are necessary in its judgment to secure substantially the objectives of the standards or requirement so modified. (Ord. 391 § 123, 1983)

**16.08.050 Sale of property--Plat required.**

No person, firm, corporation, or other legal entity shall hereafter sell or offer for sale any lot, piece, or parcel of land which is within a subdivision as defined in this title until after a plat thereof has been recorded in accordance with provisions of this title. (Ord. 391 § 124, 1983)

**16.08.060 Fees.**

The following fees shall be required:

A. Applications for Divisions of Land and Approval of Maps.

1. Tentative subdivision map, one hundred twenty-five dollars plus five dollars for each lot.

2. Tentative subdivision map extension of time, no fee,

3. Final subdivision map, one hundred twenty-five dollars plus five dollars for each lot,

4. Parcel map, one hundred twenty-five dollars.

5. Record of survey map, reversion to acreage map, boundary line adjustment map, or any combination of such maps, fifty dollars.

B. Inspection and Checking Services

1. Three percent of the first fifty thousand dollars estimated costs of proposed improvements, as determined by the city engineer.

2. Two and one-half percent of estimated costs of improvements in excess of fifty thousand dollars;

3. There shall be no refund of any portion of the improvement inspection and checking fee.

C. Filing Fee for Tentative Map. At the time of filing the tentative map, the filing fee shall be paid. The filing fee shall also cover filing of an amended or revised tentative map Which may be processed as the same case. If tentative map approval subsequently expires prior to the application for final map approval, the tentative map shall be resubmitted for preliminary approval as a new case, and a filing fee shall be deposited in accordance with the adopted schedule.

D. Checking Fee for Final Map. After approval of the final map by the planning commission a fee of fifteen dollars per hour shall be paid for the time estimated by the city surveyor to check the final map. The fee shall be determined by the city surveyor and is payable before any work is commenced and no part thereof is refundable.

E. Filing Fee for Final Map. Upon final submission of all original prints and statements required by this title, there shall be deposited:

1. A fee of one dollar for each original public improvement plan and five dollars for each sheet of the final subdivision plan; and

2. A sum sufficient to cover the cost of recording the map and making the negative and duplicate transparencies that are required by the county recorder and county assessor.

The fees provided in this chapter shall be paid at the office of the city clerk. In the case of a fee based on estimated cost of improvements. The fee shall be paid before any work is commenced unless the city engineer permits the work to be done first and waives such prior payment requirement and directs that eh fee be paid upon or before completion of the work. (Ord. 687 § 1.1, 2003; Ord. 534 § 1 (part), 1990; Ord. 391 §125, 1983; Ord. 226 § 2, 1973)

#### **16.08.070 Violation--Penalty.**

Any person, firm, corporation or other legal entity who violates any provision of this chapter shall be guilty of a violation and upon conviction thereof may be punished by a fine of not more than three hundred dollars or by imprisonment in the city jail for not more than ninety days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with all requirements of this title. (Ord. 391 § 126, 1983)