IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF LAS VEGAS, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA, Appellant, vs. 180 LAND CO., LLC, A NEVADA LIMITED-LIABILITY COMPANY; AND FORE STARS, LTD., A NEVADA LIMITED-LIABILITY COMPANY, Respondents.	No. 84345
180 LAND CO., LLC, A NEVADA LIMITED-LIABILITY COMPANY; AND FORE STARS, LTD., A NEVADA LIMITED-LIABILITY COMPANY, Appellants/Cross-Respondents, vs. CITY OF LAS VEGAS, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA, Respondent/Cross-Appellant.	No. 84640 **JOINT APPENDIX, VOLUME NO. 128, Pt. 5**

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Sec. 5. The tentative map of any subdivision filed with the governing body of the city or county shall not be affected by the provisions of this act if the ordinance adopted pursuant to the provisions of section 2 of this act has not been in effect at least 30 days prior to the filing of the tentative map.

Sec. 6. The standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof shall be based upon:

1. The number and type of residential dwelling units or mobile homes, as that term is defined in NRS 40.215, to be included in each subdivision.

2. Studies and surveys which may have been made by the city or county to determine the need, if any, for recreational sites generated by existing subdivisions.

Sec. 7. 1. The ordinance enacted pursuant to section 2 of this act may provide that the appropriate governing body or a designated department or agency of the city or county may select the location of land areas to be dedicated for park or recreational purposes.

2. If such authority is exercised, the dedication provision shall take into consideration variations in the relative desirability and market value of the land that may be included within the area of any particular proposed subdivision.

Sec. 8. If in-lieu payments have been received, the moneys shall be deposited in a trust fund account. The use of such moneys is restricted to the purchase and development of land for park or recreational purposes, consistent with the provisions of sections 2 to 10, inclusive, of this act.

Sec. 9. 1. Provision may be made in the ordinance for the in-lieu payment to be made in installments following the approval of the final map of the subdivision. The final installment payment, under any such option, shall be made no later than 18 months from the recording date of the final map of the subdivision.

2. If the installment payment option is used in the satisfaction of the in-lieu payment requirement, the subdivider shall post a bond, as provided by law, guaranteeing the payment of the total amount.

Sec. 10. The governing body of the city or county shall, within 18 months after the recording date of the final map of the subdivision, commence the development of the dedicated park or recreational land or apply the moneys deposited, pursuant to the provisions of section 8 of this act, to the purchase and development of park or recreational land.

SUMMARY--Enacts Flood Plain Management Act. Fiscal Note: No. (BDR 48-321)

AN ACT relating to public health and safety; providing for statewide flood plain management; requiring the director of the department of conservation and natural resources to coordinate local, state and federal flood plain management activities; providing for the adoption of local ordinances; providing for injunctive relief; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 48 of NRS is hereby amended by adding thereto a new chapter, to consist of the provisions set forth as sections 2 to 21, inclusive, of this act.

Sec. 2. This act may be cited as the Flood Plain Management Act.

Sec. 3. The legislature finds and declares that:

1. A portion of the state's land resource is subject to recurrent flooding by overflowing of streams and other watercourses, causing loss of life and property, disruption of commerce and governmental services, unsanitary conditions, and interruption of transportation and communications, all of which are detrimental to the health, safety, welfare and property of the occupants of flooded lands and the people of this state.

2. The public interest necessitates sound land use development as land is a limited and irreplaceable resource, and the flood plains of this state are a land resource to be developed in a manner which will result in minimum loss of life and threat to health and reduction of private and public economic loss caused by flooding.

Sec. 4. It is the policy of this state and the purpose of this act to guide development of the flood plains of this state consistent with the enumerated legislative findings so that there may be provision for:

1. State coordination and assistance to local governmental units in flood plain management.

2. Encouragement of local governmental units to adopt, enforce and administer sound flood plain management ordinances.

3. Arrangements for the director to guide a flood plain management program for the state in coordination with federal, state and local flood plain management activities in the state.

Sec. 5. As used in sections 1 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 11, inclusive, of this act, have the meanings ascribed to them in sections 6 to 11, inclusive, of this act.

Sec. 6. "Director" means the director of the department of conservation and natural resources.

Sec. 7. "Floodway" means the channel of the watercourse of those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

Sec. 8. "Flood fringe" means that portion of the flood plain outside the floodway.

Sec. 9. "Flood plain" means the area adjoining a watercourse which has been or hereafter may be covered by the regional flood.

Sec. 10. "Local government unit" means a county, municipality or political subdivision.

Sec. 11. "Regional flood" means a flood which is representative of large floods known to have occurred generally in Nevada and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval.

Sec. 12. 1. The director shall:

(a) Collect and distribute information relating to flooding and flood plain management.

(b) Coordinate local, state and federal flood plain management activities to the greatest extent possible.

(c) Assist local government units in their flood plain management activities within the limits of available appropriations and personnel in cooperation with the state planning agency.

(d) Do all other things within his lawful authority which are necessary or desirable to manage the flood plains for beneficial

uses compatible with the preservation of the capacity of the flood plain to carry and discharge the regional flood.

2. In cooperation with local government units, the director shall conduct, whenever possible, periodic inspections to determine the effectiveness of local flood plain management programs, including an evaluation of the enforcement of and compliance with local flood plain management ordinances.

Sec. 13. 1. In places where the flood plain has been delineated by ordinance in the manner required by this act, no major alteration to a structure in existence on the effective date of the ordinance and no new fill, structure, deposit or other flood plain use that is unreasonably hazardous to the public or that unduly restricts the capacity of the flood plain to carry and discharge the regional flood shall be permitted after the effective date of the ordinance delineating the flood plains.

2. As used in this section, major alterations of existing structures shall not include repair or maintenance, and shall not include repairs, maintenance or alterations to structures made pursuant to the authority of any authorized agency of a state or the Federal Government, provided, further, that this section shall not apply to alterations, repair or maintenance recently done under emergency circumstances to preserve or protect life or property.

3. This section applies to alterations to existing structures and to new fill, structures, deposits or other flood plain uses by the state and its agencies.

Sec. 14. 1. In accordance with the provisions of this act, and the rules and regulations which the director may adopt and promulgate pursuant to this act, local government units shall adopt, administer and enforce flood plain management ordinances which shall include, but not be limited to:

(a) The delineation of flood plains and floodways.

(b) The preservation of the capacity of the flood plain to carry and discharge regional floods.

(c) The minimization of flood hazards.

(d) The regulation of the use of land in the flood plain.

2. The ordinances shall be based on adequate technical data and competent engineering advice, and shall be consistent with local and regional comprehensive planning.

Sec. 15. No later that June 30, 1974, every local government unit shall submit a letter of intent to comply with this act on a form provided by the director, including any existing flood plain management ordinances, to the director for his review. The letter of intent shall list the watercourses within the boundaries of the local government unit in the order of the degree of flood damage potential associated with each watercourse, and

shall include a description of the type of information that is available for each, such as high watermarks and topographic maps.

Sec. 16. 1. When the director determines that sufficient technical information is available for the delineation of flood plains and floodways on a watercourse, he shall notify affected local government units that this technical information is available. As soon as practicable after receiving this notice, each local government unit shall prepare or amend its flood plain management ordinance in conformance with the provisions of this act, and shall submit the ordinance to the director for his review and approval before adoption.

2. The director shall approve or disapprove the proposed ordinance no later than 120 days after receiving it. If the director disapproves the proposed ordinance, he shall return it to the local government unit with a written statement of his reasons for disapproval. Thereafter, the local government unit shall resubmit an amended proposed ordinance for his further review and approval before adoption.

3. A flood plain management ordinance adopted by a local government unit after June 30, 1974, is invalid unless it is approved by the director.

4. A local government unit may adopt a flood plain management ordinance in the absence of notification by the director that the

required technical data is available, provided any such ordinance be submitted to the director for his approval prior to its adoption.

5. Nothing in this act limits the power of the local government unit to adopt or continue in force a flood plain management ordinance which is more restrictive than that which may be required pursuant to this act.

Sec. 17. Flood plain management ordinances may be amended by a local government unit upon the approval of the director.

Sec. 18. In the manner provided by chapter 233B of NRS, the director shall adopt and promulgate rules and regulations necessary to carry out the purposes of this act, including, but not limited to the following:

1. Criteria for determining the flood plain uses which may be permitted without creating an unreasonable public hazard or unduly restricting the capacity of the flood plain to carry and discharge the regional flood.

2. Variance procedures.

3. The establishment of criteria for alternative or supplemental flood plain management measures such as flood proofing, subdivision regulations, building codes, sanitary regulations and flood warning systems.

Sec 19. The director, in adopting and promulgating guidelines pursuant to section 18, and local government units, in preparing

flood plain management ordinances, shall give due consideration to the needs of an industry whose business requires that it be located within a flood plain.

Sec. 20. Every structure, fill, deposit or other flood plain use placed or maintained in the flood plain in violation of a flood plain management ordinance adopted under or in compliance with the provisions of this act is a public nuisance and the creation thereof, may be enjoined and the maintenance thereof abated by an action brought by the director, or by a local government unit.

Sec. 21. Ordinances prepared pursuant to the provisions of this act may contain penalty provisions as well as provisions for injunctive relief.

SUMMARY--Provides for seismic safety in preparation of master plans. Fiscal Note: No. (BDR 22-320)

AN ACT to amend NRS 278.160, relating to master plans, by adding as a category in the overall master plan a seismic safety plan.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 278.160 is hereby amended to read as follows:

278.160 1. The master plan, with the accompanying maps, diagrams, charts, descriptive matter and reports, shall include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan shall also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment

of the conservation plan, prevention, control and correction of the erosion of soils, beaches, and shores, and protection of watersheds.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public funds in order to provide for the economical and timely execution of the various components of the plan.

(d) Housing. Survey of housing conditions and needs and plans and procedure for improvement of housing standards and for the provision of adequate housing.

(e) Land use plan. An inventory and classification of natural land types and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land.

(f) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(g) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor.

(h) Recreation plan. Showing a comprehensive system of recreation areas, including natural reservations, parks, parkways, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(i) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking, to ground failures or

to effects of seismically induced waves such as tsunamis and seiches. The plan shall provide for such protection as evacuation routes, peak load water supply requirements, minimum road widths, clearances around structures and geological hazard mapping in areas of known geological hazards.

(j) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of street naming or numbering, and house numbering, with recommendations concerning proposed changes.

[(j)] (k) Transit plan. Showing a proposed system of transit lines, including rapid transit, streetcar, motorcoach and trolley coach lines and related facilities.

[(k)] (l) Transportation plan. Showing a comprehensive transportation system, including locations of rights-of-way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, shall be deemed to prohibit the preparation and adoption of any such subject as a part of the master plan.

SUMMARY--Redefines subdivision in planning and zoning law.
Fiscal Note: No. (BDR 22-319)

AN ACT relating to planning and zoning; redefining subdivision; making special provision for certain small subdivisions; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 117.120 is hereby amended to read as follows:

117.120 1. A condominium project consisting of [five] four or more units shall be deemed to be a subdivision of land within the meaning of NRS 278.320, but only NRS 278.330, 278.340, 278.350, 278.360, 278.370, 278.380, 278.390, subsection 1 of NRS 278.400, subsections 1, 2, 3, 4, 5, 7, 8, 9 and 10 of NRS 278.410 and NRS 278.420, 278.430, 278.450, 278.460, 278.470, 278.480 and 278.490 shall be applicable to such condominium projects.

2. A condominium project consisting of [four] three units or less shall be deemed to be a subdivision within the meaning of NRS 278.500, but only NRS 278.500, 278.510, 278.530, 278.540, 278.550 and [subsection 1 of NRS] 278.560 shall be applicable to such condominium projects.

3. Tentative or final maps or records of survey required to be prepared and recorded by any of the statutory sections listed in subsections 1 and 2 of this section shall conform with the

requirements of NRS 117.020. The sections of NRS listed in subsections 1 and 2 of this section and all other sections of NRS which are deemed applicable to condominiums or condominium projects shall be liberally construed to avoid unreasonable and unduly technical application of such sections to condominiums and condominium projects, and to encourage the establishment of condominiums and condominium projects in Nevada.

Sec. 2. NRS 278.320 is hereby amended to read as follows:

278.320 1. "Subdivision" refers to any land [or portion thereof, shown on the last preceding tax roll as a unit or as contiguous units, which is divided for the purpose of sale or lease, whether immediate or future, by any subdivider into 5 or more parcels within any 1 calendar year.

2. "Subdivision" does not include either of the following:

(a) Any parcel or parcels of land in which all of the following conditions are present:

(1) Which contain less than 5 acres.

(2) Which abut upon dedicated streets or highways.

(3) In which street opening or widening is not required by the governing body in dividing the land into lots or parcels.

(4) The lot design meets the approval of the governing body.

(b) Any parcel or parcels of land divided into lots or parcels, each of a net area of 10 acres or more, a tentative map of which has been submitted to the governing body and has been approved by it as to street alignment and widths, drainage provisions and lot design.

3. In either case provided in subsection 2, there shall be filed a record of survey map pursuant only to the provisions of NRS 278.010 to 278.630, inclusive.] vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or interests, for the purpose of any transfer or development or any proposed transfer or development.

2. For subdivisions containing not more than three lots, parcels, sites, plots or interests, there shall be filed a record of survey map pursuant only to the provisions of NRS 278.010 to 278.630, inclusive, which shall include a certificate by the health division of the department of health, welfare and rehabilitation showing that the health department approved the subdivision concerning sewage disposal, water pollution, water quality and, subject to confirmation by the state engineer, water quantity.

[4.] 3. In any county having a population of 100,000 or more but less than 200,000, as determined by the last preceding national census of the Bureau of the Census of the United

States Department of Commerce, the board of county commissioners may exempt any parcel or parcels of land from the provisions of NRS 278.010 to 278.630, inclusive, if:

(a) Such land is owned by a railroad company and was in the past used in connection with any railroad operation; and

(b) Other persons now permanently reside on such land.

[5.] 4. Nothing contained in NRS 278.010 to 278.630, inclusive, shall apply to land platted for cemetery purposes not involving any street, road or highway opening or widening or easements of any kind.

[6.] 5. Nothing contained herein shall apply to the division of land for agricultural purposes, in parcels of more than 10 acres, not involving any street, road, or highway opening or widening or easements of any kind.

Sec. 3. NRS 278.540 is hereby amended to read as follows:

278.540 If the record of survey contains more than [four] three lots or parcels, the surveyor or person or one of the persons for whom the record of survey is made shall place upon the map thereof a statement of the facts which will clearly show that such record of survey is not of a subdivision as defined in NRS 278.010 to 278.630, inclusive, or all requirements of NRS 278.010 to 278.630, inclusive, concerning subdivision of real property and the regulations of transactions pertaining thereto shall be complied with.

SUMMARY--Makes technical changes in surveying and mapping provisions affecting subdivision of land. Fiscal Note: No. (BDR 22-552)

AN ACT relating to subdivision of land; making certain technical changes in the procedures affecting surveying and mapping; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. If an error or omission in any recorded subdivision plat, record of survey or reversionary map is discovered by a county surveyor or is accurately reported to him, an amended plat, survey or map, correcting such error or supplying such omission, shall be prepared and recorded within 90 days of such discovery or report. The registered land surveyor who made the survey shall prepare and record the amended plat, survey or map. If such surveyor is no longer professionally active in the county, the preparation and recording shall be handled by the county surveyor.

2. The county surveyor shall send written notice to all persons having any record title interest in the property affected by such amendments. Mailing shall be to the last-known address of such

persons, which shall be supplied by the registered land surveyor or obtained from him.

Sec. 3. The amended plat, survey or map shall:

1. Be an exact size and scale reproduction on linen of the plat, survey or map being amended.

2. Have the phrase "Amended Plate of" prominently displayed on each sheet above the tract number or subdivision name, record of survey title or reversionary map title, as the case may be.

3. Have a blank margin for the county recorder's indexing information.

4. Have a 3-inch by 3-inch square adjacent to and on the left side of the existing square for the county recorder's information and stamp.

5. Show a solid, heavy line under the letter, word, phrase, number, bearing or distance being corrected and the correction shown adjacent thereto and appropriately referenced or keyed to a legend shown thereon.

Sec. 4. If the amendments are made by the registered land surveyor, the following certificates shall appear on the title sheet:

1. A certificate executed by the surveyor reciting, in substance, that he has prepared the amended plat, survey or map in conformance with NRS 278.010 to 278.630, inclusive, and with any controlling ordinance.

2. A certificate executed by the county surveyor reciting, in substance, that he has examined the amended plat, survey or map, and is satisfied that it is technically correct.

Sec. 5. If the amendments are made by the county surveyor, a certificate shall appear on the title sheet reciting, in substance, that he has prepared the amended plat, survey or map in conformance with NRS 278.010 to 278.630, inclusive, and with any controlling ordinance.

Sec. 6. NRS 278.330 is hereby amended to read as follows:

278.330 1. The initial action in connection with the making of any subdivision shall be the preparation of a tentative map or maps which shall show, or be accompanied by, such data as are specified by the provisions of NRS 278.010 to 278.630, inclusive.

2. The subdivider shall file copies of such map or maps with the planning commission, or with the clerk of the governing body if there be no planning commission.

3. If there is no planning commission, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting. The governing body shall act thereon within 40 days after such submittal.

4. If there is a planning commission, it shall [report] :

(a) Report in writing to the subdivider and to the governing body on the map or maps of any subdivision [submitted to it] within 30 days after the tentative map has been filed [; and the] or refiled

with it. The report shall approve, conditionally approve, or disapprove the tentative map or maps of the subdivision [. If conditionally approved or disapproved, the report shall state the conditions under which the map would have been approved.] as filed or refiled. If the report conditionally approves or disapproves the tentative map, it shall state the conditions under which the map will be approved.

(b) Be deemed to have approved the tentative map if all conditions are met by the subdivider and the tentative map is refiled within 90 days of the date of the report.

5. If the subdivider is dissatisfied with any action of the planning commission, he may, within 15 days after such action, appeal from the action of the planning commission to the governing body which must hear the same, unless the subdivider consents to a continuance, within 10 days or at its next succeeding regular meeting. The governing body may by a majority vote of its members overrule any ruling of the planning commission in regard to the tentative map, and make such findings as are not inconsistent with the provisions of NRS 278.010 to 278.630, inclusive, or local ordinance adopted pursuant thereto.

6. No provision of this chapter shall be construed to prevent a governing body from disapproving a tentative map if such disapproval is in the best interests of the public health, safety or welfare,

and such disapproval is by unanimous vote and made within the time limit provided in subsection 3.

Sec. 7. NRS 278.340 is hereby amended to read as follows:

278.340 1. Whenever any subdivider proposes to subdivide any land within 3 miles of the exterior boundary of a city, which city has a planning commission, the [subdivider] county planning commission or governing body shall file a copy of the subdivider's tentative map [of his proposed subdivision] with the city planning commission. The city planning commission shall have not to exceed 30 days' time for action on the map and report to the governing body of the county in which the subdivision is situated. The planning commission or governing body of the county shall take into consideration the report of the city planning commission before approving the [final] tentative map of any subdivision within the 3-mile limit.

2. If such city has no planning commission, the [subdivider] county planning commission or governing body shall file a copy of the subdivider's tentative map [of his proposed subdivision] with the governing body of the city, which shall report to the planning commission or governing body of the county in which the subdivision is situated within 30 days after such filing. The planning commission or governing body of the county shall take such report into consideration before approving the [final] tentative map of any subdivision within the 3-mile limit.

Sec. 8. NRS 278.345 is hereby amended to read as follows:

278.345 Whenever any subdivider proposes to subdivide any lands within an incorporated city in a county having a population of 200,000 or more, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, which does not have a regional planning commission, the [subdivider] city planning commission or governing body shall file a copy of the subdivider's tentative map of [his] the proposed subdivision with the county planning commission. The county planning commission shall have not to exceed 30 days' time for action on the map and report to the governing body of the city in which the subdivision is situated. The planning commission or governing body of the city shall take into consideration the report of the county planning commission before approving the [final] tentative map of any subdivision.

Sec. 9. NRS 278.360 is hereby amended to read as follows:

278.360 1. The subdivider may within 1 year after approval [or conditional approval] of the tentative map or maps of a subdivision cause the subdivision, or any part thereof, to be surveyed and a final map thereof to be prepared in accordance with the tentative map as approved. Any failure so to record a final map within 1 year from the approval [or conditional approval] of the tentative

map shall terminate all proceedings, and before the final map may thereafter be recorded, or any sales be made, a new tentative map shall be [submitted.] filed.

2. No final map of a subdivision as defined in NRS 278.010 to 278.630, inclusive, shall be accepted by the county recorder for record unless all provisions of NRS 278.010 to 278.630, inclusive, and of any local ordinance have been complied with. The county recorder [may have not more than 10 days to examine the final map before accepting or refusing it for recordation.] shall accept or refuse it for recordation within 10 days of its delivery to him.

Sec. 10. NRS 278.370 is hereby amended to read as follows:

278.370 1. [The enactment of local ordinances is hereby authorized.] Local ordinances [may prescribe] shall be enacted by the governing body of every incorporated city and every county, prescribing detailed regulations which, in addition to the provisions of NRS 278.010 to 278.630, inclusive, [would] shall govern matters of improvements, mapping, accuracy, engineering and related subjects, but shall not be in conflict with NRS 278.010 to 278.630, inclusive.

2. [In case there is a local ordinance, the] The subdivider shall comply with [its] the provisions of the appropriate local ordinance before the map or maps of a subdivision may be approved.

[3. In case there is no local ordinance, the governing body may, as a condition precedent to the approval of the map or maps of a

subdivision, require streets and drainage ways properly located and improved and of an adequate width, but may make no other requirements.]

Sec. 11. NRS 278.400 is hereby amended to read as follows:

278.400 1. The survey ,final monumenting and final map shall be made by a [civil engineer or] Nevada registered land surveyor , prior to the recordation of the final map, who shall set sufficient durable monuments so that another [engineer or] surveyor may readily retrace the survey. The final monuments need not be set at the time the [survey is made if a satisfactory assurance is given of their being set later.] final map is recorded if:

(a) Satisfactory assurance is given to the governing body of their being set on or before a day certain: and

(b) A performance bond, in an amount to be determined by the county surveyor or city surveyor is deposited.

2. [Monuments required by subsection 1 shall be of stone of not less than 6 inches smallest dimension and not less than 12 inches in length with a cross chiseled to mark the point of reference, or of concrete of not less than 6 inches smallest dimension and not less than 12 inches in length, with the point of reference marked by a metal plug firmly set therein. Monuments shall be firmly set with the tops not less than 4 inches below the surface of the ground or street.] Final monuments shall:

(a) Be of sufficient number, length, type and material to insure their durability.

(b) Be placed as follows:

(1) A 2-inch I.D. iron pipe at all subdivision boundary corners, angle points and section corners.

(2) A 1-inch I.D. iron pipe at all:

(I) Intersections of street centerlines.

(II) Intersections of street centerlines with subdivision boundaries.

(III) Angle points and points of curvature in street center lines.

(IV) Quarter section corners.

(c) Meet the following minimum specifications or the county surveyor's or city surveyor's equal specifications:

(1) Have a metal plate or disc securely attached to the top with a mark for the exact point, stamped with the surveyor's license number.

(2) Be firmly set with the tops not less than 4 inches below the surface of the ground or flush with the finish grade of the street.

(d) Be referenced, in the case of street centerline monuments in a subdivision with paved streets, within 100 feet to at least two durable tie monuments shown on the map.

3. At all lot corners, angle points and curve points shown on the final map, where no monument is set or found, a redwood 2-inch by 2-inch hub, at least 12 inches long, shall be driven flush with the surface of the ground with a metal tack marking the exact corner or point. Such hubs shall be stamped or tagged with the surveyor's license number.

Sec. 12. NRS 278.410 is hereby amended to read as follows:

278.410 1. The final map shall be clearly and legibly drawn in black waterproof india ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession, but affidavits, certificates and acknowledgments may be legibly stamped or printed upon the map with opaque ink.

2. The size of each sheet of the map shall be 24 by 32 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.

3. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end.

4. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

5. The final map shall show all survey and mathematical information and data necessary to locate all monuments, and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings and distances of straight lines, and radii and arc length for all curves, and such information as may be necessary to determine the location of the centers of curves.

6. Each lot shall be numbered, and each block may be numbered or lettered.

7. Each street shall be named.

8. The exterior boundary of the land included within the subdivision shall be indicated by [colored border.] a blue border light enough to make all delineations covered by it readily discernible on reproductions or prints of the original.

9. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

10. The final map shall also satisfy any additional survey and map requirements of the local ordinance [.] , city surveyor or county surveyor.

11. Each sheet:

(a) Shall show the subdivision tract number assigned by the county recorder.

(b) May show the subdivision name and unit number.

Sec. 13. NRS 278.420 is hereby amended to read as follows:

278.420 The following certificates and acknowledgements shall appear on the final map and may be combined where appropriate:

1. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the map. A lien for state, county, municipal or local taxes and for special assessments or beneficial interest under trust deeds or trust interests under bond indentures shall not be deemed to be an interest in land for the purpose of this section. Any map including territory originally patented by the United States or the State of Nevada, under patent reserving interest to either or both of the entities, may be recorded under the provisions of NRS 278.010 to 278.630, inclusive, without the consent of the United States or the State of Nevada thereto, or to dedications made thereon. Signatures required by this section of parties owning rights-of-way, easements or reversions which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value, and which signatures it is impossible or impracticable to obtain, may be omitted if the names of such parties and the nature of their interest is endorsed on the map, together with a reasonable statement of the circumstances preventing the procurement of such signatures.

2. A certificate, signed and acknowledged as above, offering for dedication for certain specified public uses (subject to such reservations as may be contained in any such offer of dedication) those certain parcels of land which the parties desire so to dedicate. The certificate may state that any certain parcel or parcels are not offered for dedication; but a local ordinance may require as a condition precedent to the approval of any final map that any or all of the parcels of land shown thereon and intended for any public use shall be offered for dedication for public use except those parcels other than streets intended for the exclusive use of the lot owners in such subdivision, their licensees, visitors, tenants and servants.

3. A certificate for execution by the clerk of each approving governing body stating that the body approved the map and accepted or rejected on behalf of the public any parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication.

4. A certificate by the engineer or surveyor responsible for the survey and final map, giving the date of the survey and stating that the survey was made by him or under his direction, and that the survey is true and complete as shown. The certificate shall also state that the monuments are of the character and occupy the positions indicated, or that they will be set in such positions

and at such time as is agreed upon under the provisions of NRS 278.400.

5. A certificate by the county surveyor if a subdivision lies within an unincorporated area, and if a subdivision lies within a city, a certificate by the city engineer or by the county surveyor when for that purpose appointed by the governing body of the city stating that he has examined the final map, that the subdivision as shown thereon is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of NRS 278.010 to 278.630, inclusive, and of any local ordinance applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct [.] and that the monuments as shown are of the character and occupy the positions indicated or that the monuments have not been set and that a proper performance bond has been deposited guaranteeing their setting on or before a day certain. The certificate shall be dated and signed by the county surveyor or city surveyor, or by an authorized deputy.

6. A certificate by the health division of the department of health, welfare and rehabilitation showing that the health division approved the final map concerning sewage disposal, water pollution, water quality and, subject to confirmation by the state engineer, water quantity.

Sec. 14. NRS 278.450 is hereby amended to read as follows:

278.450 The county recorder shall collect a fee of [$5] $50 or $25 plus 25 cents per lot, whichever is greater, for the recordation of any final map. The fee shall be deposited in the general fund of the county where it is collected.

Sec. 15. NRS 278.460 is hereby amended to read as follows:

278.460 Nothing contained in NRS 278.010 to 278.630, inclusive, prevents the recording under the provisions of NRS 278.010 to 278.630, inclusive, and any applicable local ordinances of a final map of any land not defined as a subdivision, nor do NRS 278.010 to 278.630, inclusive, prohibit the filing of a map in accordance with the provisions of any statute requiring the filing of registered land surveyor's [or registered civil engineer's] records of surveys.

Sec. 16. NRS 278.465 is hereby amended to read as follows:

278.465 1. [Any person or persons having a record title or interest in land that has been subdivided as provided in NRS 278.010 to 278.630, inclusive, may have the plat or any portion thereof, or any street therein contained, as shown in the final map thereof which has been filed in accordance with NRS 278.010 to 278.630, inclusive, altered or changed, upon application to the planning commission.

2.] Abandonment or vacation of any portion of the plat or of any street contained therein is governed by the provisions of NRS 278.470 and 278.480.

[3.] 2. Abandonment of a subdivision map or reversion of any subdivision to acreage is governed by the provisions of NRS 278.490.

Sec. 17. NRS 278.490 is hereby amended to read as follows:

278.490 1. Any person, firm or corporation desiring to revert any subdivision or part thereof to acreage or to abandon any subdivision map or portion thereof shall cause a final map of the reversion or abandonment to be recorded in the office of the county recorder.

2. The final map shall contain the certificate set forth in subsection 1 of NRS 278.420, and shall be presented to the governing body for approval. If the map includes the abandonment of any public streets, the provisions of NRS 278.480 must be followed prior to the recordation of the map.

3. Except for the provisions of this section and any provision or ordinance relating to the payment of fees in conjunction with filing or recordation or checking of a final map, no other provision of NRS 278.010 to 278.630, inclusive, shall apply to a map made solely for the purpose of abandonment of a former map or for reversion of any subdivision to acreage.

4. Upon the recording of a final map of such reversion or abandonment, the county recorder shall make a written notation of the fact on each sheet of the previously recorded final map affected by the later recording.

Sec. 18. NRS 278.500 is hereby amended to read as follows:

278.500 1. If the subdivider is not required by the provisions of NRS 278.010 to 278.630, inclusive, to prepare and record a final map, then before proceeding with the sale of any part of the subdivision, he shall file, in the office of the county recorder, a record of survey map conforming, in respect to design [,] and conditions to the [approved] tentative map or maps [.] approved or conditionally approved by the governing body.

2. In this event, the governing body may require only such street grading and surfacing and drainage provisions reasonably necessary for lot access and local neighborhood traffic and drainage needs.

3. The construction of any of these improvements may be accomplished as provided in accordance with the provisions of NRS 278.010 to 278.630, inclusive.

4. The following certificates shall appear on a record of survey map:

(a) A certificate for execution by the clerk of each approving governing body stating that the body approved the map for subdivision purposes in accordance with the approval or conditional approval of the tentative map.

(b) A certificate by the [engineer or] surveyor responsible for the survey giving the date of the survey and stating that the survey was made by him or under his direction and setting forth the name

of the owner who authorized him to make the survey, and that the survey is true and complete as shown. This certificate shall also state that the monuments are of the character and occupy the positions indicated or that they will be set in such positions [and at such time as is agreed upon] on or before a day certain, under the provisions of NRS 278.010 to 278.630, inclusive. This certificate shall also state that the monuments are or will be sufficient to enable the survey to be retraced.

(c) A certificate by the county surveyor or the city surveyor stating that he has examined the map for conformance with NRS 278.010 to 278.630, inclusive, and with any applicable local ordinance and that the monuments as shown are of the character and occupy the positions indicated or that a proper performance bond has been deposited, indicating the amount. The certificate shall state that the map is technically correct.

5. If the monuments have not been set prior to recording, the amount of the required performance bond shall be set by the county surveyor or city surveyor.

6. Dedications shall not be accepted on a record of survey map.

7. Easements shall not be created on a record of survey map. If an easement is shown on the map, it shall be shown with its recording information.

8. No record of survey as defined in NRS 278.010 to 278.630, inclusive, shall be accepted by the county recorder unless all provisions of NRS 278.010 to 278.630, inclusive, and of any local ordinance have been satisfied. The county recorder shall accept or refuse it for recordation within 10 days of its delivery.

Sec. 19. NRS 278.510 is hereby amended to read as follows:

278.510 1. The record of survey shall be a map, legibly drawn in black waterproof india ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession, the size and border of which shall conform to the requirements for final maps.

2. The record of survey shall show:

(a) All monuments found, set, reset, replaced or removed, describing their kind, size and location, and giving other data relating thereto.

(b) Bearing or witness monuments, basis of bearings, bearing and length of lines , north indicator and scale of map.

(c) Name and legal designation of tract or grant in which the survey is located and ties to adjoining tracts.

(d) Memorandum of oaths.

(e) Signature of surveyor.

(f) Date of survey.

(g) Name of person or persons for whom the survey was made.

(h) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and area shown.

Sec. 20. NRS 278.520 is hereby amended to read as follows:

278.520 A record of survey is not required of any survey:

1. When it has been made by a public officer in his official capacity, has been filed by him as a permanent record of his office, and is available for public inspections.

2. When it is of a preliminary nature.

3. When a map is in preparation for recording or [shall have] has been recorded under the provisions of NRS 278.010 to 278.630, inclusive, pertaining to subdivision maps.

4. When none of the evidence described in NRS 278.530 is discovered.

Sec. 21. NRS 278.530 is hereby amended to read as follows:

278.530 Within 90 days after the establishment of points or lines, the registered land surveyor [or registered civil engineer] shall file with the county recorder of the county in which the survey was made a record of such survey relating to land boundaries or property lines, which discloses:

1. Material evidence, which in whole or in part does not appear on any map [or record] previously recorded or filed in the office

of the county recorder [, county clerk, municipal or county surveying department] or in the records of the Bureau of Land Management.

2. A material discrepancy with such record.

3. Evidence that, by reasonable analysis, might result in alternate positions of lines or points.

4. The establishment of one or more lines not shown on any such map, the positions of which are not ascertainable from an inspection of such map without trigonometric calculations.

Sec. 22. NRS 278.560 is hereby amended to read as follows:

278.560 1. Monuments set shall be sufficient in number and durability and efficiently placed so as not to be readily disturbed to assure, together with monuments already existing, the perpetuation of facile reestablishment of any point or line of the survey.

2. Any monument set by a registered land surveyor [or registered civil engineer] to mark or reference a point on a property or landline shall be permanently and visibly marked or tagged with the certificate number of the surveyor [or civil engineer] setting it, each number to be preceded by the letters "R.L.S." [or "R.E.," respectively, as the case may be,] or, if the monument is set by the county surveyor, city surveyor or a public officer, it shall be marked with his official title.

SUMMARY--Requires recordation of land sale contracts. Fiscal Note: No. (BDR 10-554)

AN ACT relating to land sales; requiring the recordation of land sale contracts; providing for a reduction in the contract sales price on failure to record; providing penalties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 119 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. The legislature finds that:

(a) A rapidly developing practice of land sales activity in this state is based in large part on unrecorded land sale contracts or other unrecorded conveyances of interest in real property.

(b) Many vendors are actively engaged in discouraging the recording of such conveyances.

(c) The incidence of such unrecorded conveyances severely handicaps county assessors in the performance of their duties under chapter 361 of NRS, in determining the true taxable values lying within their counties.

(d) The presence of such a practice adversely affects the welfare of the people of this state.

2. It is unlawful for any developer to fail to record, within 72 hours of the receipt of any consideration therefor, any contract or other document evidencing a sale made on or after July 1, 1973.

3. Any contract or other document evidencing a sale made before July 1, 1973, must be recorded on or before September 1, 1973, in order to avoid the reduction in contract sale price provided in section 3 of this act, but no criminal penalty attaches to a failure so to record.

Sec. 3. Delay in recording a contract or other document evidencing a sale, in addition to invoking the penalty provided, in section 2 of this act, shall result in a reduction in the contract sale price as follows:

1. If the contract or other document is not recorded within 60 days after the receipt of any consideration thereon, the contract sale price shall be reduced by 25 percent.

2. Thereafter, on the anniversary of the penalty provided in subsection 1, there shall be a further reduction of 25 percent for each year the contract or other document remains unrecorded.

3. On the third anniversary of such penalty, the remaining amount of the contract sale price shall be disallowed, if the contract or other document remains unrecorded.

k. Payments made by any purchaser in excess of the amount recognized in this section as the permitted contract sale price shall be restored immediately by the developer or the principal agent, and may be recovered by the purchaser in an action at law.

SUMMARY--Makes certain changes in licensing and regulation of subdivisions under land sales law. Fiscal Note: No. (BDR 10-568)

AN ACT relating to land sales; providing certain changes in the licensing and regulation of subdivision sales; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 119.110 is hereby amended to read as follows:

119.110 "Subdivision" means any land or tract of land in another state or country or in this state from which a sale is attempted, which is divided or proposed to be divided into 50 or more lots, parcels, units or interests, for the purpose of sale as part of a common promotional plan and where any subdivision is offered by a single developer, or a group of developers acting in concert, and such land is contiguous or is known, designated or advertised as a common unit or by a common name such land shall be presumed, without regard to the number of lots covered by each individual offering, to be part of a common promotional plan.

Sec. 2. NRS 119.120 is hereby amended to read as follows:

119.120 1. Unless the method of disposition is adopted for the purpose of the evasion of the provisions of this chapter or the provisions of the Interstate Land Sales Full Disclosure Act,

15 U.S.C. §§ 1701 to 1720, inclusive, upon notification to the division by the person electing to be exempt under this subsection, this chapter shall not apply to the making of any offer or disposition of any subdivision or lot, parcel, unit or interest therein:

(a) By a purchaser of any subdivision lot, parcel or unit thereof for his own account in a single or isolated transaction;

(b) If each lot, parcel or unit being offered or disposed of in any subdivision is 5 acres or more in size;

(c) To any person who is engaged in the business of the construction of residential, commercial or industrial buildings for disposition;

(d) By any person licensed in the State of Nevada to construct residential buildings and where such land being offered or disposed of is to include a residential building when disposition is completed;

(e) Pursuant to the order of any court of this state;

(f) By any government or government agency;

(g) To any offer or disposition of any evidence of indebtedness secured by way of any mortgage or deed of trust of real estate;

(h) To securities or units of interest issued by an investment trust regulated under the laws of this state; or

(i) To cemetery lots.

2. Unless the method of disposition is adopted for the purpose of the evasion of the provisions of this chapter or the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. §§ 1701 to 1720, inclusive, this chapter shall not apply to the sale or lease of real estate which is free and clear of all liens, encumbrances and adverse claims if each and every purchaser or his or her spouse has personally inspected the lot which he purchased and if the developer executes a written affirmation to that effect to be made a matter of record in accordance with rules and regulations of the administrator of the division. As used in this subsection, the terms "liens," "encumbrances" and "adverse claims" are not intended to refer to purchase money encumbrances nor property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed nor to taxes and assessments which, under applicable state or local law, constitute liens on the property before they are due and payable.

3. The division may from time to time, pursuant to rules and regulations issued by it, exempt from any of the provisions of this chapter any subdivision, if it finds that the enforcement of this chapter with respect to such subdivision or lots, parcels, units or interests is not necessary in the public interest and for the protection of purchasers by reason of the small amount involved or the limited character of the offering, or because

such property has been registered and approved pursuant to the laws of any other state.

4. Any subdivision which has been registered under the Interstate Land Sales Full Disclosure Act, 15 U.S.C. §§ 1701 to 1720, inclusive, shall be exempt from all of the provisions of this chapter, except NRS 119.130, subsection 1 of NRS 119.180 and NRS 119.190, upon filing with the division:

(a) A copy of an effective statement of record filed with the Secretary of Housing and Urban Development.

(b) A filing fee of $100.

Sec. 3. NRS 119.140 is hereby amended to read as follows:

119.140 Any person or broker proposing to offer or sell any subdivision or lot, parcel, unit or interest therein in this state shall first submit to the division:

1. The name and address of the owner.

2. The name and address of the subdivider.

3. The legal description and area of lands.

4. A true statement of the condition of the title to the land, particularly including all encumbrances thereon.

5. A true statement of the terms and conditions on which it is intended to dispose of the land, together with copies of any contracts intended to be used.

6. A true statement of the provisions, if any, that have been made for public utilities in the proposed subdivision, including water, electricity, gas, telephone and sewerage facilities.

7. A true statement of the use or uses for which the proposed subdivision will be offered.

8. A true statement of the provisions, if any, limiting the use or occupancy of the parcels in the subdivision.

9. A true statement of the maximum depth of fill used, or proposed to be used on each lot, and a true statement on the soil conditions in the subdivision supported by engineering reports showing the soil has been, or will be, prepared in accordance with the recommendations of a registered civil engineer.

10. A true statement of the amount of indebtedness which is a lien upon the subdivision or any part thereof, and which was incurred to pay for the construction of any onsite or offsite improvement, or any community or recreational facility.

11. A true statement or reasonable estimate, if applicable, of the amount of any indebtedness which has been or is proposed to be incurred by an existing or proposed special district, entity, taxing area or assessment district, within the boundaries of which the subdivision, or any part thereof, is located, and which is to pay for the construction or installation of any improvement or to furnish community or recreational facilities to such

subdivision, and which amounts are to be obtained by ad valorem tax or assessment, or by a special assessment or tax upon the subdivision, or any part thereof.

12. A true statement of any adverse treatment of the subdivision or lot, parcel, unit or interest by a licensing agency in another state or country.

13. Such other information as the owner, his agent or subdivider may desire to present.

[13.] 14. A completed license application in such form as the division may require.

[14.] 15. A filing fee of [$100.] $500 plus $5.00 for each lot, parcel or unit of the whole, proposed for sale.

Sec. 4. NRS 119.160 is hereby amended to read as follows:

119.160 1. The administrator of the division shall make an examination of any subdivision, and shall, unless there are grounds for denial, issue to the subdivider a public report authorizing the sale or lease, or the offer for sale or lease, in this state of the lots or parcels in the subdivision. The report shall contain the data obtained in accordance with NRS 119.140 and which the administrator determines are necessary to implement the purposes of this chapter. The administrator may publish the report.

2. The grounds for denial are:

(a) Failure to comply with any of the provisions of this chapter or the rules and regulations of the division pertaining thereto.

(b) The sale or lease would constitute misrepresentation to or deceit or fraud of the purchasers or lessees.

(c) Inability to deliver title or other interest contracted for.

(d) Inability to demonstrate that adequate financial arrangements have been made for all offsite improvements included in the offering.

(e) Inability to demonstrate that adequate financial arrangements have been made for any community, recreational or other facilities included in the offering.

(f) Failure to make a showing that the parcels can be used for the purpose for which they are offered.

(g) Failure to provide in the contract or other writing the use or uses for which the parcels are offered, together with any covenants or conditions relative thereto.

(h) Agreements or bylaws to provide for management or other services pertaining to common facilities in the offering, which fail to comply with the regulations of the division.

(i) Failure to demonstrate that adequate financial arrangements have been made for any guaranty or warranty included in the offering.

(j) Production of false information.

3. If the administrator of the division finds that grounds for denial exist, he shall issue an order so stating to the owner or subdivider no later than 30 days after receipt of the information required to be filed by NRS 119.140.

4. If it appears to the administrator of the division that a statement of record, or any amendment thereto, is on its face incomplete or inaccurate in any material respect, the administrator shall so advise the developer within a reasonable time after the filing of the statement or the amendment, but prior to the date the statement or amendment would otherwise be effective. Such notification shall serve to suspend the effective date of the statement or the amendment until 30 days after the developer files such additional information as the administrator shall require. Any developer, upon receipt of such notice, may request a hearing, and such hearing shall be held within 20 days of receipt of such request by the administrator.

Sec. 5. NRS 119.180 is hereby amended to read as follows:

119.180 1. No subdivision or lot, parcel or unit in any subdivision shall be sold:

(a) Until the division has approved a written plan or the methods proposed to be employed for the procurement of prospective customers, which plan or methods shall describe with particularity:

(1) The form and content of advertising and contracts to be used;

(2) The nature of the offer of gifts or other free benefits to be extended to prospective customers;

(3) The nature of promotional group meetings; and

(4) Such other reasonable details as may be required by the division.

(b) Except through a broker, and prior to any offering or disposition, pursuant to any license granted under this chapter, the name of such broker shall be placed on file with the division. A registered representative of the developer may be utilized in offering or selling subdivision property, but such real estate broker shall be responsible for the selling activities of the registered representative so utilized. The registered representative and the developer are both required to comply with the same standards of business ethics as are required of licensed real estate brokers and salesmen except where different standards are prescribed by the division pursuant to a plan or methods under paragraph (a) of this subsection. Each registered representative of the developer engaged in offering subdivision

property for sale shall, under such regulations as the division may promulgate, register with the division and pay a nonreturnable fee of $25 with each application for registration. Such registered personnel shall be known as registered representatives of the licensee and may not use the term "licensed." Real estate brokers and salesmen licensed in the State of Nevada may function as registered representatives without registering as such.

2. The information required to be provided by NRS 119.140 shall be given to each purchaser by the broker or registered representative prior to the execution of any contract for the sale of any such property. The broker shall obtain from the purchaser a signed receipt for a copy of such information and, if a contract for disposition is entered into, the receipt shall be kept in the broker's files for a period of [7 years] 3 years or 1 year after final payment has been made on any contract for the sale of property, whichever is the longer, and shall be subject to inspection by the division.

3. Any contract or agreement for the sale of any subdivision or any lot, parcel, unit or interest in any subdivision, not exempted under the provisions of NRS 119.120, where such information has not been given to the purchaser more than 3 days in advance of his signing such contract or agreement, may be revoked by the purchaser within 3 days after he signed or after receipt

by him of such information, whichever is the later, and the contract or agreement shall so provide, except that the contract or agreement may stipulate that the foregoing revocation authority shall not apply in the case of a purchaser who:

(a) Has received the information and inspected the subdivision in advance of signing the contract or agreement; and

(b) Acknowledges by his signature that he has made such inspection and has read and understood the information.

4. Any such revocation shall be in writing in form prescribed by the division and shall be communicated to the broker within the time limited by this section and all moneys paid by the purchaser under such revoked contract or agreement shall be returned to him immediately by the broker, without any deductions.

Sec. 6. NRS 119.220 is hereby amended to read as follows:

119.220 1. Where any part of the statement of record, when such part became effective, contained an untrue statement of a material fact or omitted to state a material fact required to be stated therein, any person acquiring a lot in the subdivision covered by such statement of record from the developer or his agent during such period the statement remained uncorrected (unless it is proved that at the time of such acquisition he knew of such untruth or omission) may sue the developer in any court of competent jurisdiction.

2. Any developer or agent, who sells , [or] leases or offers any interest in a lot in a subdivision:

(a) In violation of this chapter; or

(b) By means of a property report which contained an untrue statement of a material fact or omitted to state a material fact required to be stated therein,

may be sued by the purchaser of such lot.

3. The suit authorized under subsection 1 or 2 may be to recover such damages as represent the difference between the amount paid for the lot and the reasonable cost of any improvements thereto, and the lesser of:

(a) The value thereof as of the time such suit was brought; or

(b) The price at which such lot has been disposed of in a bona fide market transaction before suit; or

(c) The price at which such lot has been disposed of after suit in a bona fide market transaction but before judgment.

4. Every person who becomes liable to make any payment under this section may recover contribution as in cases of contract from any person who, if sued separately, would have been liable to make the same payment.

5. In no case shall the amount recoverable under this section exceed the sum of the purchase price of the lot, the reasonable cost of improvements, reasonable court costs , reasonable appraisal fees and reasonable attorney's fees.

SUMMARY--Designates regional planning districts in the state.
Fiscal Note: No. (BDR 22-567)

AN ACT relating to planning; designating regional districts in the state to serve the combined needs of comprehensive planning, resource development and state and federal agency administration.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this act.

Sec. 2. In aid of the statewide planning being undertaken by the governor's executive office of planning and coordination, there are hereby designated the following regional districts to serve the combined needs of comprehensive planning, resource development and state and federal agency administration in the State of Nevada:

1. Regional district No. 1, composed of Churchill, Storey, Lyon and Douglas counties and Carson City.

2. Regional district No. 2, composed of Mineral, Nye and Esmeralda counties.

3. Regional district No. 3, composed of Clark County.

4. Regional district No. 4, composed of Eureka, White Pine and Lincoln counties.

5. Regional district No. 5, composed of Elko County.

6. Regional district No. 6, composed of Humboldt, Pershing and Lander counties.

7. Regional district No. 7, composed of Washoe County.

Sec. 3. 1. The designation of districts by section 1 of this act is intended to provide the geographical framework for state and regional land use planning.

2. Among the objectives to be served by such a geographic framework are:

(a) Providing a focus of state resources available for development in consistently defined local areas.

(b) Minimizing overlap, duplication and competition in state planning and programming activities.

(c) Providing a common geographic base for the coordination of federal and state development programs.

Sec. 4. The designation of districts by section 1 of this act does not limit the power of cities and counties to form regional planning commissions pursuant to NRS 278.140 or the exercise of any power by any regional planning commission so formed.

SUMMARY--Makes provision for planned unit residential development in cities and counties. Fiscal Note: No. (BDR 22-553)

AN ACT relating to land development; enabling cities and counties to provide by ordinance for planned unit residential development within their jurisdictions and grant applications for such in proper cases; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 22 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 45, inclusive, of this act.

Sec. 2. This chapter may be cited as the Planned Unit Development Law.

Sec. 3. In order that the public health, safety, morals and general welfare be furthered in an era of increasing urbanization and of growing demand for housing of all types and design; and in order to encourage a more efficient use of land, public services or private services in lieu thereof; to reflect changes in the technology of land development so that resulting economies may be made available to those who need homes; to insure that increased flexibility of substantive regulations over land development authorized in this chapter be administered in such a way as to

encourage the disposition of proposals for land development without undue delay, the provisions of this chapter are created for the use of cities and counties in the adoption of the necessary ordinances.

Sec. 4. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this act, have the meanings ascribed to them in such sections.

Sec. 5. "Common open space" means a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a planned unit residential development which is designed and intended for the use or enjoyment of the residents of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of such residents.

Sec. 6. "Landowner" means the legal or beneficial owner or owners of all the land proposed to be included in a planned unit residential development. The holder of an option or contract of purchase, a lessee having a remaining term of not less than 30 years, or another person having an enforcible proprietary interest in such land is a landowner for the purposes of this chapter.

Sec. 7. "Plan" means the provisions for development of a planned unit residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" means the written and graphic materials referred to in this section.

Sec. 8. "Planned unit residential development" means an area of land controlled by a landowner, which is to be developed as a single entity for a number of dwelling units, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of any zoning ordinance enacted pursuant to law.

Sec. 9. The powers granted under the provisions of this chapter may be exercised by any city or county which enacts an ordinance, if such ordinance:

1. Refers to this chapter.

2. Includes a statement of objectives for planned unit residential development, pursuant to the provisions of section 10 of this act.

3. Designates the local agency which shall exercise the powers of the city or county.

4. Sets forth the standards for a planned unit residential development consistent with the provisions of this chapter.

5. Sets forth the procedures pertaining to the application for hearing on and tentative and final approval of a planned unit residential development, which shall be consistent with the provisions of this chapter.

Sec. 10. Any ordinance enacted pursuant to the provisions of this chapter shall include within its provisions a written statement of the goals of the city or county with respect to land use for residential purposes, density of population, direction of growth, location and functions of streets and other public facilities, and common open space for recreation or visual benefit, or both, and such other factors as the city or county may find relevant in determining whether or not a planned unit residential development shall be authorized. This statement shall be referred to as a statement of objectives for planned unit residential developments.

Sec. 11. 1. Each ordinance enacted pursuant to the provisions of this chapter shall set forth the standards and conditions by which a proposed planned unit residential development shall be evaluated.

2. The city or county may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in the ordinance, if:

(a) Such rules and regulations are not inconsistent with the standards and conditions.

(b) Such rules and regulations are made a matter of public record.

3. Any amendment or change of such rules and regulations shall not apply to any plan for which an application for tentative approval has been made prior to the placing of public record any such amendment or change.

4. Such standards and conditions and all supplementary rules and regulations established for a particular planned residential development authorized pursuant to such ordinance shall not be inconsistent with the provisions of sections 12 to 17, inclusive, of this act.

Sec. 12. 1. An ordinance enacted pursuant to the provisions of this chapter shall set forth the uses permitted in a planned unit residential development, which uses may be limited to:

(a) Dwelling units which are not detached, semidetached or multistoried structures or any combinations thereof.

(b) Any nonresidential use to the extent such nonresidential use is designed and intended to serve the residents of the planned unit residential development.

2. An ordinance may establish regulations setting forth the timing of development among the various types of dwelling and

may specify whether or not some or all nonresidential uses are to be built before, after or at the same time as the residential uses.

Sec. 13. 1. An ordinance enacted pursuant to the provisions of this chapter shall establish standards governing the density or intensity of land use in a planned unit residential development.

2. Such standards shall take into account the possibility that the density or intensity of land use otherwise allowable on the site under the provisions of a zoning ordinance previously enacted may not be appropriate for a planned unit residential development. The standards may vary the density or intensity of land use otherwise applicable to the land within the planned unit residential development in consideration of:

(a) The amount, location and proposed use of common open space.

(b) The location and physical characteristics of the site of the proposed planned residential development.

(c) The location, design and type of dwelling units.

3. In the case of a planned unit residential development which is proposed to be developed over a period of years, such standards may, to encourage the flexibility of housing density, design and type intended by the provisions of this chapter, authorize a departure from the density or intensity of use established for the entire planned unit residential development in the case of each

section to be developed. The ordinance may authorize the city or county to allow for a greater concentration of density or intensity of land use within some section or sections of development whether or not it be earlier or later in the development than with regard to the others. The ordinance may require that the approval by the city or county of a greater concentration of density or intensity of land use for any section to be developed be offset by a smaller concentration in any completed prior stage or by an appropriate reservation of common open space on the remaining land by a grant of easement or by covenant in favor of the city or county, but such reservation shall, as far as practicable, defer the precise location of such common open space until an application for final approval is filed so that flexibility of development, which is a prime objective of this chapter, can be maintained.

Sec. 14. The standards for a planned unit residential development established by an ordinance enacted pursuant to the provisions of this chapter shall require that any common open space resulting from the application of standards for density or intensity of land use be set aside for the use and benefit of the residents in such development and shall include provisions by which the amount and location of any common open space shall be determined and its improvement and maintenance for common

open space use be secured, subject to the provisions of sections 15 to 17, inclusive, of this act.

Sec. 15. The ordinance may provide that the city or county may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the ordinance shall not require, as a condition of the approval of a planned unit residential development, that land proposed to be set aside for common open space be dedicated or made available to public use. The ordinance may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space, and that such organization shall not be dissolved nor shall it dispose of any common open space by sale or otherwise, without first offering to dedicate such common open space to the city or county.

Sec. 16. 1. If the organization established to own and maintain common open space, or any successor organization, at any time after the establishment of a planned unit residential development, fails to maintain the common open space in a reasonable order and condition in accordance with the plan, the city or county may serve written notice upon such organization or upon the residents of the planned unit residential development, setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Such notice shall

include a demand that such deficiencies of maintenance be cured within 30 days of the receipt of such notice and shall state the date and place of a hearing thereon, which shall be within 14 days of the receipt of such notice.

2. At such hearing the city or county may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof are not cured within the 30-day period, or any extension thereof, the city or county, in order to preserve the taxable values of the properties within the planned unit residential development and to prevent the common open space from becoming a public nuisance, may enter upon such common open space and maintain it for a period of 1 year.

3. Such entry and maintenance shall not vest in the public any right to use the common open space except when such right is voluntarily dedicated to the public by the owners.

4. Before the expiration of the period of maintenance set forth in subsection 2, the city or county shall, upon its own initiative or upon the request of the organization previously responsible for the maintenance of the common open space, call a public hearing upon notice to such organization or to the residents of the planned unit residential development, to be held by the city or county. At this

hearing such organization or the residents of the planned unit residential development shall show cause why such maintenance by the city or county shall not, at the election of the city or county, continue for a succeeding year.

5. If the city or county determines that such organization is ready and able to maintain the common open space in a reasonable condition, the city or county shall cease its maintenance at the end of such year.

6. If the city or county determines such organization is not ready and able to maintain the common open space in a reasonable condition, the city or county may, in its discretion, continue the maintenance of the common open space during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

7. The decision of the city or county in any such case referred to in this section constitutes a final administrative decision subject to review in accordance with the provisions of law.

Sec. 17. 1. The cost of such maintenance undertaken by the city or county shall be assessed ratably against the properties within the planned unit residential development that have a right of enjoyment of the common open space, and shall become a tax lien on such properties.

2. The city or county, at the time of entering upon such common open space for the purpose of maintenance, shall file a notice of such lien in the appropriate recorder's office upon the properties affected by such lien within the planned unit residential development.

Sec. 18. No ordinance enacted pursuant to the provisions of this chapter may authorize a planned unit residential development that contains less that 5 dwelling units.

Sec. 19. 1. The authority granted a city or county by law to establish standards for the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment, applies to such improvements within a planned unit residential development.

2. The standards applicable to a planned unit residential development may be different from or modifications of the standards and requirements otherwise required of subdivisions which are authorized under an ordinance enacted pursuant to the provisions of law, if the planned unit residential development ordinance sets forth the limits and extent of any modifications or changes in such standards and requirements, in order that a landowner may know the limits and

extent of permissible modifications from the standards otherwise applicable to subdivisions.

3. The limits of such modification or change established in an ordinance enacted pursuant to this chapter, as well as the degree of modification or change within such limits authorized in a particular case by the city or county, shall take into account the standards and requirements established in any ordinance otherwise enacted pursuant to law, which may not be appropriate or necessary for land development of a type or design contemplated by this chapter.

Sec. 20. 1. An ordinance enacted pursuant to this chapter shall set forth the standards and criteria by which the design, bulk and location of buildings shall be evaluated, and all standards and all criteria for any feature of a planned unit residential development shall be set forth in such ordinance with sufficient certainty to provide work criteria by which specific proposals for a planned unit residential development can be evaluated.

2. Standards in such ordinance shall not unreasonably restrict the ability of the landowner to relate the plan to the particular site and to the particular demand for housing existing at the time of development.

Sec. 21. 1. The enforcement and modification of the provisions of the plan as finally approved, whether or not these are recorded

by plat, covenant, easement or otherwise, are subject to the provisions contained in sections 22 to 24, inclusive, of this act.

2. Such enforcement and modification shall be to further the mutual interest of the residents of the planned unit residential development and of the public in the preservation of the integrity of the plan as finally approved. The enforcement and modification provisions are drawn also to insure that modifications, if any, in the plan will not impair the reasonable reliance of the residents upon the provisions of the plan nor result in changes that would adversely affect the public interest.

Sec. 22. The provisions of the plan relating to:

1. The use of land and the use, bulk and location of buildings and structures;

2. The quantity and location of common open space; and

3. The intensity of use or the density of residential units,

Plural shall run in favor of the city or county and shall be enforcible in law or in equity by the city or county, without limitation on any powers of regulation otherwise granted the city or county by law.

Sec. 23. 1. All provisions of the plan shall run in favor of the residents of the planned unit residential development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan and to that extent such provisions,

whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by the residents acting individually, jointly or through an organization designated in the plan to act on their behalf.

2. No provision of the plan exists in favor of residents on the planned unit residential development except as to those portions of the plan which have been finally approved and have been recorded.

Sec. 24. All those provisions of the plan authorized to be enforced by the city or county under section 22 of this act may be modified, removed or released by the city or county, except grants or easements relating to the service or equipment of a public utility unless expressly consented to by the public utility, subject to the following conditions:

1. No such modification, removal or release of the provisions of the plan by the city or county may affect the rights of the residents of the planned unit residential development to maintain and enforce those provisions at law or in equity as provided in section 23 of this act.

2. No modification, removal or release of the provisions of the plan by the city or county is permitted except upon a finding by the city or county, following a public hearing called and held in accordance with the appropriate provisions of this chapter, that

it is consistent with the efficient development and preservation of the entire planned unit residential development, does not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit residential development or the public interest, and is not granted solely to confer a private benefit upon any person.

Sec. 25. Residents of the planned unit residential development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action may affect the right of the city or county to enforce the provisions of the plan in accordance with the provisions of section 24 of this act.

Sec. 26. In order to provide an expeditious method for processing a plan for a planned unit residential development under the terms of an ordinance enacted pursuant to the powers granted under this chapter, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval by a multiplicity of local procedures of a plat or subdivision or resubdivision, as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with respect to the approval or dis-

approval of a planned unit residential development and its continuing administration shall be consistent with the provisions set out in sections 27 to 32, inclusive, of this act.

Sec. 27. An application for tentative approval of the plan for a planned unit residential development shall be filed by or on behalf of the landowner.

Sec. 28. The application for tentative approval shall be filed by the landowner in such form, upon the payment of the fee and with such official of the city or county as shall be designated in the ordinance enacted pursuant to this chapter.

Sec. 29. All planning, zoning and subdivision matters relating to the platting, use and development of the planned unit residential development and subsequent modifications of the regulations relating thereto to the extent such modification is vested in the city or county, shall be determined and established by the city or county.

Sec. 30. The ordinance shall require only such information in the application as is reasonably necessary to disclose to the city or county:

1. The location and size of the site and the nature of the landowner's interest in the land proposed to be developed.

2. The density of land use to be allocated to parts of the site to be developed.

3. The location and size of any common open space and the form of organization proposed to own and maintain any common open space.

4. The use and the approximate height, bulk and location of buildings and other structures.

5. The feasibility of proposals for disposition of sanitary waste and storm water.

6. Substance of covenants, grants or easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities.

7. The provisions for parking of vehicles and the location and width of proposed streets and public ways.

8. The required modifications in the municipal land use regulations otherwise applicable to the subject property.

9. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned unit residential development are intended to be filed.

Sec. 31. The application for tentative approval of a planned unit residential development shall include a written statement by the landowner setting forth the reasons why a planned unit residential development would be in the public interest and would be

consistent with the municipal statement of objectives on planned unit residential development.

Sec. 32. The application for and tentative and final approval of a plan for a planned unit residential development prescribed in this chapter shall be in lieu of all other procedures or approvals otherwise required by law.

Sec. 33. 1. Within 30 days after the filing of an application pursuant to sections 27 to 32, inclusive, of this act, a public hearing on the application shall be held by the city or county, public notice of which shall be given in the manner prescribed by law for hearings on amendments to a zoning ordinance. The hearing body may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

2. A transcript of the hearing shall be prepared by the city or county, copies of which shall be made available at cost to any party to the proceedings, and all exhibits accepted in evidence shall be identified and duly preserved, or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. Where there is a local planning staff, the ordinance shall require that a report on the proposed planned unit residential development by the staff shall

be prepared and filed as a public record not less than 5 days before the public hearing.

3. The city or county may continue the hearing from time to time and may refer the matter to the planning staff for a further report, a copy of which shall be filed as a public record without delay. In any event, however, the public hearing or hearings shall be concluded within 30 days after the date of the first public hearing unless the landowner consents in writing to an extension of the time within which the hearings shall be concluded.

Sec. 34. 1. The city or county shall, within 20 days following the conclusion of the public hearing provided for in section 33 of this act, by written resolution either:

(a) Grant tentative approval of the plan as submitted;

(b) Grant tentative approval subject to specified conditions not included in the plan as submitted; or

(c) Deny tentative approval to the plan.

Failure of the city or county to act within such period constitutes a grant of tentative approval of the plan as submitted. If tentative approval is granted, other than by lapse of time, with regard to the plan as submitted or with regard to the plan with conditions, the city or county shall, as part of its resolution, specify the drawings, specifications and form of performance bond that shall accompany an application for final approval.

2. If tentative approval is granted subject to conditions, the landowner shall within 10 days after receiving a copy of the written resolution of the city or county notify the city or county of his acceptance of or his refusal to accept all of the conditions.

3. If the landowner refuses to accept all the conditions, tentative approval of the plan is automatically rescinded.

4. In the event the landowner does not, within such period, notify the city or county of his acceptance of or his refusal to accept all the conditions, tentative approval of the plan, with all of the conditions, will stand as granted.

5. This section does not prevent the city or county and the landowner from mutually agreeing to a change in such conditions, and the city or county may, at the request of the landowner, extend the time during which the landowner is required to notify the city or county of his acceptance or refusal to accept the conditions.

Sec. 35. The grant or denial of tentative approval by written resolution shall include not only conclusions but also findings of fact related to the specific proposal, and shall set forth the reasons for the grant, with or without conditions, or for the denial, and such resolution shall set forth with particularity in what respects the plan would or would not be in the public

interest, including but not limited to findings of fact and conclusions of law on the following:

1. In what respects the plan is or is not consistent with the statement of objectives of a planned unit residential development.

2. The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.

3. The purpose, location and amount of the common open space in the planned unit residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

4. The physical design of the plan and the manner in which such design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.

5. The relationship, beneficial or adverse, of the proposed planned unit residential development to the neighborhood in which it is proposed to be established.

6. In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned unit residential development in the integrity of the plan.

Sec. 36. If a plan is granted tentative approval, with or without conditions, the city or county shall set forth, in the written resolution, the time within which an application for final approval of the plan shall be filed or, in the case of a plan which provides for development over a period of years, the periods of time within which application for final approval of each part thereof, shall be filed. Except upon the written consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall be not less than 2 months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 3 months.

Sec. 37. 1. Within 5 days from the adoption of the written resolution provided in sections 34 to 36, inclusive, of this act, the resolution shall be certified by the city clerk or county clerk and filed in his office. A certified copy shall be mailed to the landowner. Where tentative approval has been granted, the notation of this fact shall be placed on the zoning map.

2. Tentative approval of a plan shall not qualify a plat of the planned unit residential development for recording nor authorize development or the issuance of any building permits. A plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner, shall not be modified, revoked or otherwise impaired by action of the city or county pending an application for final approval, without the consent of the landowner. Such impairment by action of the city or county is not stayed if an application for final approval has not been filed, or in the case of development over a period of years applications for approval of the several parts have not been filed, within the time specified in the resolution granting tentative approval.

3. The tentative approval shall be revoked and all that portion of the area included in the plan for which final approval has not been given shall be subject to those local ordinances applicable thereto as they may be amended from time to time, if:

(a) The landowner elects to abandon the plan or any part thereof, and so notifies the city or county in writing; or

(b) The landowner fails to file application for the final approval within the required time.

Notation of the action taken shall be made on the zoning map.

Sec. 38. 1. An application for final approval may be for all the land included in a plan or to the extent set forth in the tentative approval for a section thereof. Such application shall be made to the city or county within the time specified by the resolution granting tentative approval.

2. The application shall include such drawings, specifications, covenants, easements, conditions and form of performance bond as were set forth in the resolution at the time of the tentative approval.

3. A public hearing on an application for final approval of the plan, or any part thereof, is not required if the plan, or any part thereof, submitted for final approval is in substantial compliance with the plan which has been given tentative approval.

Sec. 39. The plan submitted for final approval is in substantial compliance with the plan previously given tentative approval if any modification by the landowner of the plan as tentatively approved does not:

1. Vary the proposed gross residential density or intensity of use by more than 5 percent;

2. Involve a reduction of the area set aside for common open space nor the substantial relocation of such area;

3. Increase by more than 5 percent the floor area proposed for nonresidential use; or

4. Increase by more than 5 percent the total ground areas covered by buildings or involve a substantial change in the height of buildings.

A public hearing shall not be held to consider modifications in the location and design of streets or facilities for water and for disposal of storm water and sanitary sewage.

Sec. 40. 1. A public hearing shall not be held on an application for final approval of a plan when such plan, as submitted for final approval, is in substantial compliance with the plan as tentatively approved. The burden is upon the landowner to show the city or county good cause for any variation between the plan as tentatively approved and the plan as submitted for final approval.

2. If a public hearing is not required for final approval and application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, as required by the resolution of tentative approval, the city or county shall, within 20 days of such filing, grant such plan final approval. If the plan as submitted contains variations from the plan given tentative approval, but remains in substantial compliance with the plan as submitted for tentative approval, the city or county may, after a meeting with the landowner, refuse to grant final approval and shall, within 20 days from the filing of the application for final approval, so advise the landowner by written

notice, setting forth the reasons for the refusal, relating them to one or another of what it considers to be departures from the public interest.

3. If the city or county refuses to grant final approval, the landowner may:

(a) File his application for final approval without the variations objected to by the city or county, on or before the last day of the time within which he was authorized by the resolution granting tentative approval to file for final approval, or within 30 days from the date he received notice of such refusal, whichever date is later; or

(b) Treat the refusal as a denial of final approval and so notify the city or county.

Sec. 41. 1. If the plan, as submitted for final approval, is not in substantial compliance with the plan as given tentative approval, the city or county shall, within 20 days of the date of the filing of the application for final approval, notify the landowner in writing, setting forth the particular ways in which the plan is not in substantial compliance.

2. The landowner may:

(a) Treat such notification as a denial of final approval;

(b) Refile his plan in a form which is in substantial compliance with the plan as tentatively approved; or

(c) File a written request with the city or county that it hold a public hearing on his application for final approval.

flush If the landowner elects the alternatives set out in paragraphs (b) or (c) above, he may refile his plan or file a request for a public hearing, as the case may be, on or before the last day of the time within which he was authorized by the resolution granting tentative approval to file for final approval, or 30 days from the date he receives notice of such refusal, whichever is the later.

3. Any such public hearing shall be held within 30 days after request for the hearing is made by the landowner, and notice thereof shall be given and hearings shall be conducted in the manner prescribed in section 33 of this act.

4. Within 20 days after the conclusion of the hearing, the city or county shall, by resolution, either grant final approval to the plan or deny final approval to the plan. The grant or denial of final approval of the plan shall, in cases arising under this section, be in the form and contain the findings required for a resolution on an application for tentative approval set forth in section 35 of this act.

Sec. 42. If the city or county fails to act either by grant or denial of final approval of the plan within the time prescribed, the landowner may, after 30 days' written notice to the city or

county, file a complaint in the district court in and for the appropriate county. Upon showing that the city or county has failed to act, either within the time prescribed or subsequent to the receipt of the written notice provided for in this section, and upon showing that the landowner has complied with the procedures set forth in sections 38 to 41, inclusive, of this act, the plan shall be deemed to have been finally approved and the court shall, upon a summary proceeding, enter an order directing the recording of the plan as submitted for final approval without the approval of the city or county. A plan so recorded shall have the same force and effect as though the plan had been given final approval by the city or county.

Sec. 43. 1. A plan, or any part thereof, which has been given final approval by the city or county, shall be certified without delay by the city or county and shall be filed of record in the office of the appropriate county recorder before any development shall take place in accordance therewith.

2. Upon the filing of record of the plan, the zoning and subdivision regulations otherwise applicable to the land included in the plan shall cease to be of any further force and effect.

3. Pending completion of such planned unit residential development, or of that part thereof that has been finally approved, no modification of the provisions of such plan, or any part thereof

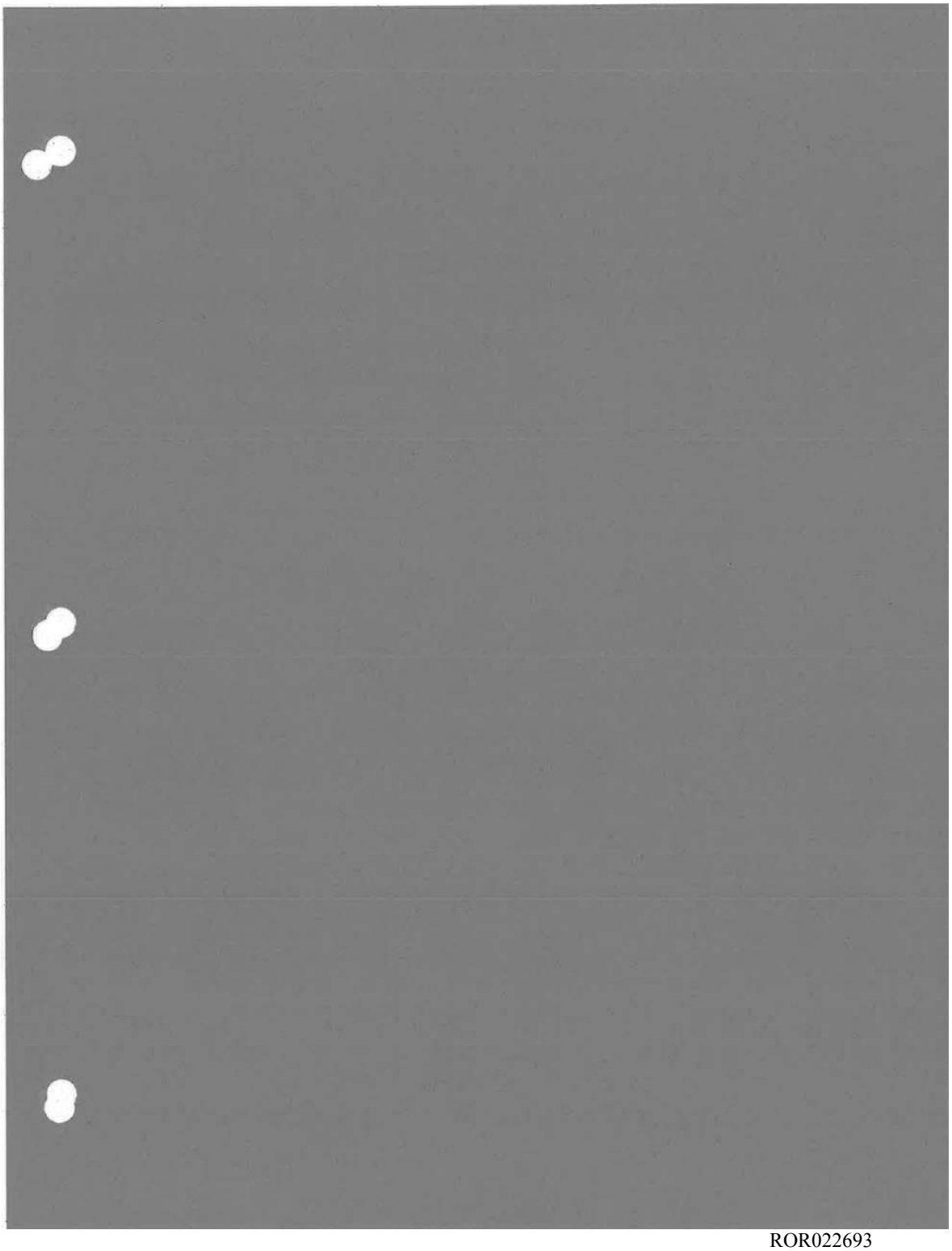
as finally approved, shall be made, nor shall it be impaired by any act of the city or county except with the consent of the landowner.

Sec. 44. No further development shall take place on the property included in the plan until after the property is resubdivided and is reclassified by an enactment of an amendment to the zoning ordinance if:

1. The plan, or a section thereof, is given approval and, thereafter, the landowner abandons such plan or the section thereof as finally approved and gives written notification thereof to the city or county; or

2. The landowner fails to commence and carry out the planned unit residential development within a reasonable period of time after the final approval has been granted.

Sec. 45. Any decision of the city or county under this chapter granting or denying tentative or final approval of the plan or authorizing or refusing to authorize a modification in a plan is a final administrative decision and is subject to judicial review in properly presented cases.



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ORDINANCE NO. 1582

AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, SECTION 6, SUBSECTION (C) OF THE 1958 MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING THERETO A NEW PARAGRAPH DESIGNATED PARAGRAPH 7 TO PROVIDE FOR CONDOMINIUMS; TO AMEND SECTION 6 OF SAID TITLE AND CHAPTER BY DELETING SUBSECTION (R) THEREOF; TO AMEND SECTION 11 OF SAID TITLE AND CHAPTER BY ADDING THERETO 11.B TO CREATE A ZONING DISTRICT FOR RESIDENTIAL PLANNED DEVELOPMENTS AND TO ADOPT THE DESIGN CRITERIA BY RESOLUTION; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Title XI, Chapter 1, Section 6, Subsection (C) of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended by adding thereto a new paragraph designated Paragraph 7 to read as follows:

11-1-6 (C) 7. In the case of condominiums, if a portion of the land is to be held in joint ownership by the occupants with individual ownership of lots, the lots do not have to front on dedicated right-of-way provided that the land held under joint ownership does front on dedicated right-of-way and further provided that an easement of access is recorded providing access to each lot. If all of the land is to be held in joint ownership and individual ownership in fee simple will involve only air space, the individual ownership of air space will not require an easement of access, provided the land under joint ownership abuts dedicated right-of-way.

SECTION 2. Title XI, Chapter 1, Section 6, Subsection (R) of said Municipal Code is hereby deleted.

SECTION 3. Title XI, Chapter 1, Section 11 of said Municipal Code is hereby amended by adding thereto 11.B to read as follows:

11-1-11.B R-PD-RESIDENTIAL PLANNED DEVELOPMENT

(A) Purpose: The purpose of a Planned Unit Development is to allow a maximum flexibility for imaginative and innovative residential design and land utilization in accordance with the General Plan. It is intended to promote an enhancement of residential amenities by means of an efficient consolidation and utilization of open space, separation of pedestrian and vehicular traffic and a homogeneity of use patterns.

(B) Uses Permitted:

A development may consist of attached or detached single family units, townhouses, cluster units, condominiums, garden apartments, or any combination thereof.

(C) Density:

The number of dwelling units permitted per gross acre shall be determined by the General Land Use Plan. The number of dwelling units per gross acre shall be placed after the zoning symbol R-PD; for example, a development for 6 units per gross acre shall be designated as R-PD6.

(D) Minimum Site Area Requested:

Five (5) acres, except the City Commission may waive the minimum site area.

(E) Submission Requirements:

Generally, a pre-submission conference shall be required with the developer, or his authorized representative, and staff of the Planning Department to discuss density requirements and preliminary site planning. Plans necessary for submission with an application are as follows:

1. Five (5) sets of complete development plans showing the proposed uses for the property including dimensions and location of all proposed structures, parking spaces, common areas, private drives, public streets and the exterior boundaries. If the development is to be constructed in phases, each phase shall be delineated on the site plan. Each set of plans shall include floor plans and elevations of buildings.
2. Drainage information shall consist of either a contour map or sufficient information indicating the general flow pattern or percentage of slope.
3. One copy of the Conditions, Covenants and Restrictions (CC&R's).

(F) Approval:

Plans shall be approved by the Planning Commission and the Board of City Commissioners. Upon completion of the construction, in accordance with the approved plan, no changes of any type shall be permitted unless

first approved by the City Commission.

The Planning Commission and the Board of Commissioners in their approval may attach whatever conditions they deem necessary to insure the proper amenities of residential usage and to assure that the proposed development will be compatible with surrounding, existing and proposed land uses.

(G) Development Standards:

All developments shall be in accordance with the design standards adopted by the City Commission as evidenced by a resolution of record and copies of said resolution shall be available in the Planning Department. The design standards in the resolution may be amended when deemed necessary by the City Commission.

(H) Subdivision Procedure:

A Planned Unit Development shall follow the standard subdivision procedure. The tentative map shall include the public and private street design and dimension, lot design and dimension, location of driveways, buildings, walls, fences, walkways, open space areas, parking areas, drainage information, street names and location of utilities. The final map shall indicate the use, location and dimension of all proposed structures, streets, easements, driveways, walkways, parking areas, recreational facilities, open spaces and landscaped areas.

SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than $500.00 and/or imprisonment in the city jail for not more than six (6) months, or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 5. All ordinances, or parts of ordinances, sections, subsections, phrases, clauses, sentences or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this 5th day of July, 1972.

APPROVED:

ORAN K. GRAGSON / MAYOR

ATTEST:

Edwina M. Cole, City Clerk

RESOLUTION SETTING FORTH DESIGN STANDARDS FOR RESIDENTIAL PLANNED DEVELOPMENTS UNDER THE R-PD ZONING DISTRICT OF THE ZONING ORDINANCE OF THE CITY OF LAS VEGAS AND, MORE SPECIFICALLY, REFERRING TO TITLE XI, CHAPTER 1, SECTION 11.8

Buildings:

1. Whenever common walls are proposed they shall be two-hour fire resistant.

2. In the case of a proposed condominium subdivision of an existing multi-family building, the City shall have the right to deny such subdivision unless the units are provided with two-hour fire resistant common walls, and separate utility service maintained by the Homeowners Association.

Drainage:

Drainage on the internal private and public streets shall be as required by the Department of Public Works. All common driveways shall drain to either the storm sewer or a street section.

Fire Hydrants:

Fire hydrants shall be provided as required by the Fire Department.

Fire Lanes:

Where access is not provided by means of a private street, an easement a minimum of 12 feet in width free of all vehicular impediments shall be provided for fire lanes as required by the Fire Department. Fire lanes may be grassed.

Lighting - Private Streets:

1. Common Drives: Safety lights shall be required and shall be a minimum of 40' on center with space similar to Kendall Catalogue 3663, vandal proof and tamper proof 100-watt, Lightmate wall bracket with Herculex diffuser or equal.

2. Vehicular Access Street: Shall be a minimum of 175 watt mercury vapor depending upon street design and may be Westinghouse Pinto type 2 design or equal; polycarbonate lenses shall be used in place of glass. All designs, spacing of luminaires, etc., shall be approved by the Public Works Department.

Lighting - Public Street:

Lighting on all public streets shall conform to the approved City standards.

Maintenance Covenants:

Whenever any property or facility such as parking lots, storage areas, swimming pools, or other areas, are owned jointly, a proper maintenance and use agreement shall be recorded as a covenant with the property.

Parking:

Generally, a minimum of three (3) parking spaces shall be provided for each dwelling unit; however, depending upon location and character of the neighborhood, required parking may be reduced. Parking on interior and contiguous boundary public streets may be included as a portion of the required parking.

Setbacks:

1. Setback of buildings and other sight restrictions at intersection with public and/or private streets shall have the approval of the Traffic Engineer. Generally, a setback of 20' from a public or private street shall be provided.

2. No building shall be located closer than 10' from any exterior boundary street.

Sewers:

Sanitary sewers shall be installed and maintained as required by the Department of Public Works. Sanitary sewers to be maintained by the City and not located in public streets shall be located in easements and shall be constructed in accordance with the requirements of the Public Works Department.

Streets - Private:

1. Common Drives: A private street which serves as access to parking areas and is connected to a vehicular access street or a public street. A cross section shall be required showing the common drive to be 30' wide from back of curb with roll-type or "L" type curb and gutter and alley-type openings. The alley-type openings shall be required where common drives intersect a vehicular access street or a public street. Under certain circumstances, an inverted section with a 4' concrete invert may be required. Under this alternate, the roll-type or the "L" type curb would not be required unless there is a grassed area or any area requiring periodic watering contiguous to the common drive, in which case a roll-type or "L" type curb shall be required. No sidewalks shall be required nor easement unless utilities are to be dedicated to the City. A common drive may be reduced to 26' in width when it provides parking access on one side only and a 4' clearance is provided between the curb and any structure on the opposite side.

   A common drive shall not be accepted by the City for maintenance nor shall the City assume responsibility for servicing it unless it is re-constructed to conform to the City's standards.

2. Vehicular Access: A private street connecting to a public street and usually connecting more than one common drive. A vehicular access street shall be a minimum of 40' from back of curb and constructed with an "L" type curb and gutter. No sidewalks shall be required; however, a 3' easement shall be provided on both sides behind the curb. All driveways and other access from a vehicular access street shall conform to the curb cut ordinance. A 20' minimum radius turn around shall be provided at the termination of a vehicular access street.

   A vehicular access street may be accepted for dedication and City maintenance provided it is constructed to the specified requirements.

3. Sidewalks shall not be required on the private streets but shall be required in the common areas.

4. No private street may directly connect two public streets unless the density and street design are such that the traffic will not overload the street.

5. All private streets shall be constructed as required by the Department of Public Works. The construction of all streets will be inspected by the Department of Public Works.

Streets - Public:

1. All public streets shall conform to the approved design standards as set forth by the Department of Public Works.

Street Name and Numbering:

1. All private streets shall be named and numbered as required by the Planning Department.

2. All street name signs shall be according to City standards, except that approved decorative signs may be used. A sign comparable to street name signs bearing the words "private street" shall be mounted directly below the street name sign.

Utilities:

1. Whenever more than one dwelling unit is contained within a building and ownership of the separate dwelling units will be in fee simple or in any ownership other than joint ownership, separate services such as water, power, and sanitary sewer shall be provided to each dwelling unit.

2. Whenever possible, underground utilities will normally be considered a requirement in connection with planned unit developments.

PASSED, ADOPTED AND APPROVED this 5th day of July, 1972, by the Mayor and Board of City Commissioners.

APPROVED:

Oran K. Gragson
ORAN K. GRAGSON, MAYOR

ATTEST:

Edwina M. Cole
Edwina M. Cole, City Clerk

(THIS RESOLUTION ADOPTED AS A PART OF ORDINANCE No. 1582)

ROR022699

24131

24108

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 7th day of June, 1972, and referred to the following committee composed of Commissioners Thornley and Franklin for recommendation; thereafter the said committee reported favorably on said ordinance on the 5th day of July, 1972, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote:

VOTING "AYE": Commissioners Franklin, Coblentz, Thornley and Mayor Gragson

VOTING "NAY": None ABSENT: Commissioner Morelli (excused)

APPROVED:

Oran K. Gragson

ORAN K. GRAGSON, MAYOR

ATTEST:

Edwina M. Cole

Edwina M. Cole, City Clerk

ROR022700

24132

24109

RECEIVED
JUL 20 9 47 AM '72
CITY CLERK

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

ROBERT E. HUNTER, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of 8 days

from July 8, 1972 to July 15, 1972

inclusive, being the issues of said newspaper for the following dates, to-wit:

July 8, 15, 1972

That said newspaper was regularly issued and circulated on each of the dates above named.

Signed

Subscribed and sworn to before me this 17th day of July, 1972

Notary Public in and for the County of Clark, State of Nevada

My Commission Expires

ROTHIE V. DEIKIN
Notary Public—State of Nevada
COUNTY OF CLARK
My Commission Expires April 14, 1973

ROR022701

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24110

12628

ROR022702

24134

24111

ORDINANCE NO. 1302

AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, SECTION 6, SUBSECTION (C) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING THERETO A NEW PARAGRAPH DESIGNATED PARAGRAPH 7 TO PROVIDE FOR CONDOMINIUMS; TO AMEND SECTION 6 OF SAID TITLE AND CHAPTER BY DELETING SUBSECTION (R) THEREOF; TO AMEND SECTION 11 OF SAID TITLE AND CHAPTER BY ADDING THERETO 11.8 TO CREATE A ZONING DISTRICT FOR RESIDENTIAL PLANNED DEVELOPMENTS AND TO ADOPT THE DESIGN CRITERIA BY RESOLUTION; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, DOES ORDAIN AS FOLLOWS:

SECTION 1: Title XI, Chapter 1, Section 6, Subsection (C) of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended by adding thereto a new paragraph designated Paragraph 7 to read as follows:

11-1-6 (C) 7. In the case of condominiums, if a portion of the land is to be held in joint ownership by the occupants with individual ownership of lots, the lots do not have to front on dedicated right-of-way provided that the land held under joint ownership does front on dedicated right-of-way and further provided that an easement of access is recorded providing access to each lot. If all of the land is to be held in joint ownership and individual ownership in fee simple will involve only air space, the individual ownership of air space will not require an easement of access, provided the land under joint ownership abuts dedicated right-of-way.

SECTION 2. Title XI, Chapter 1, Section 6, Subsection (R) of said Municipal Code is hereby deleted.

SECTION 3. Title XI, Chapter 1, Section 11 of said Municipal Code is hereby amended by adding thereto 11.8 to read as follows:

11-1-11.8 R-PD RESIDENTIAL PLANNED DEVELOPMENT

(A) Purpose: The purpose of a Planned Unit Development is to allow a maximum flexibility for imaginative and innovative residential design and land utilization in accordance with the General Plan. It is intended to promote an enhancement of residential amenities by means of an efficient consolidation and utilization of open space, separation of pedestrian and vehicular traffic and a homogeneity of use patterns.

(B) Uses Permitted:
A development may consist of attached or detached single family units, townhouses, cluster units, condominiums, garden apartments, or any combination thereof.

(C) Density:
The number of dwelling units permitted per gross acre shall be determined by the General Land Use Plan. The number of dwelling units per gross acre shall be placed after the zoning symbol R-PD; for example, a development for 6 units per gross acre shall be designated as R-PD6.

(D) Minimum Site Area Requested:
Five (5) acres, except the City Commission may waive the minimum site area.

(E) Submission Requirements:
Generally, a pre-submission conference shall be resolved with the developers or his authorized representative, and staff of the Planning Department to discuss density requirements and preliminary site planning. Plans necessary for submission with an application are as follows:

1. Five (5) sets of complete development plans showing the proposed uses for the property including dimensions and location of all proposed structures, parking spaces, common areas, private drives, public streets and the exterior boundaries. If the development is to be constructed in phases, each phase shall be delineated on the site plan. Each set of plans shall include floor plans and elevations of buildings.
2. Drainage information shall consist of either a contour map or sufficient information including the general flow pattern or percentage of slope.
3. One copy of the Conditions, Covenants and Restrictions (CC&R's).

(F) Approval:
Plans shall be approved by the Planning Commission and the Board of City Commissioners. Upon completion of the construction, in accordance with the approved plan, no changes of any type shall be permitted unless first approved by the City Commission.

The Planning Commission and the Board of Commissioners in their approval may attach whatever conditions they deem necessary to insure the proper amenities of residential usage and to assure that the proposed development will be compatible with surrounding, existing, and proposed land uses.

(G) Development Standards:
All developments shall be in accordance with the design standards adopted by the City Commission as evidenced by a resolution of record and copies of said resolution shall be available in the Planning Department. The design standards in the resolution may be amended when deemed necessary by the City Commission.

(H) Subdivision Procedure:
A Planned Unit Development shall follow the standard subdivision procedure. The tentative map shall include the public and private street design and dimension, lot design and dimension, location of driveways, buildings, walls, fences, walkways, open space areas, parking areas, drainage information, street names and location of utilities. The final map shall indicate the use, location and dimension of all proposed structures, easements, driveways, walkways, parking areas, recreational facilities, open spaces and landscaped areas.

SECTION 4: Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not more than $500.00 and/or imprisonment in the city jail for not more than six (6) months, or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 5: All ordinances, or parts of ordinances, sections, subsections, phrases, clauses, sentences or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this 5th day of July, 1972.

APPROVED:
-s- Oran K. Gragson
ORAN K. GRAGSON, MAYOR

ATTEST:
-s- Edwina M. Cole
Edwina M. Cole, City Clerk
(SEAL)

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 7th day of June, 1972, and referred to the following committee composed of Commissioners Thornley and Franklin for recommendation; thereafter the said committee reported favorably on said ordinance on the 5th day of July, 1972, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote:

VOTING "AYE": Commissioners Franklin, Codeny, Thornley and Mayor Gragson

VOTING "NAY": None ABSENT: Commissioner Morrell (excused)

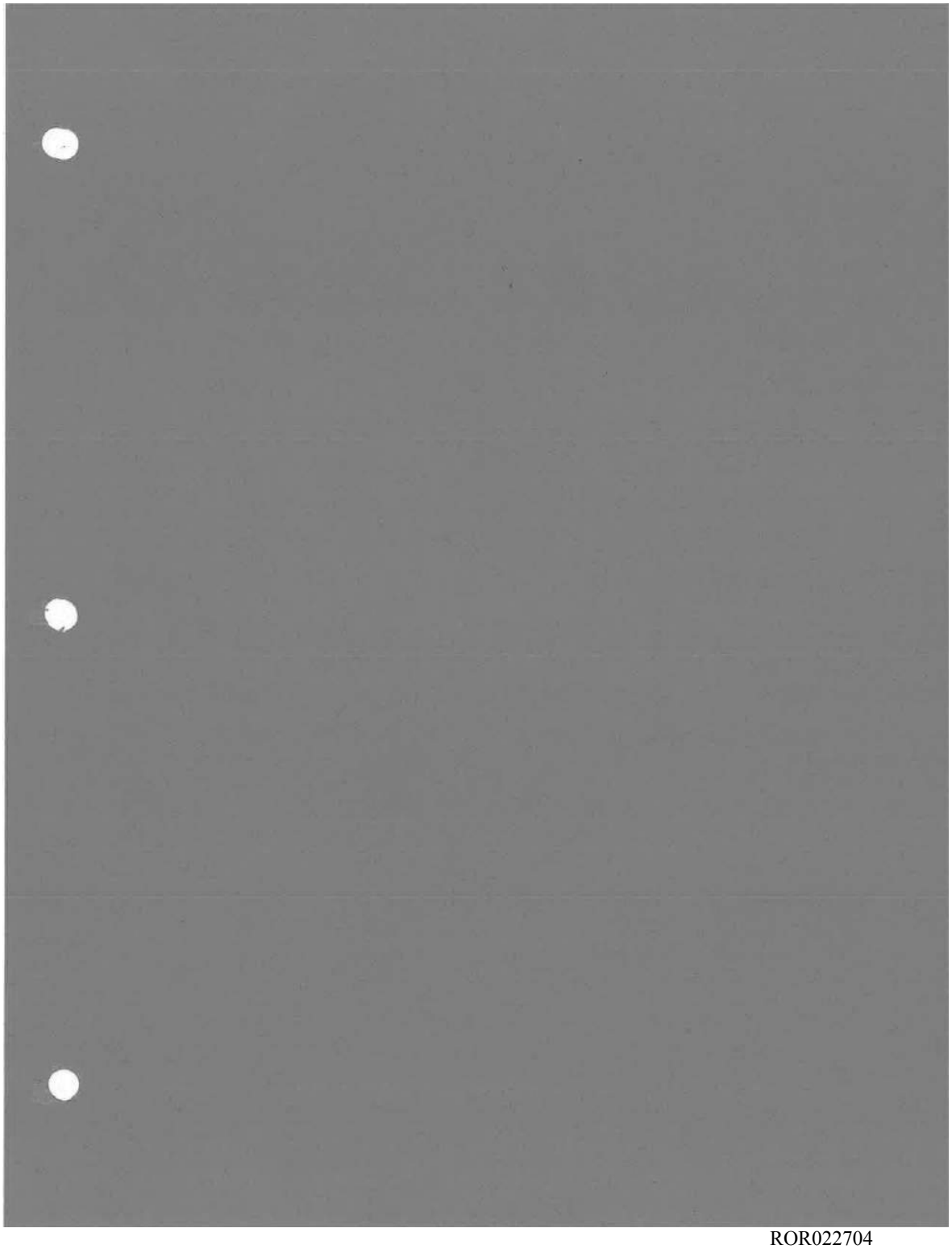
APPROVED:
-s- Oran K. Gragson
ORAN K. GRAGSON, MAYOR

ATTEST:
-s- Edwina M. Cole
Edwina M. Cole, City Clerk
(SEAL)
Pub. July 7, 11, 1972

ROR022703

24135

24112



ROR022704

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5. Sets forth the procedures pertaining to the application for hearing on and tentative and final approval of a planned unit residential development, which shall be consistent with the provisions of this chapter.

SEC. 10. Any ordinance enacted pursuant to the provisions of this chapter shall include within its provisions a written statement of the goals of the city or county with respect to land use for residential purposes, density of population, direction of growth, location and functions of streets and other public facilities, and common open space for recreation or visual benefit, or both, and such other factors as the city or county may find relevant in determining whether or not a planned unit residential development shall be authorized. This statement shall be referred to as a statement of objectives for planned unit residential developments.

SEC. 11. 1. Each ordinance enacted pursuant to the provisions of this chapter shall set forth the standards and conditions by which a proposed planned unit residential development shall be evaluated.

2. The city or county may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in the ordinance, if:

(a) Such rules and regulations are not inconsistent with the standards and conditions.

(b) Such rules and regulations are made a matter of public record.

3. Any amendment or change of such rules and regulations shall not apply to any plan for which an application for tentative approval has been made prior to the placing of public record any such amendment or change.

4. Such standards and conditions and all supplementary rules and regulations established for a particular planned residential development authorized pursuant to such ordinance shall not be inconsistent with the provisions of sections 12 to 17, inclusive, of this act.

SEC. 12. 1. An ordinance enacted pursuant to the provisions of this chapter shall set forth the uses permitted in a planned unit residential development, which uses may be limited to:

(a) Dwelling units which are not detached, semidetached or multistoried structures or any combinations thereof.

(b) Any nonresidential use to the extent such nonresidential use is designed and intended to serve the residents of the planned unit residential development.

2. An ordinance may establish regulations setting forth the timing of development among the various types of dwelling and may specify whether or not some or all nonresidential uses are to be built before, after or at the same time as the residential uses.

SEC. 13. 1. An ordinance enacted pursuant to the provisions of this chapter shall establish standards governing the density or intensity of land use in a planned unit residential development.

2. Such standards shall take into account the possibility that the density or intensity of land use otherwise allowable on the site under the provisions of a zoning ordinance previously enacted may not be appropriate for a planned unit residential development. The standards may vary the density or intensity of land use otherwise applicable to the land within the planned unit residential development in consideration of:

(a) The amount, location and proposed use of common open space.

(b) The location and physical characteristics of the site of the proposed planned residential development.

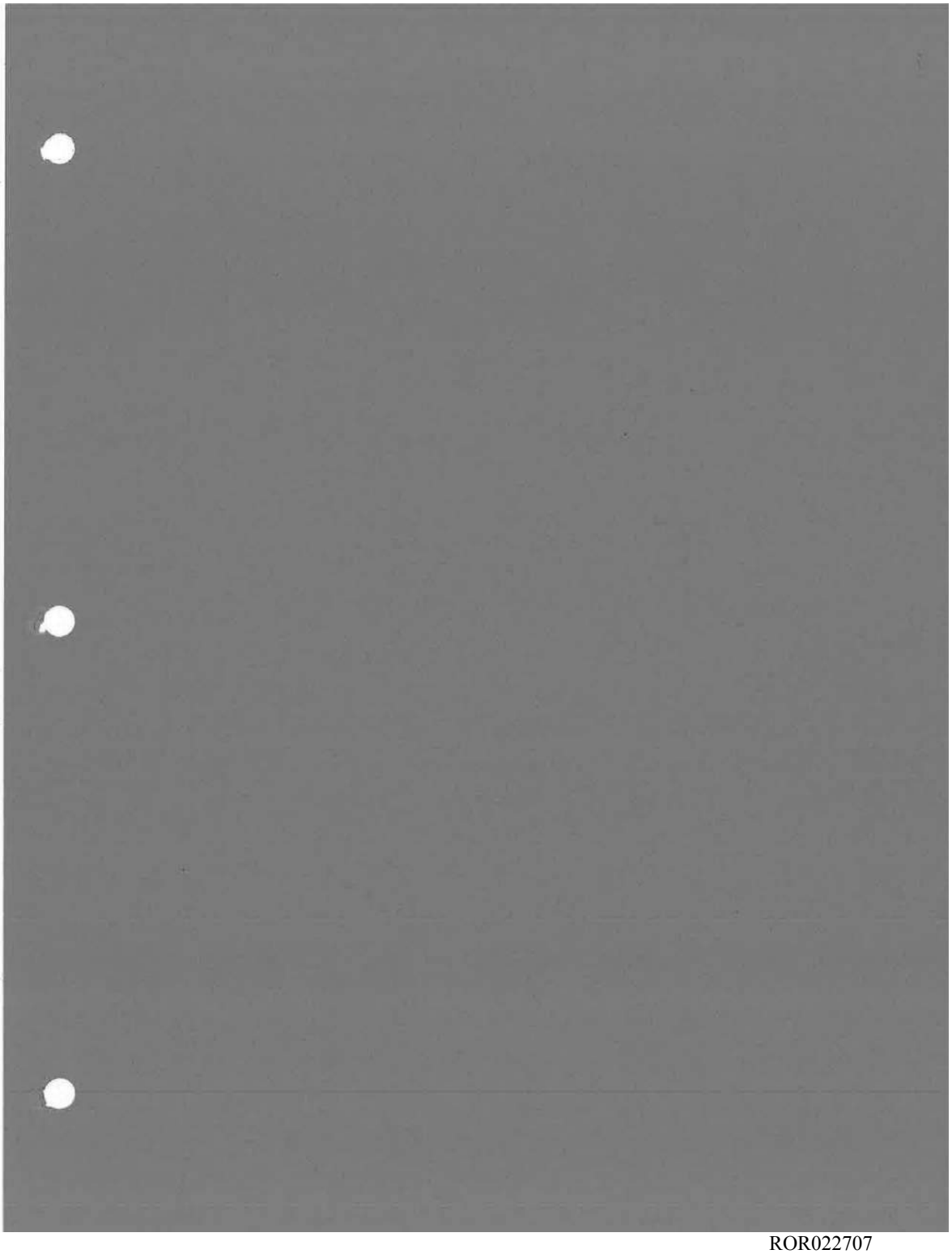
(c) The location, design and type of dwelling units.

3. In the case of a planned unit residential development which is proposed to be developed over a period of years, such standards may, to encourage the flexibility of housing density, design and type intended by the provisions of this chapter, authorize a departure from the density or intensity of use established for the entire planned unit residential development in the case of each section to be developed. The ordinance may authorize the city or county to allow for a greater concentration of density or intensity of land use within some section or sections of development whether or not it be earlier or later in the development than with regard to the others. The ordinance may require that the approval by the city or county of a greater concentration of density or intensity of land use for any section to be developed be offset by a smaller concentration in any completed prior stage or by an appropriate reservation of common open space on the remaining land by a grant of easement or by covenant in favor of the city or county, but such reservation shall, as far as practicable, defer the precise location of such common open space until an application for final approval is filed so that flexibility of development, which is a prime objective of this chapter, can be maintained.

SEC. 14. The standards for a planned unit residential development established by an ordinance enacted pursuant to the provisions of this chapter shall require that any common open space resulting from the application of standards for density or intensity of land use be set aside for the use and benefit of the residents in such development and shall include provisions by which the amount and location of any common open space shall be determined and its improvement and maintenance for common open space use be secured, subject to the provisions of sections 15 to 17, inclusive, of this act.

SEC. 15. The ordinance may provide that the city or county may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the ordinance shall not require, as a condition of the approval of a planned unit residential development, that land proposed to be set aside for common open space be dedicated or made available to public use. The ordinance may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space, and that such organization shall not be dissolved nor shall it dispose of any common open space by sale or otherwise, without first offering to dedicate such common open space to the city or county.

SEC. 16. 1. If the organization established to own and maintain common open space, or any successor organization, at any time after the establishment of a planned unit residential development, fails to maintain the common open space in a reasonable order and condition in accordance with the plan, the city or county may serve written notice upon such organization or upon the residents of the planned unit residential development, setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Such notice



ROR022707

24139

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enate Bill No. 126–Senators Young, Hecht, Swobe, Wilson and Raggio

CHAPTER 408

AN ACT relating to land development; enabling cities and counties to provide by ordinance for planned unit residential development within their jurisdictions and grant applications for such in proper cases; and providing other matters properly relating thereto.

[Approved April 19, 1973]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows.

SECTION 1. Title 22 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 59, inclusive, of this act.

SEC. 2. This chapter may be cited as the Planned Unit Development Law.

SEC. 3. In order that the public health, safety, morals and general welfare be furthered in an era of increasing urbanization and of growing demand for housing of all types and design; and in order to encourage a more efficient use of land, public services or private services in lieu thereof; to reflect changes in the technology of land development so that resulting economies may be made available to those who need homes; to insure that increased flexibility of substantive regulations over land development authorized in this chapter be administered in such a way as to encourage the disposition of proposals for land development without undue delay, the provisions of this chapter are created for the use of cities and counties in the adoption of the necessary ordinances.

.....

↓1973 Statutes of Nevada, Page 566 (Chapter 408, SB 126)↓

welfare be furthered in an era of increasing urbanization and of growing demand for housing of all types and design; and in order to encourage a more efficient use of land, public services or private services in lieu thereof; to reflect changes in the technology of land development so that resulting economies may be made available to those who need homes; to insure that increased flexibility of substantive regulations over land development authorized in this chapter be administered in such a way as to encourage the disposition of proposals for land development without undue delay, the provisions of this chapter are created for the use of cities and counties in the adoption of the necessary ordinances.

SEC. 4. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this act, have the meanings ascribed to them in such sections.

SEC. 5. "Common open space" means a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a planned unit residential development which is designed and intended for the use or enjoyment of the residents of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of such residents.

SEC. 6. "Landowner" means the legal or beneficial owner or owners of all the land proposed to be included in a planned unit residential development. The holder of an option or contract of purchase, a lessee having a remaining term of not less than 30 years, or another person having an enforcible proprietary interest in such land is a landowner for the purposes of this chapter.

SEC. 7. "Plan" means the provisions for development of a planned unit residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" means the written and graphic materials referred to in this section.

SEC. 8. "Planned unit residential development" means an area of land controlled by a landowner, which is to be developed as a single entity for a number of dwelling units, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of any zoning ordinance enacted pursuant to law.

SEC. 9. The powers granted under the provisions of this chapter may be exercised by any city or county which enacts an ordinance, if such ordinance:

1. Refers to this chapter.
2. Includes a statement of objectives for planned unit residential development, pursuant to the provisions of section 10 of this act.
3. Designates the local agency which shall exercise the powers of the city or county.
4. Sets forth the standards for a planned unit residential development consistent with the provisions of this chapter.

.....

↓1973 Statutes of Nevada, Page 567 (Chapter 408, SB 126)↓

5. Sets forth the procedures pertaining to the application for hearing on and tentative and final approval of a planned unit residential development, which shall be consistent with the provisions of this chapter.

SEC. 10. Any ordinance enacted pursuant to the provisions of this chapter shall include within its provisions a written statement of the goals of the city or county with respect to land use for residential purposes, density of population, direction of growth, location and functions of streets and other public facilities, and common open space for recreation or visual benefit, or both, and such other factors as the city or county may find relevant in determining whether or not a planned unit residential development shall be authorized. This statement shall be referred to as a statement of objectives for planned unit residential developments.

SEC. 11. 1. Each ordinance enacted pursuant to the provisions of this chapter shall set forth the standards and conditions by which a proposed planned unit residential development shall be evaluated.

2. The city or county may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in the ordinance, if:

(a) Such rules and regulations are not inconsistent with the standards and conditions.
(b) Such rules and regulations are made a matter of public record.

ROR022708

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3. Any amendment or change of such rules and regulations shall not apply to any plan for which an application for tentative approval has been made prior to the placing of public record any such amendment or change.

4. Such standards and conditions and all supplementary rules and regulations established for a particular planned residential development authorized pursuant to such ordinance shall not be inconsistent with the provisions of sections 12 to 17, inclusive, of this act.

SEC. 12. 1. An ordinance enacted pursuant to the provisions of this chapter shall set forth the uses permitted in a planned unit residential development, which uses may be limited to:

(a) Dwelling units which are not detached, semidetached or multistoried structures or any combinations thereof.

(b) Any nonresidential use to the extent such nonresidential use is designed and intended to serve the residents of the planned unit residential development.

2. An ordinance may establish regulations setting forth the timing of development among the various types of dwelling and may specify whether or not some or all nonresidential uses are to be built before, after or at the same time as the residential uses.

SEC. 13. 1. An ordinance enacted pursuant to the provisions of this chapter shall establish standards governing the density or intensity of land use in a planned unit residential development.

2. Such standards shall take into account the possibility that the density or intensity of land use otherwise allowable on the site under the provisions of a zoning ordinance previously enacted may not be appropriated for a planned unit residential development. The standards may vary the density or intensity of land use otherwise applicable to the land within the planned unit residential development in consideration of:

↓1973 Statutes of Nevada, Page 568 (Chapter 408, SB 126)↓

(a) The amount, location and proposed use of common open space.

(b) The location and physical characteristics of the site of the proposed planned residential development.

(c) The location, design and type of dwelling units.

3. In the case of a planned unit residential development which is proposed to be developed over a period of years, such standards may, to encourage the flexibility of housing density, design and type intended by the provisions of this chapter, authorize a departure from the density or intensity of use established for the entire planned unit residential development in the case of each section to be developed. The ordinance may authorize the city or county to allow for a greater concentration of density or intensity of land use within some section or sections of development whether or not it be earlier or later in the development than with regard to the others. The ordinance may require that the approval by the city or county of a greater concentration of density or intensity of land use for any section to be developed by offset by a smaller concentration in any completed prior stage or by an appropriate reservation of common open space on the remaining land by a grant of easement or by covenant in favor of the city or county, but such reservation shall, as far as practicable, defer the precise location of such common open space until an application for final approval is filed so that flexibility of development, which is a prime objective of this chapter, can be maintained.

SEC. 14. The standards for a planned unit residential development established by an ordinance enacted pursuant to the provisions of this chapter shall require that any common open space resulting from the application of standards for density or intensity of land use be set aside for the use and benefit of the residents in such development and shall include provisions by which the amount and location of any common open space shall be determined and its improvement and maintenance for common open space use be secured, subject to the provisions of sections 15 to 17, inclusive, of this act.

SEC. 15. The ordinance may provide that the city or county may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the ordinance shall not require, as a condition of the approval of a planned unit residential development, that land proposed to be set aside for common open space be dedicated or made available to public use. The ordinance may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space, and that such organization shall not be dissolved nor shall it dispose of any common open space by sale or otherwise, without first offering to dedicate such common open space to the city or county.

SEC. 16. 1. If the organization established to own and maintain common open space, or any successor organization, at any time after the establishment of a planned unit residential development, fails to maintain the common open space in a reasonable order and condition in accordance with the plan, the city or county may serve written notice upon such organization or upon the residents of the planned unit residential development, setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Such notice shall include a demand that such deficiencies of maintenance be cured within 30 days of the receipt of such notice and shall state the date and place of a hearing thereon, which shall be within 14 days of the receipt of such notice.

↓1973 Statutes of Nevada, Page 569 (Chapter 408, SB 126)↓

shall include a demand that such deficiencies of maintenance be cured within 30 days of the receipt of such notice and shall state the date and place of a hearing thereon, which shall be within 14 days of the receipt of such notice.

2. At such hearing the city or county may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof are not cured within the 30-day period, or any extension thereof, the city or county, in order to preserve the taxable values of the properties within the planned unit residential development and to prevent the common open space from becoming a public nuisance, may enter upon such common open space and maintain it for a period of 1 year.

3. Such entry and maintenance shall not vest in the public any right to use the common open space except when such right is voluntarily dedicated to the public by the owners.

4. Before the expiration of the period of maintenance set forth in subsection 2, the city or county shall, upon its own initiative or upon the request of the organization previously responsible for the maintenance of the common open space, call a public hearing upon notice to such organization or to the residents of the planned unit residential development, to be held by the city or county. At this hearing such organization or the residents of the planned unit residential development shall show cause why such maintenance by the city or county shall not, at the election of the city or county, continue for a succeeding year.

5. If the city or county determines that such organization is ready and able to maintain the common open space in a reasonable condition, the city or county shall cease its maintenance at the end of such year.

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6. If the city or county determines such organization is not ready and able to maintain the common open space in a reasonable condition, the city or county may, in its discretion, continue the maintenance of the common open space during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

7. The decision of the city or county in any such case referred to in this section constitutes a final administrative decision subject to review in accordance with the provisions of law.

SEC. 17. 1. The cost of such maintenance undertaken by the city or county shall be assessed ratably against the properties within the planned unit residential development that have a right of enjoyment of the common open space, and shall become a tax lien on such properties.

2. The city or county, at the time of entering upon such common open space for the purpose of maintenance, shall file a notice of such lien in the appropriate recorder's office upon the properties affected by such lien within the planned unit residential development.

SEC. 18. No ordinance enacted pursuant to the provisions of this chapter may authorized a planned unit residential development that contains less than 5 dwelling units.

SEC. 19. 1. The authority granted a city or county by law to establish standards for the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment, applies to such improvements within a planned unit residential development.

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↓1973 Statutes of Nevada, Page 570 (Chapter 408, SB 126)↓

sidewalks, street lights, parks, playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment, applies to such improvements within a planned unit residential development.

2. The standards applicable to a planned unit residential development may be different from or modifications of the standards and requirements otherwise required of subdivisions which are authorized under an ordinance enacted pursuant to the provisions of law, if the planned unit residential development ordinance sets forth the limits and extent of any modifications or changes in such standards and requirements, in order that a landowner may know the limits and extent of permissible modifications from the standards otherwise applicable to subdivisions.

3. The limits of such modification or change established in an ordinance enacted pursuant to this chapter, as well as the degree of modification or change within such limits authorized in a particular case by the city or county, shall take into account the standards and requirements established in any ordinance otherwise enacted pursuant to law, which may not be appropriate or necessary for land development of a type or design contemplated by this chapter.

SEC. 20. 1. An ordinance enacted pursuant to this chapter shall set forth the standards and criteria by which the design, bulk and location of buildings shall be evaluated, and all standards and all criteria for any feature of a planned unit residential development shall be set forth in such ordinance with sufficient certainty to provide work criteria by which specific proposals for a planned unit residential development can be evaluated.

2. Standards in such ordinance shall not unreasonably restrict the ability of the landowner to relate the plan to the particular site and to the particular demand for housing existing at the time of development.

SEC. 21. 1. The enforcement and modification of the provisions of the plan as finally approved, whether or not these are recorded by plat, covenant, easement or otherwise, are subject to the provisions contained in sections 22 to 24, inclusive, of this act.

2. Such enforcement and modification shall be to further the mutual interest of the residents of the planned unit residential development and of the public in the preservation of the integrity of the plan as finally approved. The enforcement and modification provisions are drawn also to insure that modifications, if any, in the plan will not impair the reasonable reliance of the residents upon the provisions of the plan nor result in changes that would adversely affect the public interest.

SEC. 22. The provisions of the plan relating to:

1. The use of land and the use, bulk and location of buildings and structures;
2. The quantity and location of common open space; and
3. The intensity of use or the density of residential units,

shall run in favor of the city or county and shall be enforcible in law or in equity by the city or county, without limitation on any powers of regulation otherwise granted the city or county by law.

SEC. 23. 1. All provisions of the plan shall run in favor of the residents of the planned unit residential development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan and to that extent such provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by the residents acting individually, jointly or through an organization designated in the plan to act on their behalf.

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↓1973 Statutes of Nevada, Page 571 (Chapter 408, SB 126)↓

expressly provided in the plan and in accordance with the terms of the plan and to that extent such provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by the residents acting individually, jointly or through an organization designated in the plan to act on their behalf.

2. No provision of the plan exists in favor of residents on the planned unit residential development except as to those portions of the plan which have been finally approved and have been recorded.

SEC. 24. All those provisions of the plan authorized to be enforced by the city or county under section 22 of this act may be modified, removed or released by the city or county, except grants or easements relating to the service or equipment of a public utility unless expressly consented to by the public utility, subject to the following conditions:

1. No such modification, removal or release of the provisions of the plan by the city or county may affect the rights of the residents of the planned unit residential development to maintain and enforce those provisions at law or in equity as provided in section 23 of this act.

2. No modification, removal or release of the provisions of the plan by the city or county is permitted except upon a finding by the city or county, following a public hearing called and held in accordance with the appropriate provisions of this chapter, that it is

consistent with the efficient development and preservation of the entire planned unit residential development, does not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit residential development or the public interest, and is not granted solely to confer a private benefit upon any person.

SEC. 25. Residents of the planned unit residential development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action may affect the right of the city or county to enforce the provisions of the plan in accordance with the provisions of section 24 of this act.

SEC. 26. In order to provide an expeditious method for processing a plan for a planned unit residential development under the terms of an ordinance enacted pursuant to the powers granted under this chapter, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval by a multiplicity of local procedures of a plat or subdivision or resubdivision, as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a planned unit residential development and its continuing administration shall be consistent with the provisions set out in sections 27 to 59, inclusive, of this act.

SEC. 27. An application for tentative approval of the plan for a planned unit residential development shall be filed by or on behalf of the landowner.

SEC. 28. The application for tentative approval shall be filed by the landowner in such form, upon the payment of the fee and with such official of the city or county as shall be designated in the ordinance enacted pursuant to this chapter.

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↓1973 Statutes of Nevada, Page 572 (Chapter 408, SB 126)↓

SEC. 29. All planning, zoning and subdivision matters relating to the platting, use and development of the planned unit residential development and subsequent modifications of the regulations relating thereto to the extent such modification is vested in the city or county, shall be determined and established by the city or county.

SEC. 30. The ordinance shall require only such information in the application as is reasonably necessary to disclose to the city or county:

1. The location and size of the site and the nature of the landowner's interest in the land proposed to be developed.
2. The density of land use to be allocated to parts of the site to be developed.
3. The location and size of any common open space and the form of organization proposed to own and maintain any common open space.
4. The use and the approximate height, bulk and location of buildings and other structures.
5. The feasibility of proposals for disposition of sanitary waste and storm water.
6. Substance of covenants, grants or easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities.
7. The provisions for parking of vehicles and the location and width of proposed streets and public ways.
8. The required modifications in the municipal land use regulations otherwise applicable to the subject property.
9. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned unit residential development are intended to be filed.

SEC. 31. The application for tentative approval of a planned unit residential development shall include a written statement by the landowner setting forth the reasons why a planned unit residential development would be in the public interest and would be consistent with the municipal statement of objectives on planned unit residential development.

SEC. 32. 1. After the filing of an application pursuant to sections 27 to 31, inclusive, of this act, a public hearing on the application shall be held by the city or county, public notice of which shall be given in the manner prescribed by law for hearings on amendments to a zoning ordinance.

2. The city or county may continue the hearing from time to time and may refer the matter to the planning staff for a further report, a copy of which shall be filed as a public record without delay. In any event, however, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing unless the landowner consents in writing to an extension of the time within which the hearings shall be concluded.

SEC. 33. 1. The city or county shall, following the conclusion of the public hearing provided for in section 32 of this act, by minute action:

(a) Grant tentative approval of the plan as submitted;
(b) Grant tentative approval subject to specified conditions not included in the plan as submitted; or
(c) Deny tentative approval to the plan.

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↓1973 Statutes of Nevada, Page 573 (Chapter 408, SB 126)↓

If tentative approval is granted, with regard to the plan as submitted or with regard to the plan with conditions, the city or county shall, as part of its action, specify the drawings, specifications and form of performance bond that shall accompany an application for final approval.

2. If tentative approval is granted subject to conditions, the landowner shall within 10 days after receiving a copy of the written resolution of the city or county notify the city or county of his acceptance of or his refusal to accept all of the conditions.

3. If the landowner refuses to accept all the conditions, tentative approval of the plan is automatically rescinded.

4. In the event the landowner does not, within such period, notify the city or county of his acceptance of or his refusal to accept all the conditions, tentative approval of the plan, with all of the conditions, will stand as granted.

5. This section does not prevent the city or county and the landowner from mutually agreeing to a change in such conditions, and the city or county may, at the request of the landowner, extend the time during which the landowner is required to notify the city or county of his acceptance or refusal to accept the conditions.

SEC. 34. The grant or denial of tentative approval by minute action shall set forth the reasons for the grant, with or without conditions, or for the denial, and the minutes shall set forth with particularity in what respects the plan would or would not be in the public interest, including but not limited to findings of fact and conclusions of law on the following:

1. In what respects the plan is or is not consistent with the statement of objectives of a planned unit residential development.
2. The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.

3. The purpose, location and amount of the common open space in the planned unit residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

4. The physical design of the plan and the manner in which such design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.

5. The relationship, beneficial or adverse, of the proposed planned unit residential development to the neighborhood in which it is proposed to be established.

6. In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned unit residential development in the integrity of the plan.

SEC. 35. If a plan is granted tentative approval, with or without conditions, the city or county shall set forth, in the minute action, the time within which an application for final approval of the plan shall be filed or, in the case of a plan which provides for development over a period of years, the periods of time within which application for final approval of each part thereof shall be filed.

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filed or, in the case of a plan which provides for development over a period of years, the periods of time within which application for final approval of each part thereof shall be filed.

SEC. 36. 1. A copy of the minutes shall be mailed to the landowner. Where tentative approval has been granted, the notation of this fact shall be placed on the zoning map.

2. Tentative approval of a plan shall not qualify a plat of the planned unit residential development for recording nor authorize development or the issuance of any building permits. A plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner, shall not be modified, revoked or otherwise impaired by action of the city or county pending an application for final approval, without the consent of the landowner. Such impairment by action of the city or county is not stayed if an application for final approval has not been filed, or in the case of development over a period of years applications for approval of the several parts have not been filed, within the time specified in the minutes granting tentative approval.

3. The tentative approval shall be revoked and all that portion of the area included in the plan for which final approval has not been given shall be subject to those local ordinances applicable thereto as they may be amended from time to time, if:

(a) The landowner elects to abandon the plan or any part thereof, and so notifies the city or county in writing; or

(b) The landowner fails to file application for the final approval within the required time.

Notation of the action taken shall be made on the zoning map.

SEC. 37. 1. An application for final approval may be for all the land included in a plan or to the extent set forth in the tentative approval for a section thereof. Such application shall be made to the city or county within the time specified by the minutes granting tentative approval.

2. The application shall include such drawings, specifications, covenants, easements, conditions and form of performance bond as were set forth in the minutes at the time of the tentative approval.

3. A public hearing on an application for final approval of the plan, or any part thereof, is not required if the plan, or any part thereof, submitted for final approval is in substantial compliance with the plan which has been given tentative approval.

SEC. 38. The plan submitted for final approval is in substantial compliance with the plan previously given tentative approval if any modification by the landowner of the plan as tentatively approved does not:

1. Vary the proposed gross residential density or intensity of use;
2. Involve a reduction of the area set aside for common open space nor the substantial relocation of such area;
3. Increases the floor area proposed for nonresidential use; or
4. Increase the total ground areas covered by buildings or involve a substantial change in the height of buildings.

A public hearing shall not be held to consider modifications in the location and design of streets or facilities for water and for disposal of storm water and sanitary sewage.

SEC. 39. 1. A public hearing shall not be held on an application for final approval of a plan when such plan, as submitted for final approval, is in substantial compliance with the plan as tentatively approved.

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final approval of a plan when such plan, as submitted for final approval, is in substantial compliance with the plan as tentatively approved. The burden is upon the landowner to show the city or county good cause for any variation between the plan as tentatively approved and the plan as submitted for final approval.

2. If a public hearing is not required for final approval and application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, as required by the minutes of tentative approval, the city or county shall grant such plan final approval. If the plan as submitted contains variations from the plan given tentative approval, but remains in substantial compliance with the plan as submitted for tentative approval, the city or county may, after a meeting with the landowner, refuse to grant final approval and shall, within 30 days from the filing of the application for final approval, so advise the landowner by written notice, setting forth the reasons for the refusal, relating them to one or another of what it considers to be departures from the public interest.

3. If the city or county refuses to grant final approval, the landowner may:

(a) File his application for final approval without the variations objected to by the city or county, on or before the last day of the time within which he was authorized by the minutes granting tentative approval to file for final approval, or within 30 days from the date he received notice of such refusal, whichever date is later; or

(b) Treat the refusal as a denial of final approval and so notify the city or county.

SEC. 40. 1. If the plan, as submitted for final approval, is not in substantial compliance with the plan as given tentative approval, the city or county shall, within 30 days of the date of the filing of the application for final approval, notify the landowner in writing, setting forth the particular ways in which the plan is not in substantial compliance.

2. The landowner may:

(a) Treat such notification as a denial of final approval;
(b) Refile his plan in a form which is in substantial compliance with the plan as tentatively approved; or
(c) File a written request with the city or county that it hold a public hearing on his application for final approval.

If the landowner elects the alternatives set out in paragraphs (b) or (c) above, he may refile his plan or file a request for a public hearing, as the case may be, on or before the last day of the time within which he was authorized by the minutes granting tentative approval to file for final approval, or 30 days from the date he receives notice of such refusal, whichever is the later.

3. Any such public hearing shall be held within 30 days after request for the hearing is made by the landowner, and notice thereof shall be given and hearings shall be conducted in the manner prescribed in section 32 of this act.

4. Within 20 days after the conclusion of the hearing, the city or county shall, by minute action, either grant final approval to the plan or deny final approval to the plan. The grant or denial of final approval of the plan shall, in cases arising under this section, contain the matters required with respect to an application for tentative approval by section 34 of this act.

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↓1973 Statutes of Nevada, Page 576 (Chapter 408, SB 126)↓

required with respect to an application for tentative approval by section 34 of this act.

SEC. 41. If the city or county fails to act either by grant or denial of final approval of the plan within the time prescribed, the landowner may, after 30 days' written notice to the city or county, file a complaint in the district court in and for the appropriate county.

SEC. 42. 1. A plan, or any part thereof, which has been given final approval by the city or county, shall be certified without delay by the city or county and shall be filed of record in the office of the appropriate county recorder before any development shall take place in accordance therewith.

2. Upon the filing of record of the plan, the zoning and subdivision regulations otherwise applicable to the land included in the plan shall cease to be of any further force and effect.

3. Pending completion of such planned unit residential development, or of that part thereof that has been finally approved, no modification of the provisions of such plan, or any part thereof as finally approved, shall be made, nor shall it be impaired by any act of the city or county except with the consent of the landowner.

SEC. 43. No further development shall take place on the property included in the plan until after the property is resubdivided and is reclassified by an enactment of an amendment to the zoning ordinance if:

1. The plan, or a section thereof, is given approval and, thereafter, the landowner abandons such plan or the section thereof as finally approved and gives written notification thereof to the city or county, or

2. The landowner fails to commence and carry out the planned unit residential development within a reasonable period of time after the final approval has been granted.

SEC. 44. Any decision of the city or county under this chapter granting or denying tentative or final approval of the plan or authorizing or refusing to authorize a modification in a plan is a final administrative decision and is subject to judicial review in properly presented cases.

SEC. 45. 1. An ordinance enacted pursuant to this chapter may contain the minimum design standards set forth in sections 46 to 59, inclusive, of this act.

2. Where reference is made in any of these standards to a department which does not exist in the city or county concerned, the ordinance may provide for the discharge of the duty or exercise of the power by another agency of the city or county or by the governing body.

SEC. 46. A planned unit development may consist of attached or detached single family units, townhouses, cluster units, condominiums, garden apartments or any combination thereof.

SEC. 47. The minimum site area is 5 acres, except that the governing body may waive this minimum when proper planning justification is shown.

SEC. 48. Within the buildings, whenever common walls are proposed they shall be 2-hour fire resistant.

SEC. 49. Drainage on the internal private and public streets shall be as required by the public works department. All common driveways shall drain to either storm sewers or a street section.

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↓1973 Statutes of Nevada, Page 577 (Chapter 408, SB 126)↓

SEC. 50. Fire hydrants shall be provided and installed as required by the fire department.

SEC. 51. Where access is not provided by means of a private street, an easement at least 12 feet in width free of all vehicular impediments shall be provided for fire lanes as required by the fire department. Fire lanes may be grass areas.

SEC. 52. Exterior lighting within the development shall be provided as follows:

1. On private common drives, safety lights are required and shall be placed no more than 40 feet apart on center with fixtures similar to Kendall # 3663, vandal proof and tamper proof 100 watt, Lightmate wall bracket with Herculex diffuser or equal.

2. On private vehicular access streets, each light shall be a minimum of 175 watt mercury vapor, depending upon street design, and may be Westinghouse Pinto type 2 design or equal. Polycarbonate lenses shall be used in place of glass. All designs, including spacing of luminaires shall be approved by the public works department.

3. The lighting on all public streets shall conform to the standards approved by the governing body for regular use elsewhere in the city or county.

SEC. 53. Whenever any property or facility such as parking lots, storage areas, swimming pools or other areas, is owned jointly, a proper maintenance and use agreement shall be recorded as a covenant with the property.

SEC. 54. A minimum of three parking spaces shall be provided for each dwelling unit, except that required parking may be reduced by the governing body upon showing of proper justification. Parking on interior and contiguous boundary public streets may be included as a portion of the required parking.

SEC. 55. 1. Setback of buildings and other sight restrictions at the intersection of public or private streets shall have the approval of the traffic department. A setback of 20 feet from a public or private street shall be provided.

2. No building may be located closer than 10 feet to any exterior boundary street.

SEC. 56. Sanitary sewers shall be installed and maintained as required by the public works department. Sanitary sewers to be maintained by the governing body and not located in public streets shall be located in easements and shall be constructed in

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accordance with the requirements of the public works department.

SEC. 57. 1. The streets within the development may be private or public.

2. A private street which serves as access to parking areas and is connected to a vehicular access street or a public street is a common drive. A cross section is required showing the common drive to be 30 feet wide from back of curb to back of curb with roll-type or "L" type curb and gutter and alley-type openings. The alley-type openings are required where common drives intersect a vehicular access street or a public street. No sidewalks are required and no easements are required unless utilities are to be dedicated to the governing body. A common drive may be reduced to 26 feet in width when it provides parking access on one side only and a 4 foot clearance is provided between the curb and any structures on the opposite side.

reduced to 26 feet in width when it provides parking access on one side only and a 4 foot clearance is provided between the curb and any structures on the opposite side. A common drive shall not be accepted by the governing body for maintenance and the governing body shall not assume responsibility for servicing it unless it meets or is reconstructed to conform to the standards set by the governing body.

3. A private street connecting to a public street and usually connecting more than one common drive is a vehicular access street. A vehicular access street shall be a minimum of 40 feet from back of curb to back of curb and constructed with an "L" type curb and gutter. No sidewalks are required, but a 3 foot easement shall be provided on both sides behind the curb. All driveways and other accesses shall conform to curb cut standards. A turnaround whose minimum radius is 20 feet shall be provided at the terminus of a vehicular access street. A vehicular access street may be accepted for dedication and maintenance if it is constructed to the specified requirements.

4. Sidewalks are not required on the private streets but are required in the common areas.

5. No private street may directly connect two public streets unless the density and street design are such that the traffic will not overload the street.

6. All private streets shall be constructed as required by the public works department. The construction of all streets shall be inspected by the public works department.

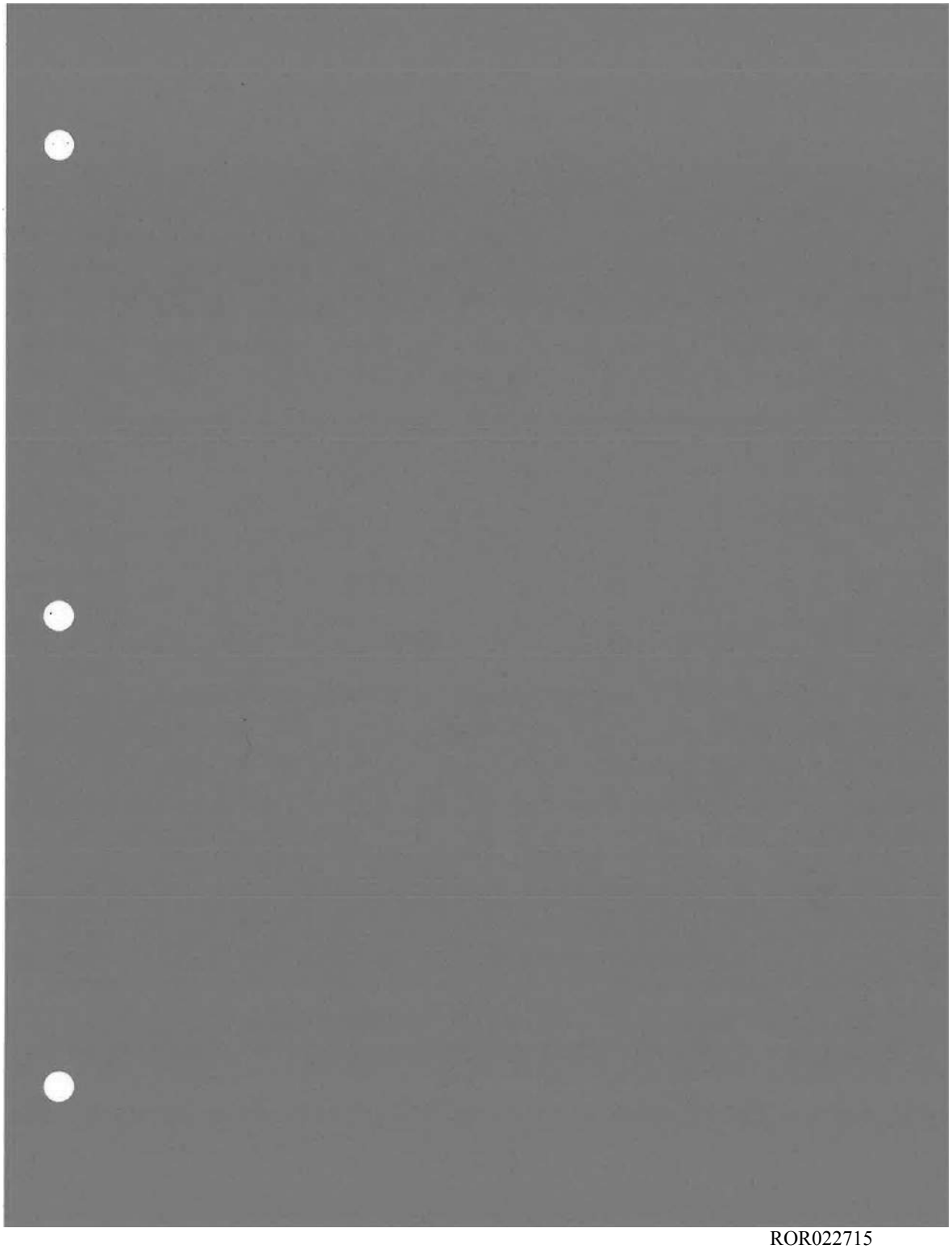
7. All public streets shall conform to the design standards approved by the governing body.

SEC. 58. All private streets shall be named and numbered as required by the governing body. A sign comparable to street name signs bearing the words "private street" shall be mounted directly below the street name sign.

SEC. 59. 1. Whenever more than one dwelling unit is contained within a building and ownership of the separate dwelling units will be in fee simple or in any ownership other than joint ownership, separate services such as water, power, and sanitary sewer shall be provided to each dwelling unit.

2. Whenever possible, underground utilities shall be required in connection with planned unit developments. The governing body shall decide in each instance.

3. The electric service box, when located in the front of a building, must be recessed flush with the wall with the meter enclosed by means of an accessible box.



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3. The Nevada highway patrol, upon written application, shall issue a permit [for the operation of] *to mount* a flashing amber light [for the following:] *on:*

(a) Public utility vehicles.

(b) Tow trucks.

(c) Vehicles engaged in activities which create a public hazard upon the streets or highways.

(d) Vehicles of coroners and their deputies.

(e) Vehicles of Civil Air Patrol rescue units.

(f) Vehicles of authorized sheriffs' jeep squadrons.

[2.] *4.* Such permits expire on June 30 of each calendar year.

[3.] *5.* The Nevada highway patrol shall charge and collect the following fees for the issuance of a permit for the operation of a flashing amber light:

(a) Permit for a single vehicle..... $2

(b) Blanket permit for more than 5 but less than 15 vehicles..... 12

(c) Blanket permit for 15 vehicles or more..... 24

[4. Subsection 3 does] *6. Subsections 1 and 2 do* not apply to an agency of any state or political subdivision thereof, or to an agency of the United States Government.

[5.] *7.* All fees collected by the Nevada highway patrol pursuant to this section [shall] *must* be deposited with the state treasurer for credit to the motor vehicle fund.

SEC. 2. NRS 484.581 is hereby repealed.

Assembly Bill No. 61—Committee on Government Affairs

CHAPTER 53

AN ACT relating to planned unit developments; authorizing industrial and commercial planned unit developments; and providing other matters properly relating thereto.

[Approved March 24, 1981]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 278A of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. "Planned unit development" means an area of land controlled by a landowner, which is to be developed as a single entity for one or more planned unit residential developments, one or more public, quasi-public, commercial or industrial areas, or both, within proportions of nonresidential uses to residential uses specified in the zoning ordinance.

2. Unless otherwise stated, "planned unit development" includes the term "planned unit residential development".

SEC. 2. NRS 278A.020 is hereby amended to read as follows:

278A.020 [In order that] *The legislature finds that the provisions of this chapter are necessary to further* the public health, safety, morals

and general welfare [be furthered] in an era of increasing urbanization and of growing demand for housing of all types and design; [and in order] *to provide for necessary commercial and industrial facilities conveniently located to that housing;* to encourage a more efficient use of land, public services or private services in lieu thereof; to reflect changes in the technology of land development so that resulting economies may be made available to those who need homes; to insure that increased flexibility of substantive regulations over land development authorized in this chapter be administered in such a way as to encourage the disposition of proposals for land development without undue delay, [the provisions of this chapter] *and* are created for the use of cities and counties in the adoption of the necessary ordinances.

SEC. 3. NRS 278A.040 is hereby amended to read as follows:

278A.040 "Common open space" means a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a planned unit [residential] development which is designed and intended for the use or enjoyment of the residents *or owners* of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of [such residents.] *the residents or owners of the development.*

SEC. 4. NRS 278A.050 is hereby amended to read as follows:

278A.050 "Landowner" means the legal or beneficial owner or owners of all the land proposed to be included in a planned unit [residential] development. The holder of an option or contract of purchase, a lessee having a remaining term of not less than 30 years, or another person having an enforceable proprietary interest in [such] *the* land is a landowner for the purposes of this chapter.

SEC. 5. NRS 278A.060 is hereby amended to read as follows:

278A.060 "Plan" means the provisions for development of a planned unit [residential] development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" means the written and graphic materials referred to in this section.

SEC. 6. NRS 278A.090 is hereby amended to read as follows:

278A.090 [1.] Each ordinance enacted pursuant to the provisions of this chapter [shall] *must* set forth the standards and conditions by which a proposed planned unit [residential] development [shall be] *is* evaluated.

[2. The city or county may prescribe, from time to time, regulations to supplement the standards and conditions set forth in the ordinance, if the regulations are made a matter of public record.

3. Any amendment or change of the regulations does not apply to any plan for which an application for tentative approval is made prior to the placing of public record any such amendment or change.]

SEC. 7. NRS 278A.100 is hereby amended to read as follows:

278A.100 An ordinance enacted pursuant to the provisions of this chapter [shall] *must* set forth the uses permitted in a planned unit [residential] development.

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SEC. 8. NRS 278A.110 is hereby amended to read as follows:

278A.110 1. An ordinance enacted pursuant to the provisions of this chapter [shall] *must* establish standards governing the density or intensity of land use in a planned [residential] *unit* development.

2. The standards [shall] *must* take into account the possibility that the density or intensity of land use otherwise allowable on the site under the provisions of a zoning ordinance previously enacted may not be appropriate for a planned unit [residential] development. The standards may vary the density or intensity of land use otherwise applicable to the land within the planned unit [residential] development in consideration of:

(a) The amount, location and proposed use of common open space.

(b) The location and physical characteristics of the site of the proposed planned [residential] development.

(c) The location, design and type of dwelling units.

(d) The criteria for approval of a tenative map of a subdivision.

3. In the case of a planned unit [residential] development which is proposed to be developed over a period of years, [such] *the* standards may, to encourage the flexibility of [housing] density, design and type intended by the provisions of this chapter, authorize a departure from the density or intensity of use established for the entire planned unit [residential] development in the case of each section to be developed. The ordinance may authorize the city or county to allow for a greater concentration of density or intensity of land use within some section or sections of development whether or not it be earlier or later in the development than with regard to the others. The ordinance may require that the approval by the city or county of a greater concentration of density or intensity of land use for any section to be developed be offset by a smaller concentration in any completed prior stage or by an appropriate reservation of common open space on the remaining land by a grant of easement or by covenant in favor of the city or county, but [such reservation shall,] *the reservation must,* as far as practicable, defer the precise location of [such] *the* common open space until an application for final approval is filed so that flexibility of development, which is a prime objective of this chapter, can be maintained.

SEC. 9. NRS 278A.120 is hereby amended to read as follows:

278A.120 The standards for a planned unit [residential] development established by an ordinance enacted pursuant to the provisions of this chapter [shall] *must* require that any common open space resulting from the application of standards for density or intensity of land use be set aside for the use and benefit of the residents [in such] *or owners of the* development and [shall] *must* include provisions by which the amount and location of any common open space [shall be] *is* determined and its improvement and maintenance *secured.* [for common open space use be secured, subject to the provisions of NRS 278A.130 to 278A.190, inclusive.]

SEC. 10. NRS 278A.130 is hereby amended to read as follows:

278A.130 1. The ordinance [shall] *must* provide that the city or county may [, at any time and from time to time,] accept the dedication of land or any interest therein for public use and maintenance, but the ordinance [shall] *must* not require, as a condition of the approval

of a planned unit [residential] development, that land proposed to be set aside for common open space be dedicated or made available to public use. The ordinance may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space, and that [such] *the* organization [shall] *may* not be dissolved [nor shall it] *or* dispose of any common open space by sale or otherwise, without first offering to dedicate [such] *the* common open space to the city or [county, which offer shall] *county. That offer must* be accepted or rejected within 120 days.

2. The ordinance may authorize [such] *the* organization to make reasonable assessments to meet its necessary expenditures for maintaining the common open space in reasonable order and condition in accordance with the plan. The assessments [shall] *must* be made ratably against the properties within the planned unit [residential] development that have a right of enjoyment of the common open space. The ordinance may provide for agreement between the organization and the property owners providing:

(a) A reasonable method for notice and levy of the assessment; and

(b) For the subordination of the liens securing [such] *the* assessment to other liens either generally or specifically described.

SEC. 11. NRS 278A.140 is hereby amended to read as follows:

278A.140 An organization established [pursuant to NRS 278A.130] for the ownership and maintenance of common open space which receives payments from owners of property within the planned unit [residential] development for [such] *the* maintenance shall:

1. Immediately deposit [such] *the* payments in a separate trust account maintained by it with some bank or recognized depositary in this state.

2. Keep records of all [such] payments deposited therein and all disbursements therefrom.

SEC. 12. NRS 278A.150 is hereby amended to read as follows:

278A.150 1. Any reasonable assessment upon any property within the planned unit [residential] development [levied pursuant to NRS 278A.130 shall be] *is* a debt of the owner thereof at the time the assessment is made. The amount of the assessment plus interest, costs including attorney fees and penalties [shall be] *is* a lien upon the property assessed when the organization causes to be recorded with the county recorder of the county wherein the development is located a notice of assessment which [shall state:] *states:*

(a) The amount of the assessment and interest, costs and penalties;

(b) A description of the property against which [the same] *it* has been assessed; and

(c) The name of the record owner of the property.

[Such notice shall] *The notice must* be signed by an authorized representative of the organization or as otherwise agreed. Upon payment or other satisfaction of the assessment and charges, the organization shall cause to be recorded a further notice stating the satisfaction and the release of the lien.

2. [Such lien shall be] *The lien is* prior to property taxes and assessments recorded subsequent to the recordation of the notice of assessment except where the agreement provides for its subordination

to other liens and encumbrances. Unless sooner satisfied and released or its enforcement initiated, [as provided in NRS 278A.160,] the lien [shall expire and be of no further force or effect] *expires* 2 years from the date of recordation of the notice of assessment, but the 2-year period may be extended by the organization for not more than 2 additional years by recording a written extension thereof.

3. [Such] *The* lien may be enforced by sale by the organization, its agent or attorney after failure of the owner to pay [such] *the* assessment in accordance with its terms. [Such sale shall] *The sale must* be conducted in accordance with the provisions of Covenants Nos. 6, 7 and 8 of NRS 107.030 and 107.090 insofar as they are consistent with the provisions of NRS 278A.160, or in any other manner *so consistent and* permitted by law. Unless otherwise provided by agreement the organization, if it is a corporation, cooperative association, partnership or natural person, may [bid in] *purchase* the property at foreclosure sale and hold, lease, mortgage and convey it.

SEC. 13. NRS 278A.160 is hereby amended to read as follows:

278A.160 1. The power of sale conferred in NRS 278A.150 [shall] *may* not be exercised until:

(a) The organization, its agent or attorney has first executed and caused to be recorded with the recorder of the county [wherein] *in which* the property is located a notice of default and election to sell the property or cause its sale to satisfy the assessment lien; and

(b) The property owner or his successor in interest has failed to pay the amount of the lien including costs, fees and expenses incident to its enforcement for a period of 60 days. [computed as prescribed in subsection 2.]

2. The 60-day period [provided in subsection 1 shall commence] *commences* on the first day following the day upon which the notice of default and election to sell is recorded [as herein provided] and a copy of the notice is mailed by certified [or registered] mail with postage prepaid to the property owner or to his successor in interest at his address if [such] *the* address is known, otherwise to the address of the property. The notice [shall] *must* describe the deficiency in payment.

3. The organization, its agent or attorney shall, after expiration of the 60-day period and [prior to] *before* selling the property give notice of the time and place of the sale in the manner and for a time not less than that required by law for the sale of real property upon execution, except that a copy of the notice of sale [shall] *must* be mailed on or before the first publication or posting [required by NRS 21.130] by certified [or registered] mail with postage prepaid to the property owner or to his successor in interest at his address if [such] *that* address is known, otherwise to the address of the property. The sale itself may be made at the office of the organization if the notice so provided, whether the property is located within the same county as the office of the organization or not.

4. Every sale made under the provisions of NRS 278A.150 vests in the purchaser the title of the property owner without equity or right of redemption.

SEC. 14. NRS 278A.180 is hereby amended to read as follows:

278A.180 1. If the organization established to own and maintain

common open space, or any successor organization, at any time after the establishment of a planned unit [residential] development, fails to maintain the common open space in a reasonable order and condition in accordance with the plan, the city or county may serve written notice upon [such] *that* organization or upon the residents of the planned unit [residential] development, setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. [Such notice shall] *The notice must* include a demand that [such] *the* deficiencies of maintenance be cured within 30 days [of] *after* the receipt of [such notice and shall] *the notice and must* state the date and place of a hearing [thereon, which shall] *thereon. The hearing must* be within 14 days of the receipt of [such] *the* notice.

2. At [such] *the* hearing the city or county may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they [shall] *must* be cured. If the deficiencies set forth in the original notice or in the modification thereof are not cured within the 30-day period, or any extension thereof, the city or county, in order to preserve the taxable values of the properties within the planned unit [residential] development and to prevent the common open space from becoming a public nuisance, may enter upon [such] *the* common open space and maintain it for a period of 1 year.

3. [Such entry and maintenance shall] *Entry and maintenance does* not vest in the public any right to use the common open space except when such *a* right is voluntarily dedicated to the public by the owners.

4. Before the expiration of the period of maintenance set forth in subsection 2, the city or county shall, upon its own initiative or upon the request of the organization previously responsible for the maintenance of the common open space, call a public hearing upon notice to [such] *the* organization or to the residents of the planned unit [residential] development, to be held by the city or county. At this hearing [such] *the* organization or the residents of the planned unit [residential] development shall show cause why [such] *the* maintenance by the city or county [shall] *need* not, at the election of the city or county, continue for a succeeding year.

5. If the city or county determines that [such] *the* organization is ready and able to maintain the common open space in a reasonable condition, the city or county shall cease its maintenance at the end of [such] *the* year.

6. If the city or county determines [such] *the* organization is not ready and able to maintain the common open space in a reasonable condition, the city or county may, in its discretion, continue the maintenance of the common open space during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

7. The decision of the city or county in any [such] case referred to it in this section constitutes a final administrative decision subject to review. [in accordance with the provisions of law.]

SEC. 15. NRS 278A.190 is hereby amended to read as follows:

278A.190 1. The total cost of [such] *the* maintenance undertaken by the city or county [shall be] *is* assessed ratably against the properties within the planned unit [residential] development that have a right of enjoyment of the common open space, and [shall become] *becomes* a tax lien on [such] *the* properties.

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2. The city or county, at the time of entering upon [such] *the* common open space [for the purpose of maintenance, shall] *to maintain it, must* file a notice of [such] *the* lien in the appropriate recorder's office upon the properties affected by [such] *the* lien within the planned unit [residential] development.

SEC. 16. NRS 278A.210 is hereby amended to read as follows:

278A.210 1. The authority granted a city or county by law to establish standards for the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment, applies to such improvements within a planned unit [residential] development.

2. The standards applicable to a planned unit [residential] development may be different from or modifications of the standards and requirements otherwise required of subdivisions which are authorized under an ordinance. [enacted pursuant to the provisions of law.]

SEC. 17. NRS 278A.220 is hereby amended to read as follows:

278A.220 1. An ordinance enacted pursuant to this chapter [shall] *must* set forth the standards and criteria by which the design, bulk and location of buildings [shall be] *is* evaluated, and all standards and all criteria for any feature of a planned unit [residential] development [shall] *must* be set forth in [such] *that* ordinance with sufficient certainty to provide work criteria by which specific proposals for a planned unit [residential] development can be evaluated.

2. Standards in [such ordinance shall] *the ordinance must* not unreasonably restrict the ability of the landowner to relate the plan to the particular site and to the particular demand for housing existing at the time of development.

SEC. 18. NRS 278A.240 is hereby amended to read as follows:

278A.240 A planned unit *residential* development may consist of attached or detached single family units, townhouses, cluster units, condominiums, garden apartments or any combination thereof.

SEC. 19. NRS 278A.380 is hereby amended to read as follows:

278A.380 1. The enforcement and modification of the provisions of the plan as finally approved, whether or not these are recorded by plat, covenant, easement or otherwise, are subject to the provisions contained in NRS 278A.390 to 278A.410, inclusive.

2. [Such] *The* enforcement and modification [shall] *of the provisions of the plan must* be to further the mutual interest of the residents *and owners* of the planned unit [residential] development and of the public in the preservation of the integrity of the plan as finally approved. The enforcement and modification *of* provisions [are] *must be* drawn also to insure that modifications, if any, in the plan will not impair the reasonable reliance of the residents *and owners* upon the provisions of the plan [nor] *or* result in changes that would adversely affect the public interest.

SEC. 20. NRS 278A.390 is hereby amended to read as follows:

278A.390 The provisions of the plan relating to:

1. The use of land and the use, bulk and location of buildings and structures;

2. The quantity and location of common open space; [and]

3. The intensity of use or the density of residential [units, shall] *units; and*

4. The ratio of residential to nonresidential uses,

must run in favor of the city or county and [shall be] *are* enforceable in law [or in equity] by the city or county, without limitation on any powers of regulation [otherwise granted] *of* the city or county. [by law.]

SEC. 21. NRS 278A.410 is hereby amended to read as follows:

278A.410 All [those] provisions of the plan authorized to be enforced by the city or county [under NRS 278A.390] may be modified, removed or released by the city or county, except grants or easements relating to the service or equipment of a public utility unless expressly consented to by the public utility, subject to the following conditions:

1. No such modification, removal or release of the provisions of the plan by the city or county may affect the rights of the residents of the planned unit residential development to maintain and enforce those provisions. [at law or in equity as provided in NRS 278A.400.]

2. No modification, removal or release of the provisions of the plan by the city or county is permitted except upon a finding by the city or county, following a public hearing [called and held in accordance with the appropriate provisions of this chapter, that it is] *that it:*

(a) Is consistent with the efficient development and preservation of the entire planned unit [residential] development [, does] *;*

(b) Does not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit [residential] development or the public interest [,] *;* and [is]

(c) Is not granted solely to confer a private benefit upon any person.

SEC. 22. NRS 278A.420 is hereby amended to read as follows:

278A.420 Residents of the planned unit residential development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action may affect the right of the city or county to enforce the provisions of the plan. [in accordance with the provisions of NRS 278A.410.]

SEC. 23. NRS 278A.430 is hereby amended to read as follows:

278A.430 In order to provide an expeditious method for processing a plan for a planned unit [residential] development under the terms of an ordinance enacted pursuant to the powers granted under this chapter, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval by a multiplicity of local procedures of a plat or subdivision or resubdivision, as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a planned unit [residential] development and its continuing administration [shall] *must* be consistent with the provisions set out in NRS 278A.440 to 278A.590, inclusive.

SEC. 24. NRS 278A.440 is hereby amended to read as follows:

278A.440 An application for tentative approval of the plan for a

planned unit [residential] development [shall] *must* be filed by or on behalf of the landowner.

SEC. 25. NRS 278A.450 is hereby amended to read as follows:

278A.450 The application for tentative approval [shall] *must* be filed by the landowner in such form, upon the payment of [the] *such* fee and with such official of the city or county as [shall be] *is* designated in the ordinance enacted pursuant to this chapter.

SEC. 26. NRS 278A.460 is hereby amended to read as follows:

278A.460 All planning, zoning and subdivision matters relating to the platting, use and development of the planned unit [residential] development and subsequent modifications of the regulations relating thereto to the extent [such] modification is vested in the city or county, [shall] *must* be determined and established by the city or county.

SEC. 27. NRS 278A.470 is hereby amended to read as follows:

278A.470 The ordinance may require such information in the application as is reasonably necessary to disclose to the city or county:

1. The location and size of the site and the nature of the landowner's interest in the land proposed to be developed.
2. The density of land use to be allocated to parts of the site to be developed.
3. The location and size of any common open space and the form of organization proposed to own and maintain any common open space.
4. The use and the approximate height, bulk and location of buildings and other structures.
5. *The ratio of residential to nonresidential use.*
6. The feasibility of proposals for disposition of sanitary waste and storm water.

[6. Substance] *7. The substance* of covenants, grants or easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities.

[7.] *8.* The provisions for parking of vehicles and the location and width of proposed streets and public ways.

[8.] *9.* The required modifications in the municipal land use regulations otherwise applicable to the subject property.

[9.] *10.* In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned unit [residential] development are intended to be filed.

SEC. 28. NRS 278A.500 is hereby amended to read as follows:

278A.500 The grant or denial of tentative approval by minute action [shall] *must* set forth the reasons for the grant, with or without conditions, or for the denial, and the minutes [shall] *must* set forth with particularity in what respects the plan would or would not be in the public interest, including but not limited to findings [of fact and conclusions of law] on the following:

1. In what respects the plan is or is not consistent with the statement of objectives of a planned unit [residential] development.
2. The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the property, including but not limited

to density, bulk and use, and the reasons why [such] *these* departures are or are not deemed to be in the public interest.

3. *The ratio of residential to nonresidential use in the planned unit development.*

4. The purpose, location and amount of the common open space in the planned unit [residential] development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

[4.] *5.* The physical design of the plan and the manner in which [such] *the* design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.

[5.] *6.* The relationship, beneficial or adverse, of the proposed planned unit [residential] development to the neighborhood in which it is proposed to be established.

[6.] *7.* In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public [and of the residents] *, residents and owners* of the planned unit [residential] development in the integrity of the plan.

SEC. 29. NRS 278A.520 is hereby amended to read as follows:

278A.520 1. A copy of the minutes [shall] *must* be mailed to the landowner.

2. Tentative approval of a plan does not qualify a plat of the planned unit [residential] development for recording or authorize development or the issuance of any building permits. A plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner, [shall] *may* not be modified, revoked or otherwise impaired by action of the city or county pending an application for final approval, without the consent of the landowner. [Such impairment] *Impairment* by action of the city or county is not stayed if an application for final approval has not been filed, or in the case of development over a period of years applications for approval of the several parts have not been filed, within the time specified in the minutes granting tentative approval.

3. The tentative approval [shall] *must* be revoked and [all that] *the* portion of the area included in the plan for which final approval has not been given [shall be] *is* subject to [those] local ordinances [applicable thereto as they may be amended from time to time,] if:

(a) The landowner elects to abandon the plan or any part thereof, and so notifies the city or county in writing; or

(b) The landowner fails to file application for the final approval within the required time.

SEC. 30. NRS 278A.540 is hereby amended to read as follows:

278A.540 The plan submitted for final approval is in substantial compliance with the plan previously given tentative approval if any modification by the landowner of the plan as tentatively approved does not:

1. Vary the proposed gross residential density or intensity of use;

2. Vary the proposed ratio of residential to nonresidential *use;*

3. Involve a reduction of the area set aside for common open space [nor] *or* the substantial relocation of such area;

[3.] *4.* Substantially increase the floor area proposed for nonresidential use; or

[4.] *5.* Substantially increase the total ground areas covered by buildings or involve a substantial change in the height of buildings.

A public hearing need not be held to consider modifications in the location and design of streets or facilities for water and for disposal of storm water and sanitary sewage.

SEC. 31. NRS 278A.570 is hereby amended to read as follows:

278A.570 1. A plan, or any part thereof, which has been given final approval by the city or county, [shall] *must* be certified without delay by the city or county and [shall] *must* be filed of record in the office of the appropriate county recorder before any development [shall] *may* take place in accordance therewith.

2. Upon recording pursuant to subsection 1, the zoning and subdivision regulations otherwise applicable to the land [included in the plan shall cease to be of any further force and effect.] *do not apply.*

3. Pending completion of [such] *the* planned unit [residential] development, or of that part thereof that has been finally approved, no modification of the provisions of [such] *the* plan, or any part thereof as finally approved, may be made, nor may it be impaired by any act of the city or county except with the consent of the landowner.

4. The county recorder shall collect a fee of $50, plus 50 cents per lot or unit mapped, for the recording or filing of any final map, plat or plan. The fee [shall] *must* be deposited in the general fund of the county where it is collected.

SEC. 32. NRS 278A.580 is hereby amended to read as follows:

278A.580 No further development may take place on the property included in the plan until [after] the property is resubdivided and is reclassified by an enactment of an amendment to the zoning ordinance if:

1. The plan, or a section thereof, is given approval and, thereafter, the landowner abandons [such] *the* plan or the section thereof as finally approved and gives written notification thereof to the city or county; or

2. The landowner fails to [commence and] carry out the planned unit [residential] development within the specified period of time after the final approval has been granted.

Senate Bill No. 89—Committee on Government Affairs

CHAPTER 54

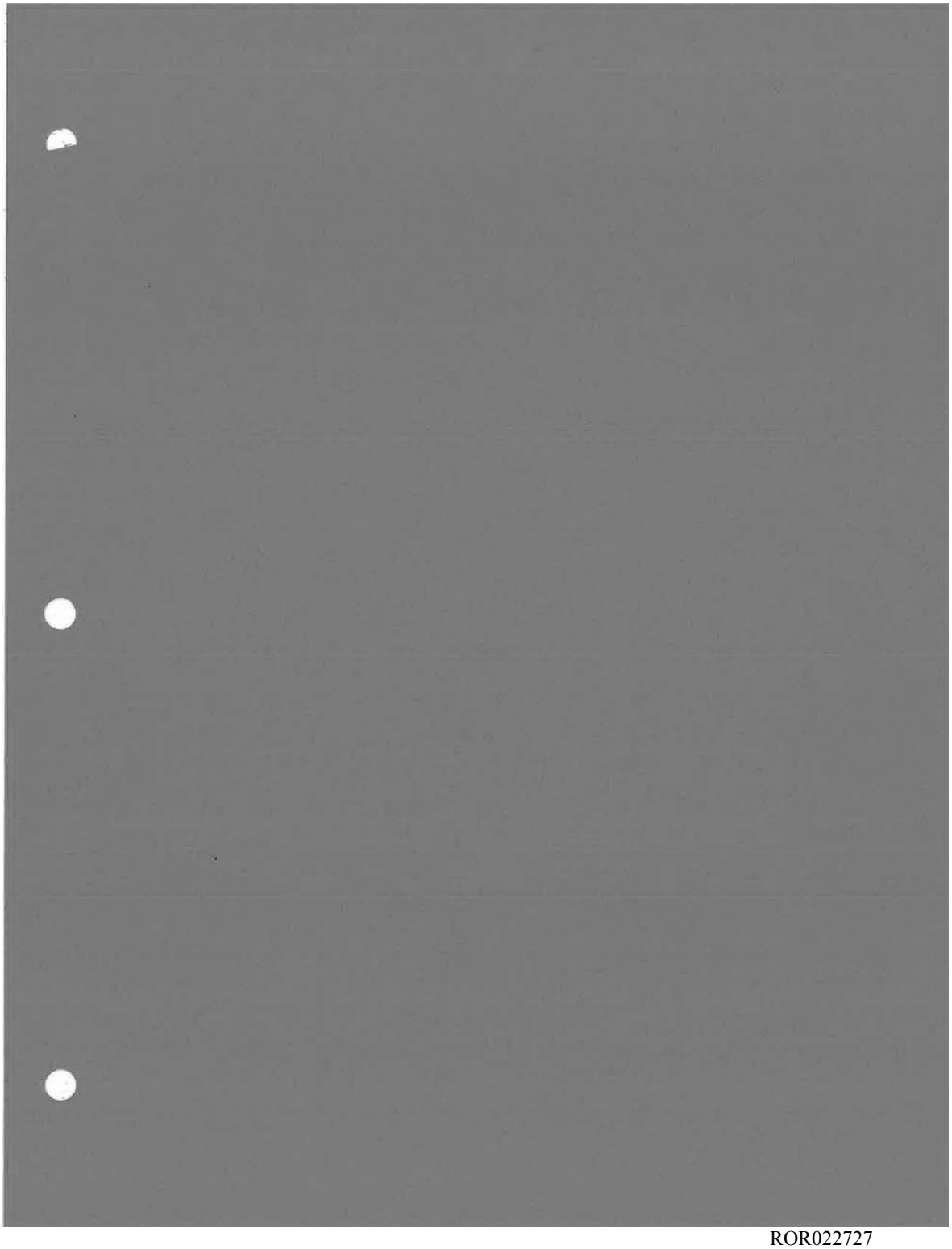
AN ACT relating to the secretary of state; expanding the number of services for which he may charge a fee; repealing obsolete provisions regarding the photocopy room; and providing other matters properly relating thereto.

[Approved March 26, 1981]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. NRS 225.140 is hereby amended to read as follows:

225.140 1. In addition to other fees authorized by law, the secretary



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Assembly Bill No. 571—Committee on Government Affairs

CHAPTER 435

AN ACT relating to planned development; expanding the definition of "common open space"; repealing the provision requiring a minimum number of units for a planned unit residential development; limiting the requirement of submission of a final map at the time of approval of a planned unit development; and providing other matters properly relating thereto.

[Approved June 22, 1989]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 278A.040 is hereby amended to read as follows:

278A.040 "Common open space" means a parcel or parcels of land or an area of water or a combination of land and water *or easements, licenses or equitable servitudes* within the site designated for a planned unit development which is designed and intended for the use or enjoyment of the residents or owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the development.

Sec. 2. NRS 278A.065 is hereby amended to read as follows:

278A.065 1. "Planned unit development" means an area of land controlled by a landowner, which is to be developed as a single entity for one or more planned unit residential developments, one or more public, quasi-public, commercial or industrial areas, or both . **[**, within proportions of nonresidential uses to residential uses specified in the zoning ordinance.**]**

2. Unless otherwise stated, "planned unit development" includes the term "planned unit residential development."

Sec. 3. NRS 278A.110 is hereby amended to read as follows:

278A.110 1. An ordinance enacted pursuant to the provisions of this chapter must establish standards governing the density or intensity of land use in a planned unit development.

2. The standards must take into account the possibility that the density or intensity of land use otherwise allowable on the site under the provisions of a zoning ordinance previously enacted may not be appropriate for a planned unit development. The standards may vary the density or intensity of land use otherwise applicable to the land within the planned unit development in consideration of:

(a) The amount, location and proposed use of common open space.

(b) The location and physical characteristics of the site of the proposed planned development.

(c) The location, design and type of dwelling units.

(d) The criteria for approval of a tentative map of a subdivision **[**.**]** *pursuant to subsection 3 of NRS 278.349.*

3. In the case of a planned unit development which is proposed to be developed over a period of years, the standards may, to encourage the flexibility of density, design and type intended by the provisions of this chapter, authorize a departure from the density or intensity of use established for the entire planned unit development in the case of each section to be

developed. The ordinance may authorize the city or county to allow for a greater concentration of density or intensity of land use within [some section or sections] *a section* of development whether [or not it be] *it is* earlier or later in the development than [with regard to the others.] *the other sections.* The ordinance may require that the approval by the city or county of a greater concentration of density or intensity of land use for any section to be developed be offset by a smaller concentration in any completed prior stage or by an appropriate reservation of common open space on the remaining land by a grant of easement or by covenant in favor of the city or county, but the reservation must, as far as practicable, defer the precise location of the common open space until an application for final approval is filed so that flexibility of development, which is a prime objective of this chapter, can be maintained.

Sec. 4. NRS 278A.530 is hereby amended to read as follows:

278A.530 1. An application for final approval may be for all the land included in a plan or to the extent set forth in the tentative approval for a section thereof. The application must be made to the city or county within the time specified by the minutes granting tentative approval.

2. The application must include such *maps,* drawings, specifications, covenants, easements, conditions and form of performance bond as were set forth in the minutes at the time of the tentative approval and a final map [.] *if required by the provisions of NRS 278.010 to 278.630, inclusive.*

3. A public hearing on an application for final approval of the plan, or any part thereof, is not required if the plan, or any part thereof, submitted for final approval is in substantial compliance with the plan which has been given tentative approval.

Sec. 5. NRS 278A.570 is hereby amended to read as follows:

278A.570 1. A plan, or any part thereof, which has been given final approval by the city or county, must be certified without delay by the city or county and filed of record in the office of the appropriate county recorder before any development occurs in accordance therewith. A county recorder shall not file for record any final plan unless it includes a final map , *if required by the provisions of NRS 278.010 to 278.630, inclusive,* and:

(a) The same certificates of approval as are required under NRS 278.377; or

(b) Evidence that the approvals were requested more than 30 days before the date on which the request for filing is made, and that the agency has not refused its approval.

2. [After] *Except as otherwise provided in this subsection, after* the plan is recorded, the zoning and subdivision regulations otherwise applicable to the land included in the plan cease to apply. *If the development is completed in identifiable phases, the zoning and subdivision regulations cease to apply after the recordation of each phase to the extent necessary to allow development of that phase.*

3. Pending completion of the planned unit development, or of the part that has been finally approved, no modification of the provisions of the plan, or any part finally approved, may be made, nor may it be impaired by any act of the city or county except with the consent of the landowner.

4. The county recorder shall collect a fee of $50, plus 50 cents per lot or unit mapped, for the recording or filing of any final map, plat or plan. The fee must be deposited in the general fund of the county where it is collected.

Sec. 6. **NRS 278A.200** is hereby repealed.

Assembly Bill No. 471—Assemblymen Carpenter and Diamond

CHAPTER 436

AN ACT relating to debt adjusting; excluding debt adjusters from the provisions regulating credit service organizations; providing a schedule to determine the amount of security required of certain debt adjusters; and providing other matters properly relating thereto.

[Approved June 22, 1989]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 598.281** is hereby amended to read as follows:

598.281 As used in NRS 598.281 to 598.289, inclusive, unless the context otherwise requires:

1. "Buyer" means a natural person who is solicited to purchase or who purchases the services of an organization which provides credit services.

2. "Commissioner" means the commissioner of consumer affairs.

3. "Division" means the consumer affairs division of the department of commerce.

4. "Extension of credit" means the right to defer payment of debt or to incur debt and defer its payment, offered or granted primarily for personal, family or household purposes.

5. "Organization":

(a) Means a person who, with respect to the extension of credit by others, sells, provides or performs, or represents that he can or will sell, provide or perform, any of the following services, in return for the payment of money or other valuable consideration:

(1) Improving a buyer's credit record, history or rating.

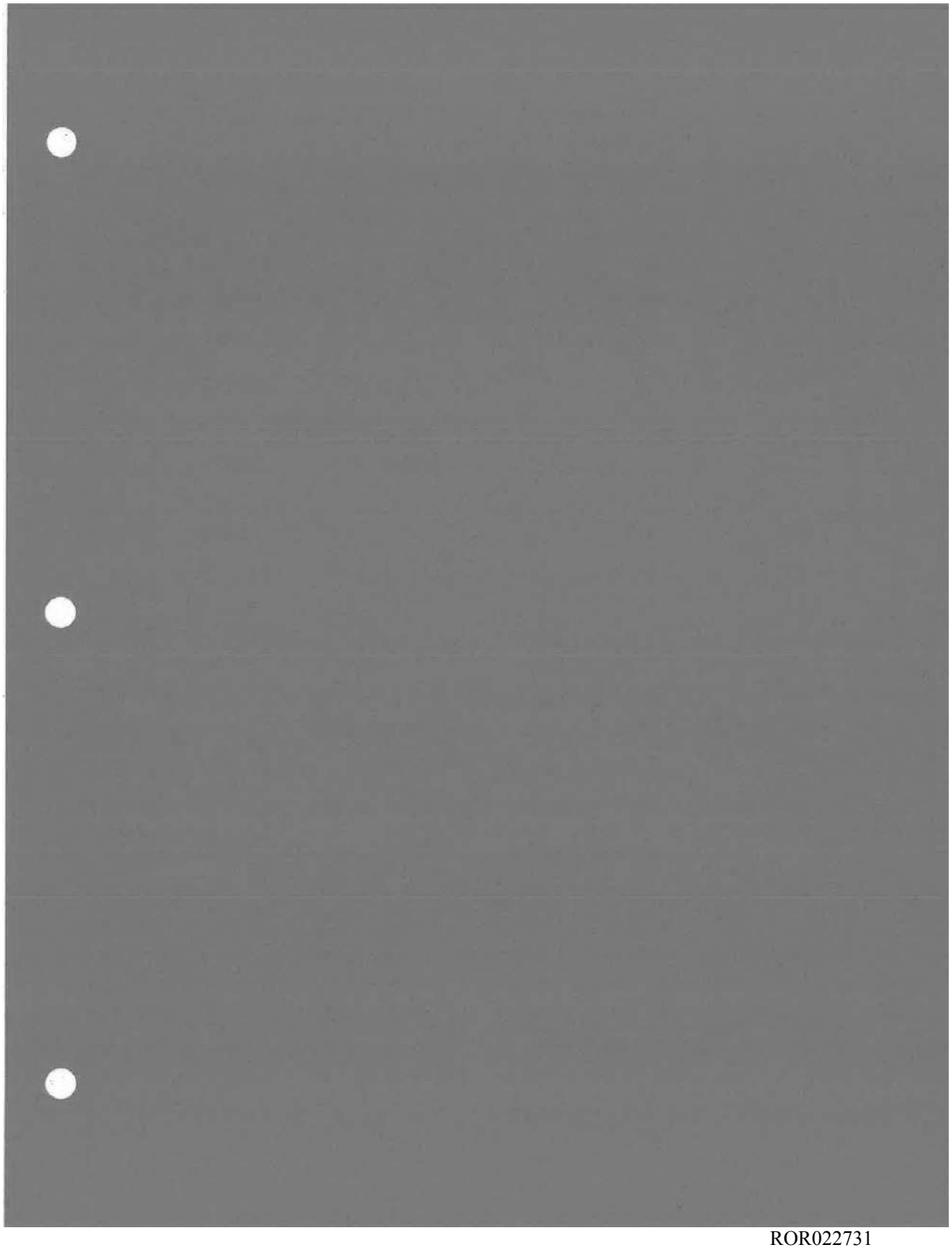
(2) Obtaining an extension of credit for a buyer.

(3) Providing counseling or assistance to a person in establishing or effecting a plan for the payment of his indebtedness **[.]** *, unless such counseling or assistance is provided by and is within the scope of the authorized practice of a debt adjuster licensed pursuant to chapter 676 of NRS.*

(4) Providing advice or assistance to a buyer with regard to either subparagraph (1) or (2).

(b) Does not include any of the following:

(1) A person organized, chartered or holding a license or authorization certificate to make loans or extensions of credit pursuant to the laws of this state or the United States who is subject to regulation and supervision by an officer or agency of this state or the United States.



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NRS 278.4985 Applicability to planned unit developments.

1. The city council of any city or the board of county commissioners of any county which has adopted a master plan as provided in this chapter which includes future or present sites for parks and playgrounds may require that:

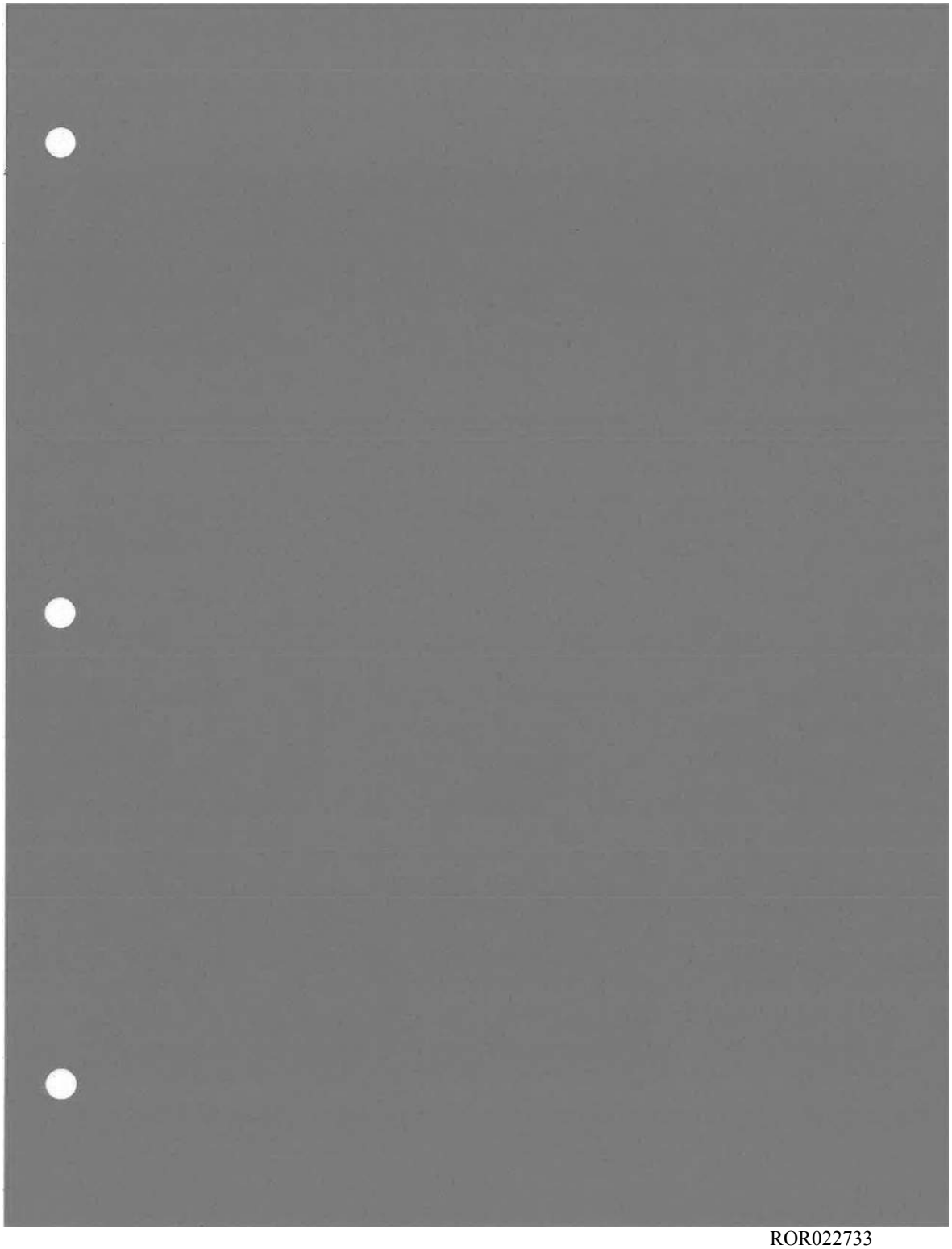
(a) The developers of a planned unit development dedicate land as provided by NRS 278.4979, 278.498 and 278.4981; or

(b) A residential construction tax be imposed on the privilege of constructing planned unit developments in the manner provided by NRS 278.4983,

if the ordinance defining and regulating planned unit developments in the particular city or county imposes open space requirements less than those required by the ordinance adopted pursuant to NRS 278.4981.

2. If a requirement to dedicate land or pay a residential construction tax is imposed on the construction of a planned unit development, the planned unit development is eligible to receive a credit against the amount of land to be dedicated or the amount of the residential construction tax imposed, for the amount and value of the developed open space within the planned unit development.

(Added to NRS by 1973, 1450; A 1983, 1552)



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CHAPTER 278A - PLANNED DEVELOPMENT

GENERAL PROVISIONS

STANDARDS AND CONDITIONS FOR PLANNED DEVELOPMENTS

General Provisions

Minimum Standards of Design

ENFORCEMENT AND MODIFICATION OF PROVISIONS OF APPROVED PLAN

PROCEDURES FOR AUTHORIZATION OF PLANNED DEVELOPMENT

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GENERAL PROVISIONS

NRS 278A.010 Short title. This chapter may be cited as the Planned Unit Development Law.
(Added to NRS by 1973, 565) — (Substituted in revision for NRS 280A.010)

NRS 278A.020 Legislative declaration. The legislature finds that the provisions of this chapter are necessary to further the public health, safety, morals and general welfare in an era of increasing urbanization and of growing demand for housing of all types and design; to provide for necessary commercial and industrial facilities conveniently located to that housing; to encourage a more efficient use of land, public services or private services in lieu thereof; to reflect changes in the technology of land development so that resulting economies may be made available to those who need homes; to insure that increased flexibility of substantive regulations over land development authorized in this chapter be administered in such a way as to encourage the disposition of proposals for land development without undue delay, and are created for the use of cities and counties in the adoption of the necessary ordinances.
(Added to NRS by 1973, 565; A 1981, 130)

NRS 278A.030 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 278A.040 to 278A.070, inclusive, have the meanings ascribed to them in such sections.
(Added to NRS by 1973, 566) — (Substituted in revision for NRS 280A.030)

NRS 278A.040 "Common open space" defined. "Common open space" means a parcel or parcels of land or an area of water or a combination of land and water or easements, licenses or equitable servitudes within the site designated for a planned unit development which is designed and intended for the use or enjoyment of the residents or owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the development.
(Added to NRS by 1973, 566; A 1981, 131; 1989, 933)

NRS 278A.050 "Landowner" defined. "Landowner" means the legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of an option or contract of purchase, a lessee having a remaining term of not less than 30 years, or another person having an enforceable proprietary interest in the land is a landowner for the purposes of this chapter.
(Added to NRS by 1973, 566; A 1981, 131)

NRS 278A.060 "Plan" and "provisions of the plan" defined. "Plan" means the provisions for development of a planned unit development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" means the written and graphic materials referred to in this section.
(Added to NRS by 1973, 566; A 1981, 131)

NRS 278A.065 "Planned unit development" defined.
1. "Planned unit development" means an area of land controlled by a landowner, which is to be developed as a single entity for one or more planned unit residential developments, one or more public, quasi-public, commercial or industrial areas, or both.
2. Unless otherwise stated, "planned unit development" includes the term "planned unit residential development."
(Added to NRS by 1981, 130; A 1989, 933)

NRS 278A.070 "Planned unit residential development" defined. "Planned unit residential development" means an area of land controlled by a landowner, which is to be developed as a single entity for a number of dwelling units, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of any zoning ordinance enacted pursuant to law.
(Added to NRS by 1973, 566) — (Substituted in revision for NRS 280A.070)

NRS 278A.080 Exercise of powers by city or county. The powers granted under the provisions of this chapter may be exercised by any city or county which enacts an ordinance conforming to the provisions of this chapter.
(Added to NRS by 1973, 566; A 1977, 1518) — (Substituted in revision for NRS 280A.080)

STANDARDS AND CONDITIONS FOR PLANNED DEVELOPMENTS

General Provisions

NRS 278A.090 Adoption of standards and conditions by ordinance. Each ordinance enacted pursuant to the provisions of this chapter must set forth the standards and conditions by which a proposed planned unit development is evaluated.
(Added to NRS by 1973, 567; A 1977, 1518; 1981, 131)

NRS 278A.100 Permitted uses. An ordinance enacted pursuant to the provisions of this chapter must set forth the uses permitted in a planned unit development.
(Added to NRS by 1973, 567; A 1977, 1519; 1981, 131)

NRS 278A.110 Density and intensity of use of land.
1. An ordinance enacted pursuant to the provisions of this chapter must establish standards governing the density or intensity of land use in a planned unit development.
2. The standards must take into account the possibility that the density or intensity of land use otherwise allowable on the site under the provisions of a zoning ordinance previously enacted may not be appropriate for a planned unit development. The standards may vary the density or intensity of land use otherwise applicable to the land within the planned unit development in consideration of:
(a) The amount, location and proposed use of common open space.
(b) The location and physical characteristics of the site of the proposed planned development.
(c) The location, design and type of dwelling units.
(d) The criteria for approval of a tentative map of a subdivision pursuant to subsection 3 of NRS 278.349.
3. In the case of a planned unit development which is proposed to be developed over a period of years, the standards may, to encourage the flexibility of density, design and type intended by the provisions of this chapter, authorize a departure from the density or intensity of use established for the entire planned unit development in the case of each section to be developed. The ordinance may authorize the city or county to allow for a greater concentration of density or intensity of land use within a section of development whether it is earlier or later in the development than the other sections. The ordinance may require that the approval by the city or county of a greater concentration of density or intensity of land use for any section to be developed be offset by a smaller concentration in any completed prior stage or by an appropriate reservation of common open space on the remaining land by a grant of easement or by covenant in favor of the city or county, but the reservation must, as far as practicable, defer the precise location of the common open space until an application for final approval is filed so that flexibility of development, which is a prime objective of this chapter, can be maintained.
(Added to NRS by 1973, 567; A 1977, 1519; 1981, 132; 1989, 933)

NRS 278A.120 Common open space: Amount and location; improvement and maintenance. The standards for a planned unit development established by an ordinance enacted pursuant to the provisions of this chapter must require that any common open space resulting from the application of standards for density or intensity of land use be set aside for the use and benefit of the residents or owners of the development and must include provisions by which the amount and location of any common open space is determined and its improvement and maintenance secured.
(Added to NRS by 1973, 568; A 1981, 132)

NRS 278A.130 Common open space: Dedication of land; development to be organized as common-interest community. The ordinance must provide that the city or county may accept the dedication of land or any interest therein for public use and maintenance, but the ordinance must not require, as a condition of the approval of a planned unit development, that land proposed to be set aside for common open space be dedicated or made available to public use. If any land is set aside for common open space, the planned unit development must be organized as a common-interest community in one of the forms permitted by chapter 116 of NRS. The ordinance may require that the association for the common-interest community may not be dissolved or dispose of any common open space by sale or otherwise, without first offering to dedicate the common open space to the city or county. That offer must be accepted or rejected within 120 days.
(Added to NRS by 1973, 568; A 1975, 979; 1977, 1520; 1981, 132; 1991, 584)

NRS 278A.170 Common open space: Procedures for enforcing payment of assessment. The procedures for enforcing payment of an assessment for the maintenance of common open space provided in NRS 116.3116 to 116.31168, inclusive, are also available to any organization for the ownership and maintenance of common open space established other than under this chapter or chapter 116 of NRS and entitled to receive payments from owners of property for such maintenance under a recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude which provides that any reasonable and ratable assessment thereon for the organization's costs of maintaining the common open space constitutes a lien or encumbrance upon the property.
(Added to NRS by 1975, 981; A 1991, 585)

NRS 278A.180 Common open space: Maintenance by city or county upon failure of association or other organization to maintain; notice; hearing; period of maintenance.
1. If the association for the common-interest community or another organization which was formed before January 1, 1992, to own and maintain common open space or any successor association or other organization, at any time after the establishment of a planned unit development, fails to maintain the common open space in a reasonable order and condition in accordance with the plan, the city or county may serve written notice upon that association or other organization or upon the residents of the planned unit development, setting forth the manner in which the association or other organization has failed to maintain the common open space in reasonable condition. The notice must include a demand that the deficiencies of maintenance be cured within 30 days after the receipt of the notice and must state the date and place of a hearing thereon. The hearing must be within 14 days of the receipt of the notice.
2. At the hearing the city or county may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they must be cured. If the deficiencies set forth in the original notice or in the modification thereof are not cured within the 30-day period, or any extension thereof, the city or county, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain it for 1 year.

3. Entry and maintenance does not vest in the public any right to use the common open space except when such a right is voluntarily dedicated to the public by the owners.

4. Before the expiration of the period of maintenance set forth in subsection 2, the city or county shall, upon its own initiative or upon the request of the association or other organization previously responsible for the maintenance of the common open space, call a public hearing upon notice to the association or other organization or to the residents of the planned unit development, to be held by the city or county. At this hearing the association or other organization or the residents of the planned unit development may show cause why the maintenance by the city or county need not, at the election of the city or county, continue for a succeeding year.

5. If the city or county determines that the association or other organization is ready and able to maintain the common open space in a reasonable condition, the city or county shall cease its maintenance at the end of the year.

6. If the city or county determines the association or other organization is not ready and able to maintain the common open space in a reasonable condition, the city or county may, in its discretion, continue the maintenance of the common open space during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

7. The decision of the city or county in any case referred to in this section constitutes a final administrative decision subject to review.

(Added to NRS by 1973, 568; A 1981, 134; 1991, 585)

NRS 278A.190 Common open space: Assessment of costs of maintenance by city or county; lien.

1. The total cost of the maintenance undertaken by the city or county is assessed ratably against the properties within the planned unit development that have a right of enjoyment of the common open space, and becomes a tax lien on the properties.

2. The city or county, at the time of entering upon the common open space to maintain it, must file a notice of the lien in the appropriate recorder's office upon the properties affected by the lien within the planned unit development.

(Added to NRS by 1973, 569; A 1977, 1521; 1981, 135)

NRS 278A.210 Public facilities.

1. The authority granted a city or county by law to establish standards for the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment, applies to such improvements within a planned unit development.

2. The standards applicable to a planned unit development may be different from or modifications of the standards and requirements otherwise required of subdivisions which are authorized under an ordinance.

(Added to NRS by 1973, 569; A 1977, 1521; 1981, 136)

NRS 278A.220 Evaluation of design, bulk and location of buildings; unreasonable restrictions prohibited.

1. An ordinance enacted pursuant to this chapter must set forth the standards and criteria by which the design, bulk and location of buildings is evaluated, and all standards and all criteria for any feature of a planned unit development must be set forth in that ordinance with sufficient certainty to provide work criteria by which specific proposals for a planned unit development can be evaluated.

2. Standards in the ordinance must not unreasonably restrict the ability of the landowner to relate the plan to the particular site and to the particular demand for housing existing at the time of development.

(Added to NRS by 1973, 570; A 1981, 136)

Minimum Standards of Design

NRS 278A.230 Adoption by ordinance.

1. An ordinance enacted pursuant to this chapter may contain the minimum design standards set forth in NRS 278A.240 to 278A.360, inclusive.

2. Where reference is made in any of these standards to a department which does not exist in the city or county concerned, the ordinance may provide for the discharge of the duty or exercise of the power by another agency of the city or county or by the governing body.

(Added to NRS by 1973, 576; A 1977, 1522) — (Substituted in revision for NRS 280A.200)

NRS 278A.240 Types of units. A planned unit residential development may consist of attached or detached single-family units, town houses, cluster units, condominiums, garden apartments or any combination thereof.

(Added to NRS by 1973, 576; A 1981, 136)

NRS 278A.250 Minimum site. The minimum site area is 5 acres, except that the governing body may waive this minimum when proper planning justification is shown.

(Added to NRS by 1973, 576) — (Substituted in revision for NRS 280A.220)

NRS 278A.270 Drainage. Drainage on the internal private and public streets shall be as required by the public works department. All common driveways shall drain to either storm sewers or a street section.

(Added to NRS by 1973, 576) — (Substituted in revision for NRS 280A.240)

NRS 278A.280 Fire hydrants. Fire hydrants shall be provided and installed as required by the fire department.

(Added to NRS by 1973, 577) — (Substituted in revision for NRS 280A.250)

NRS 278A.290 Fire lanes. Fire lanes shall be provided as required by the fire department. Fire lanes may be grass areas.

(Added to NRS by 1973, 577; A 1977, 1522) — (Substituted in revision for NRS 280A.260)

NRS 278A.300 Exterior lighting. Exterior lighting within the development shall be provided on private common drives, private vehicular streets and on public streets. The lighting on all public streets shall conform to the standards approved by the governing body for regular use elsewhere in the city or county.

(Added to NRS by 1973, 577; A 1977, 1522) — (Substituted in revision for NRS 280A.270)

NRS 278A.310 Jointly owned areas: Agreement for maintenance and use. Whenever any property or facility such as parking lots, storage areas, swimming pools or other areas, is owned jointly, a proper maintenance and use agreement shall be recorded as a covenant with the property.
(Added to NRS by 1973, 577) — (Substituted in revision for NRS 280A.280)

NRS 278A.320 Parking. A minimum of one parking space shall be provided for each dwelling unit.
(Added to NRS by 1973, 577; A 1977, 1522) — (Substituted in revision for NRS 280A.290)

NRS 278A.330 Setback from streets. Setback of buildings and other sight restrictions at the intersection of public or private streets shall conform to local standards.
(Added to NRS by 1973, 577; A 1977, 1522) — (Substituted in revision for NRS 280A.300)

NRS 278A.340 Sanitary sewers. Sanitary sewers shall be installed and maintained as required by the public works department. Sanitary sewers to be maintained by the governing body and not located in public streets shall be located in easements and shall be constructed in accordance with the requirements of the public works department.
(Added to NRS by 1973, 577) — (Substituted in revision for NRS 280A.310)

NRS 278A.350 Streets: Construction and design.
1. The streets within the development may be private or public.
2. All private streets shall be constructed as required by the public works department. The construction of all streets shall be inspected by the public works department.
3. All public streets shall conform to the design standards approved by the governing body.
(Added to NRS by 1973, 577; A 1977, 1522) — (Substituted in revision for NRS 280A.320)

NRS 278A.360 Streets: Names and numbers; signs. All private streets shall be named and numbered as required by the governing body. A sign comparable to street name signs bearing the words "private street" shall be mounted directly below the street name sign.
(Added to NRS by 1973, 578) — (Substituted in revision for NRS 280A.330)

NRS 278A.370 Utilities. The installation and type of utilities shall comply with the local building code or be prescribed by ordinance.
(Added to NRS by 1973, 578; A 1977, 1523) — (Substituted in revision for NRS 280A.340)

ENFORCEMENT AND MODIFICATION OF PROVISIONS OF APPROVED PLAN

NRS 278A.380 Purposes of provisions for enforcement and modification.
1. The enforcement and modification of the provisions of the plan as finally approved, whether or not these are recorded by plat, covenant, easement or otherwise, are subject to the provisions contained in NRS 278A.390, 278A.400 and 278A.410.
2. The enforcement and modification of the provisions of the plan must be to further the mutual interest of the residents and owners of the planned unit development and of the public in the preservation of the integrity of the plan as finally approved. The enforcement and modification of provisions must be drawn also to insure that modifications, if any, in the plan will not impair the reasonable reliance of the residents and owners upon the provisions of the plan or result in changes that would adversely affect the public interest.
(Added to NRS by 1973, 570; A 1981, 136)

NRS 278A.390 Enforcement by city or county. The provisions of the plan relating to:
1. The use of land and the use, bulk and location of buildings and structures;
2. The quantity and location of common open space;
3. The intensity of use or the density of residential units; and
4. The ratio of residential to nonresidential uses,

must run in favor of the city or county and are enforceable in law by the city or county, without limitation on any powers of regulation of the city or county.
(Added to NRS by 1973, 570; A 1981, 136)

NRS 278A.400 Enforcement by residents.
1. All provisions of the plan shall run in favor of the residents of the planned unit residential development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan and to that extent such provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by the residents acting individually, jointly or through an organization designated in the plan to act on their behalf.
2. No provision of the plan exists in favor of residents on the planned unit residential development except as to those portions of the plan which have been finally approved and have been recorded.
(Added to NRS by 1973, 570) — (Substituted in revision for NRS 280A.370)

NRS 278A.410 Modification of plan by city or county. All provisions of the plan authorized to be enforced by the city or county may be modified, removed or released by the city or county, except grants or easements relating to the service or equipment of a public utility unless expressly consented to by the public utility, subject to the following conditions:
1. No such modification, removal or release of the provisions of the plan by the city or county may affect the rights of the residents of the planned unit residential development to maintain and enforce those provisions.
2. No modification, removal or release of the provisions of the plan by the city or county is permitted except upon a finding by the city or county, following a public hearing that it:
(a) Is consistent with the efficient development and preservation of the entire planned unit development;
(b) Does not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest; and
(c) Is not granted solely to confer a private benefit upon any person.

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(Added to NRS by 1973, 571; A 1981, 137)

NRS 278A.420 Modification by residents. Residents of the planned unit residential development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action may affect the right of the city or county to enforce the provisions of the plan.
(Added to NRS by 1973, 571; A 1981, 137)

PROCEDURES FOR AUTHORIZATION OF PLANNED DEVELOPMENT

General Provisions

NRS 278A.430 Applicability; purposes. In order to provide an expeditious method for processing a plan for a planned unit development under the terms of an ordinance enacted pursuant to the powers granted under this chapter, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval by a multiplicity of local procedures of a plat or subdivision or resubdivision, as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a planned unit development and its continuing administration must be consistent with the provisions set out in NRS 278A.440 to 278A.590, inclusive.
(Added to NRS by 1973, 571; A 1981, 137)

Proceedings for Tentative Approval

NRS 278A.440 Application to be filed by landowner. An application for tentative approval of the plan for a planned unit development must be filed by or on behalf of the landowner.
(Added to NRS by 1973, 571; A 1981, 137)

NRS 278A.450 Application: Form; filing fees; place of filing; tentative map.
1. The ordinance enacted pursuant to this chapter must designate the form of the application for tentative approval, the fee for filing the application and the official of the city or county with whom the application is to be filed.
2. The application for tentative approval may include a tentative map. If a tentative map is included, tentative approval may not be granted pursuant to NRS 278A.490 until the tentative map has been submitted for review and comment by the agencies specified in NRS 278.335.
(Added to NRS by 1973, 571; A 1981, 1317; 1987, 664)

NRS 278A.460 Planning, zoning and subdivisions determined by city or county. All planning, zoning and subdivision matters relating to the platting, use and development of the planned unit development and subsequent modifications of the regulations relating thereto to the extent modification is vested in the city or county, must be determined and established by the city or county.
(Added to NRS by 1973, 572; A 1981, 138)

NRS 278A.470 Application: Contents. The ordinance may require such information in the application as is reasonably necessary to disclose to the city or county:
1. The location and size of the site and the nature of the landowner's interest in the land proposed to be developed.
2. The density of land use to be allocated to parts of the site to be developed.
3. The location and size of any common open space and the form of organization proposed to own and maintain any common open space.
4. The use and the approximate height, bulk and location of buildings and other structures.
5. The ratio of residential to nonresidential use.
6. The feasibility of proposals for disposition of sanitary waste and storm water.
7. The substance of covenants, grants or easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities.
8. The provisions for parking of vehicles and the location and width of proposed streets and public ways.
9. The required modifications in the municipal land use regulations otherwise applicable to the subject property.
10. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned unit development are intended to be filed.
(Added to NRS by 1973, 572; A 1977, 1523; 1981, 138)

NRS 278A.480 Public hearing: Notice; time limited for concluding hearing; extension of time.
1. After the filing of an application pursuant to NRS 278A.440 to 278A.470, inclusive, a public hearing on the application shall be held by the city or county, public notice of which shall be given in the manner prescribed by law for hearings on amendments to a zoning ordinance.
2. The city or county may continue the hearing from time to time and may refer the matter to the planning staff for a further report, but the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing unless the landowner consents in writing to an extension of the time within which the hearings shall be concluded.
(Added to NRS by 1973, 572; A 1977, 1524) — (Substituted in revision for NRS 280A.460)

NRS 278A.490 Grant, denial or conditioning of tentative approval by minute order; specifications for final approval. The city or county shall, following the conclusion of the public hearing provided for in NRS 278A.480, by minute action:
1. Grant tentative approval of the plan as submitted;
2. Grant tentative approval subject to specified conditions not included in the plan as submitted; or
3. Deny tentative approval to the plan.

If tentative approval is granted, with regard to the plan as submitted or with regard to the plan with conditions, the city or county shall, as part of its action, specify the drawings, specifications and form of performance bond that shall accompany an application for final approval.

(Added to NRS by 1973, 572; A 1977, 1524) — (Substituted in revision for NRS 280A.470)

NRS 278A.500 Minute order: Findings of fact required. The grant or denial of tentative approval by minute action must set forth the reasons for the grant, with or without conditions, or for the denial, and the minutes must set forth with particularity in what respects the plan would or would not be in the public interest, including but not limited to findings on the following:

1. In what respects the plan is or is not consistent with the statement of objectives of a planned unit development.
2. The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the property, including but not limited to density, bulk and use, and the reasons why these departures are or are not deemed to be in the public interest.
3. The ratio of residential to nonresidential use in the planned unit development.
4. The purpose, location and amount of the common open space in the planned unit development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
5. The physical design of the plan and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
6. The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established.
7. In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public, residents and owners of the planned unit development in the integrity of the plan.

(Added to NRS by 1973, 573; A 1981, 138)

NRS 278A.510 Minute order: Specification of time for filing application for final approval. Unless the time is specified in an agreement entered into pursuant to NRS 278.0201, if a plan is granted tentative approval, with or without conditions, the city or county shall set forth, in the minute action, the time within which an application for final approval of the plan must be filed or, in the case of a plan which provides for development over a period of years, the periods within which application for final approval of each part thereof must be filed.

(Added to NRS by 1973, 573; A 1985, 2116; 1987, 1305)

NRS 278A.520 Mailing of minute order to landowner; status of plan after tentative approval; revocation of tentative approval.

1. A copy of the minutes must be mailed to the landowner.
2. Tentative approval of a plan does not qualify a plat of the planned unit development for recording or authorize development or the issuance of any building permits. A plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner, may not be modified, revoked or otherwise impaired by action of the city or county pending an application for final approval, without the consent of the landowner. Impairment by action of the city or county is not stayed if an application for final approval has not been filed, or in the case of development over a period of years applications for approval of the several parts have not been filed, within the time specified in the minutes granting tentative approval.
3. The tentative approval must be revoked and the portion of the area included in the plan for which final approval has not been given is subject to local ordinances if:
   (a) The landowner elects to abandon the plan or any part thereof, and so notifies the city or county in writing; or
   (b) The landowner fails to file application for the final approval within the required time.

(Added to NRS by 1973, 574; A 1977, 1525; 1981, 139)

Proceedings for Final Approval

NRS 278A.530 Application for final approval; public hearing not required if substantial compliance with plan tentatively approved.

1. An application for final approval may be for all the land included in a plan or to the extent set forth in the tentative approval for a section thereof. The application must be made to the city or county within the time specified by the minutes granting tentative approval.
2. The application must include such maps, drawings, specifications, covenants, easements, conditions and form of performance bond as were set forth in the minutes at the time of the tentative approval and a final map if required by the provisions of NRS 278.010 to 278.630, inclusive.
3. A public hearing on an application for final approval of the plan, or any part thereof, is not required if the plan, or any part thereof, submitted for final approval is in substantial compliance with the plan which has been given tentative approval.

(Added to NRS by 1973, 574; A 1981, 1317; 1989, 934)

NRS 278A.540 What constitutes substantial compliance with plan tentatively approved. The plan submitted for final approval is in substantial compliance with the plan previously given tentative approval if any modification by the landowner of the plan as tentatively approved does not:

1. Vary the proposed gross residential density or intensity of use;
2. Vary the proposed ratio of residential to nonresidential use;
3. Involve a reduction of the area set aside for common open space or the substantial relocation of such area;
4. Substantially increase the floor area proposed for nonresidential use; or
5. Substantially increase the total ground areas covered by buildings or involve a substantial change in the height of buildings.

A public hearing need not be held to consider modifications in the location and design of streets or facilities for water and for disposal of storm water and sanitary sewage.

(Added to NRS by 1973, 574; A 1977, 1525; 1981, 139)

NRS 278A.550 Plan not in substantial compliance: Alternative procedures; public hearing; final action.

1. If the plan, as submitted for final approval, is not in substantial compliance with the plan as given tentative approval, the city or county shall, within 30 days of the date of the filing of the application for final approval, notify the landowner in writing, setting forth the particular ways in which the plan is not in substantial compliance.
2. The landowner may:
   (a) Treat such notification as a denial of final approval;

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(b) Refile his or her plan in a form which is in substantial compliance with the plan as tentatively approved; or
(c) File a written request with the city or county that it hold a public hearing on his or her application for final approval.
If the landowner elects the alternatives set out in paragraph (b) or (c) above, the landowner may refile his or her plan or file a request for a public hearing, as the case may be, on or before the last day of the time within which the landowner was authorized by the minutes granting tentative approval to file for final approval, or 30 days from the date he or she receives notice of such refusal, whichever is the later.
3. Any such public hearing shall be held within 30 days after request for the hearing is made by the landowner, and notice thereof shall be given and hearings shall be conducted in the manner prescribed in NRS 278A.480.
4. Within 20 days after the conclusion of the hearing, the city or county shall, by minute action, either grant final approval to the plan or deny final approval to the plan. The grant or denial of final approval of the plan shall, in cases arising under this section, contain the matters required with respect to an application for tentative approval by NRS 278A.500.
(Added to NRS by 1973, 575) — (Substituted in revision for NRS 280A.540)

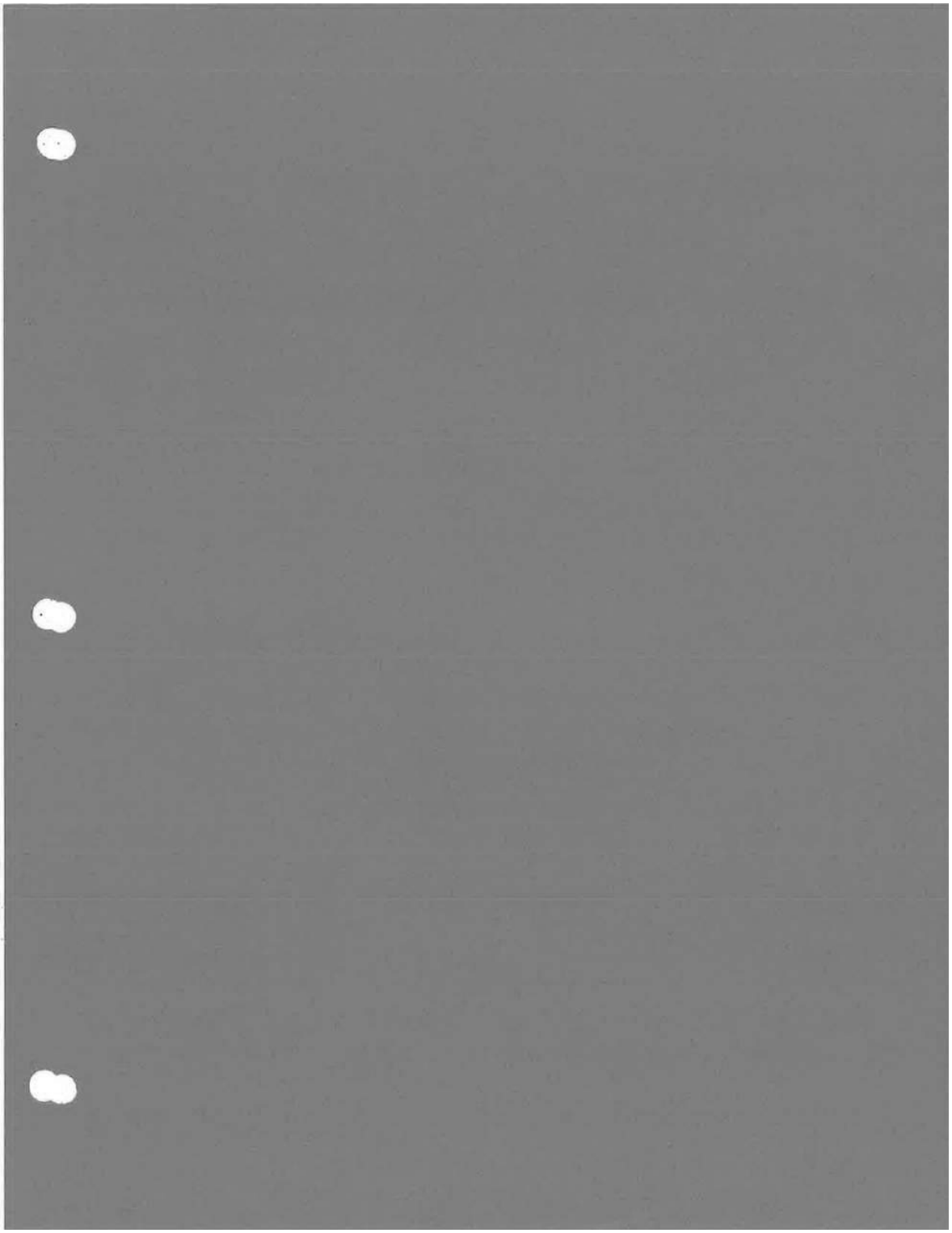
NRS 278A.560 Action brought upon failure of city or county to grant or deny final approval. If the city or county fails to act either by grant or denial of final approval of the plan within the time prescribed, the landowner may, after 30 days' written notice to the city or county, file a complaint in the district court in and for the appropriate county.
(Added to NRS by 1973, 576) — (Substituted in revision for NRS 280A.550)

NRS 278A.570 Certification and recordation of plan; effect of recordation; modification of approved plan; fees of county recorder.
1. A plan which has been given final approval by the city or county, must be certified without delay by the city or county and filed of record in the office of the appropriate county recorder before any development occurs in accordance with that plan. A county recorder shall not file for record any final plan unless it includes:
(a) A final map of the entire final plan or an identifiable phase of the final plan if required by the provisions of NRS 278.010 to 278.630, inclusive;
(b) The certifications required pursuant to NRS 116.2109; and
(c) The same certificates of approval as are required under NRS 278.377 or evidence that:
(1) The approvals were requested more than 30 days before the date on which the request for filing is made; and
(2) The agency has not refused its approval.
2. Except as otherwise provided in this subsection, after the plan is recorded, the zoning and subdivision regulations otherwise applicable to the land included in the plan cease to apply. If the development is completed in identifiable phases, then each phase can be recorded. The zoning and subdivision regulations cease to apply after the recordation of each phase to the extent necessary to allow development of that phase.
3. Pending completion of the planned unit development, or of the part that has been finally approved, no modification of the provisions of the plan, or any part finally approved, may be made, nor may it be impaired by any act of the city or county except with the consent of the landowner.
4. For the recording or filing of any final map, plat or plan, the county recorder shall collect a fee of $50 for the first sheet of the map, plat or plan plus $10 for each additional sheet. The fee must be deposited in the general fund of the county where it is collected.
(Added to NRS by 1973, 576; A 1975, 1425; 1977, 1525; 1981, 1318; 1989, 934; 1991, 48, 586; 2001, 3220)

NRS 278A.580 Rezoning and resubdivision required for further development upon abandonment of or failure to carry out approved plan. No further development may take place on the property included in the plan until the property is resubdivided and is reclassified by an enactment of an amendment to the zoning ordinance if:
1. The plan, or a section thereof, is given approval and, thereafter, the landowner abandons the plan or the section thereof as finally approved and gives written notification thereof to the city or county; or
2. The landowner fails to carry out the planned unit development within the specified period of time after the final approval has been granted.
(Added to NRS by 1973, 576; A 1977, 1526; 1981, 140)

Judicial Review

NRS 278A.590 Decisions subject to review; limitation on time for commencement of action or proceeding.
1. Any decision of the city or county under this chapter granting or denying tentative or final approval of the plan or authorizing or refusing to authorize a modification in a plan is a final administrative decision and is subject to judicial review in properly presented cases.
2. No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any city, county or other governing body authorized by this chapter unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body.
(Added to NRS by 1973, 576; A 1991, 49)



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CHAPTER 361A - TAXES ON AGRICULTURAL REAL PROPERTY AND OPEN SPACE

GENERAL PROVISIONS

ASSESSMENT OF AGRICULTURAL PROPERTY

ASSESSMENT OF OPEN SPACE

PARTIAL DEFERRED TAXATION AND RECAPTURE OF TAX

GENERAL PROVISIONS

NRS 361A.010 Definitions. As used in this chapter, the terms defined in NRS 361A.020 to 361A.065, inclusive, have the meanings ascribed to them in those sections except where the context otherwise requires.
(Added to NRS by 1975, 1755; A 1977, 679; 1985, 515; 1987, 672; 1989, 1827; 2005, 2664)

NRS 361A.020 "Agricultural real property" defined.
1. "Agricultural real property" means:
(a) Land devoted exclusively for at least 3 consecutive years immediately preceding the assessment date to agricultural use.
(b) Land leased by the owner to another person for agricultural use and composed of any lot or parcel which:
(1) Includes at least 7 acres of land devoted to accepted agricultural practices; or

(2) Is contiguous to other agricultural real property owned by the lessee.

(c) Land covered by a residence or necessary to support the residence if it is part of a qualified agricultural parcel.

2. The term does not include any land with respect to which the owner has granted and has outstanding any lease or option to buy the surface rights for other than agricultural use, except leases for the exploration of geothermal resources as defined in NRS 361.027, mineral resources or other subsurface resources, or options to purchase such resources, if such exploration does not interfere with the agricultural use of the land.

3. As used in this section, "accepted agricultural practices" means a mode of operation that is common to farms or ranches of a similar nature, necessary for the operation of such farms or ranches to obtain a profit in money and customarily utilized in conjunction with agricultural use.

(Added to NRS by 1975, 1755; A 1977, 679; 1981, 806; 1987, 672, 673; 1989, 1827; 1991, 531)

NRS 361A.030 "Agricultural use" defined.

1. "Agricultural use" means the current employment of real property as a business venture for profit, which business produced a minimum gross income of $5,000 from agricultural pursuits during the immediately preceding calendar year by:

(a) Raising, harvesting and selling crops, fruit, flowers, timber and other products of the soil;

(b) Feeding, breeding, management and sale of livestock, poultry, or the produce thereof, if the real property used therefor is owned or leased by the operator and is of sufficient size and capacity to produce more than one-half of the feed required during that year for the agricultural pursuit;

(c) Operating a feed lot consisting of at least 50 head of cattle or an equivalent number of animal units of sheep or hogs, for the production of food;

(d) Raising furbearing animals or bees;

(e) Dairying and the sale of dairy products; or

(f) Any other use determined by the Department to constitute agricultural use if such use is verified by the Department.

The term includes every process and step necessary and incident to the preparation and storage of the products raised on such property for human or animal consumption or for marketing except actual market locations.

2. As used in this section, "current employment" of real property in agricultural use includes:

(a) Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry;

(b) Land planted in orchards or other perennials prior to maturity; and

(c) Land leased or otherwise made available for use by an agricultural association formed pursuant to chapter 547 of NRS.

(Added to NRS by 1975, 1755; A 1991, 531; 1997, 1265)

NRS 361A.031 "Converted to a higher use" defined.

1. "Converted to a higher use" means:

(a) A physical alteration of the surface of the property enabling it to be used for a higher use;

(b) The recording of a final map or parcel map which creates one or more parcels not intended for agricultural or open-space use;

(c) The existence of a final map or parcel map which creates one or more parcels not intended for agricultural or open-space use; or

(d) A change in zoning to a higher use made at the request of the owner.

2. The term does not apply to any portion of the parcel that continues to qualify as agricultural or open-space real property.

3. The term does not include leasing the land to or otherwise permitting the land to be used by an agricultural association formed pursuant to chapter 547 of NRS.

4. As used in this section:

(a) "Final map" has the meaning ascribed to it in NRS 278.0145.

(b) "Parcel map" has the meaning ascribed to it in NRS 278.017.

(Added to NRS by 1987, 671; A 1987, 680; 1993, 2585; 1997, 1265, 1583; 1999, 434; 2009, 1229)

NRS 361A.0315 "Golf course" defined.

1. "Golf course" means:

(a) Real property that may be used for golfing or golfing practice by the public or by the members and guests of a private club; and

(b) Improvements to that real property, including, without limitation, turf, bunkers, trees, irrigation, lakes, lake liners, bridges, practice ranges, golf greens, golf tees, paths and trails.

2. The term does not include:

(a) A commercial golf driving range that is not operated in conjunction with a golf course.

(b) A clubhouse, pro shop, restaurant or other building that is associated with a golf course.

(Added to NRS by 2005, 2663)

NRS 361A.032 "Higher use" defined. "Higher use" means any use other than agricultural use or open-space use.

(Added to NRS by 1977, 678)

NRS 361A.040 "Open-space real property" defined. "Open-space real property" means:

1. Land:

(a) Located within an area classified pursuant to NRS 278.250 and subject to regulations designed to promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment; and

(b) Devoted exclusively to open-space use.

2. The improvements on the land described in subsection 1 that is used primarily to support the open-space use and not primarily to increase the value of surrounding developed property or secure an immediate monetary return.

3. Land that is used as a golf course.

4. Land regarding which the owner has granted and has outstanding a lease of surface water rights appurtenant to the property to a political subdivision of this State for a municipal use, if the land was agricultural real property at the time the lease was granted.

(Added to NRS by 1975, 1756; A 1987, 673; 2005, 2664; 2009, 1229)

NRS 361A.050 "Open-space use" defined. "Open-space use" means the current employment of land, the preservation of which use would conserve and enhance natural or scenic resources, protect streams and water supplies, maintain natural features which enhance control of floods or preserve sites designated as historic by the Office of Historic Preservation of the State Department

of Conservation and Natural Resources. The use of real property and the improvements on that real property as a golf course shall be deemed to be an open-space use of the land. The use of land to lease surface water rights appurtenant to the property to a political subdivision of this State for a municipal use shall be deemed to be an open-space use of the land, if the land was agricultural real property at the time the lease was granted.

(Added to NRS by 1975, 1756; A 1979, 208; 1987, 432; 1993, 1576; 2001, 940, 2005, 2664; 2009, 1229; 2011, 2975)

NRS 361A.060 "Owner" defined. "Owner" means any person having a legal or equitable freehold estate in agricultural or open-space real property, including a contract vendee of a land sales contract respecting the property, but excluding a lessee or tenant of the property.

(Added to NRS by 1975, 1756; A 1987, 674)

NRS 361A.065 "Parcel" defined. "Parcel" means a contiguous area of land that is designated by a county assessor as a parcel for assessment purposes.

(Added to NRS by 1989, 1827)

NRS 361A.090 Legislative declaration.

1. It is the intent of the Legislature to:

(a) Constitute agricultural and open-space real property as a separate class for taxation purposes; and

(b) Provide a separate plan for:

(1) Appraisal and valuation of such property for assessment purposes; and

(2) Partial deferred taxation of such property with tax recapture as provided in NRS 361A.280 and 361A.283.

2. The Legislature hereby declares that it is in the best interest of the State to maintain, preserve, conserve and otherwise continue in existence adequate agricultural and open-space lands and the vegetation thereon to assure continued public health and the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens.

3. The Legislature hereby further finds and declares that the use of real property and improvements on that real property as a golf course achieves the purpose of conserving and enhancing the natural and scenic resources of this State and promotes the conservation of open space.

(Added to NRS by 1975, 1756; A 1991, 2101; 2005, 2664)

ASSESSMENT OF AGRICULTURAL PROPERTY

NRS 361A.100 Application by owner. Any owner of real property may apply to the county assessor for agricultural use assessment and the payment of taxes on such property as provided in this chapter.

(Added to NRS by 1975, 1757)

NRS 361A.110 Filing, contents and execution of application.

1. Any application for agricultural use assessment must be filed on or before June 1 of any year:

(a) With the county assessor of each county in which the property is located, if the property contains 20 acres or more.

(b) With the Department, if the property contains less than 20 acres.

2. Except as otherwise provided in this subsection, a new application to continue that assessment is required on or before June 1 following any change in ownership or conversion to a higher use of any portion of the property. If the property is divided, an owner who retains a portion qualifying as agricultural real property is not required to file a new application to continue agricultural use assessment on the portion retained unless any part of that portion is converted to a higher use.

3. The application must be made on forms prepared by the Department and supplied by the county assessor and must include such information as may be required to determine the entitlement of the applicant to agricultural use assessment. Each application must contain an affidavit or affirmation by the applicant that the statements contained therein are true. The application must prominently contain the printed statement "This property may be subject to liens for undetermined amounts."

4. The application may be signed by:

(a) The owner of the agricultural real property, including tenants in common or joint tenants.

(b) Any person, of lawful age, authorized by an executed power of attorney to sign an application on behalf of any person described in paragraph (a).

(c) The guardian or conservator of an owner or the executor or administrator of an owner's estate.

5. The county assessor shall not approve an application unless the application is signed by each owner of record or his or her representative as specified in subsection 4. Additional information may be required of the applicant if necessary to evaluate his or her application.

(Added to NRS by 1975, 1757; A 1979, 276; 1987, 674; 1993, 177)

NRS 361A.120 Independent determination of use; regulations; notice of determination; recording of approved applications.

1. Upon receipt of an application, the county assessor or the Department shall make an independent determination of the use of the owner's real property. The assessor or the Department shall consider the use of the property by its owner or occupant together with any other agricultural real property that is a part of one agricultural unit being operated by the owner or occupant. The assessor or the Department shall consider the use of agricultural real property which is not contiguous to the owner's real property only if that property has been in agricultural use for at least 2 months during the 2 years preceding the receipt of the application.

2. The assessor or the Department may inspect the property and request such evidence of use and sources of income as is necessary to make an accurate determination of use. The assessor or the Department may deny the application when the owner or occupant refuses to permit the inspection or furnish the evidence.

3. The Department shall provide by regulation for a more detailed definition of agricultural use, consistent with the general definition given in NRS 361A.030, for use by county assessors or the Department in determining entitlement to agricultural use assessment.

4. The county assessor or the Department shall send to the applicant a written notice of the determination within 10 days after determining the applicant's entitlement to agricultural use assessment. If an applicant seeking agricultural use assessment on property located in more than one county is refused such assessment in any one county, the applicant may withdraw his or her application for such assessment in all other counties.

5. The county assessor or the Department shall record the application with the county recorder within 10 days after its approval.

(Added to NRS by 1975, 1757; A 1987, 675; 1989, 1827; 1993, 178)

NRS 361A.130 Determination of value for agricultural use; notification of assessment.

1. If the property is found to be agricultural real property, the county assessor shall determine its value for agricultural use and assess it for taxes to be collected in the ensuing fiscal year at 35 percent of that value.

2. The agricultural use assessment must be maintained in the records of the assessor and must be made available to any person upon request. The property owner must be notified of the agricultural use assessment in the manner provided for notification of taxable value assessments. The notice must contain the following statement: Deferred taxes will become due on this parcel if it is converted to a higher use.

(Added to NRS by 1975, 1758; A 1977, 679; 1981, 807; 1987, 675; 1993, 178)

NRS 361A.140 Classification of agricultural property; valuations for each classification.

1. On or before the first Monday in October of each year, the Nevada Tax Commission shall:

(a) Define the classifications of agricultural real property.

(b) Except as otherwise provided in paragraph (c), determine the valuations for each classification on the basis provided in NRS 361.325.

(c) Provide for the determination of the value of the land covered by a residence or necessary to support the residence in the same manner as other real property pursuant to NRS 361.227.

(d) Prepare a bulletin listing all classifications and values thereof for the following assessment year.

2. The county assessors shall classify agricultural real property utilizing the definitions and applying the appropriate values published in the Tax Commission's bulletin.

(Added to NRS by 1975, 1758; A 1983, 1617; 1989, 1828)

NRS 361A.150 Disqualification of property.

1. The county assessor shall enter on the assessment roll the valuation based on agricultural use until the property becomes disqualified for agricultural use assessment by:

(a) Notification by the applicant to the assessor to remove the agricultural use assessment pursuant to NRS 361A.270;

(b) Sale or transfer to an owner making it exempt from ad valorem property taxation;

(c) Removal of the agricultural use assessment by the assessor upon discovery that the property is no longer in agricultural use; or

(d) Failure to file an application as provided in NRS 361A.110.

2. Except as otherwise provided in paragraph (b) of subsection 1, the sale or transfer to a new owner or transfer by reason of death of a former owner does not operate to disqualify agricultural real property from agricultural use assessment so long as the property continues to be used exclusively for agricultural use, if the new owner applies for agricultural use assessment in the manner provided in NRS 361A.110.

3. Within 30 days after agricultural real property becomes disqualified under subsection 1, the county assessor shall send a written notice of disqualification by certified mail with return receipt requested to each owner of record. The notice must contain the nonagricultural assessed value for the ensuing fiscal year.

(Added to NRS by 1975, 1758; A 1977, 680; 1987, 676; 1991, 2101; 1993, 179)

NRS 361A.160 Appeal of determination. The determination of use and agricultural use assessment in each year are final unless appealed in the manner provided in chapter 361 of NRS for complaints of overvaluation, excessive valuation or undervaluation.

(Added to NRS by 1975, 1759; A 1977, 680; 1981, 808; 1987, 677; 1993, 179)

ASSESSMENT OF OPEN SPACE

NRS 361A.170 Designations or classifications of property for open-space use; procedures and criteria.

1. Property used as a golf course is hereby designated and classified as open-space real property and must be assessed as an open-space use.

2. Land regarding which the owner has granted and has outstanding a lease of surface water rights appurtenant to the property to a political subdivision of this State for a municipal use, if the land was agricultural real property at the time the lease was granted, is hereby designated and classified as open-space real property and must be assessed as an open-space use.

3. In addition to the designation and classification of property as open-space real property pursuant to subsections 1 and 2, the governing body of each city or county shall, from time to time, specify by resolution additional designations or classifications under its master plan that are designed to promote the conservation of open space, the maintenance of natural features for control of floods and the protection of other natural and scenic resources from unreasonable impairment.

4. The board of county commissioners shall, from time to time, adopt by ordinance procedures and criteria which must be used in considering an application for open-space use assessment based on a designation or classification adopted pursuant to subsection 3. The criteria may include requirements respecting public access to and the minimum size of the property.

(Added to NRS by 1975, 1757; A 1987, 432, 677; 2005, 2665; 2009, 1229)

NRS 361A.180 Application by owner. Any owner of real property may apply to the county assessor for open-space use assessment based on a designation or classification adopted pursuant to subsection 3 of NRS 361A.170 and the payment of taxes on such property as provided in this chapter.

(Added to NRS by 1975, 1759; A 2005, 2665; 2009, 1230)

NRS 361A.190 Filing, contents and execution of application.

1. Any application for open-space use assessment must be filed on or before June 1 of any year with the county assessor of each county in which the property is located. A new application to continue that assessment is required on or before June 1 following any change in ownership or from approved open-space use of any portion of the property. If the property is divided, an owner who retains a portion of the property must file a new application in order to continue open-space use assessment on the portion retained.

2. The application must be made on forms prepared by the Department and supplied by the county assessor and must include a description of the property, its current use and such other information as may be required to determine the entitlement of the applicant to open-space use assessment. Each application must contain an affidavit or affirmation by the applicant that the statements contained therein are true.

3. The application may be signed by:

(a) The owner of the open-space real property, including tenants in common or joint tenants.

(b) Any person, of lawful age, authorized by a duly executed power of attorney to sign an application on behalf of any person described in paragraph (a).

(c) The guardian or conservator of an owner or the executor or administrator of an owner's estate.

4. The county assessor shall not accept an application unless the application is signed by each owner of record or his or her representative as specified in subsection 3. The assessor may require such additional information of the applicant as is necessary to evaluate his or her application.

(Added to NRS by 1975, 1759; A 1979, 277; 1993, 179)

NRS 361A.200 Action on application by governing bodies of county and city: Procedure.

1. The county assessor shall refer each application for open-space use assessment to the board of county commissioners, and if any part of the property is located within an incorporated city to the governing body of the city, within 10 days after its filing.

2. The governing body of the city shall consider the application in a public hearing. The governing body shall use the applicable procedures and criteria adopted pursuant to NRS 361A.170 and recommend its approval or denial to the board of county commissioners no later than 90 days after receipt of the application.

3. The board of county commissioners shall consider the application in a public hearing. The board shall use the applicable procedures and criteria adopted pursuant to NRS 361A.170 and weigh the benefits to the general welfare of preserving the current use of the property against the potential loss in revenue which may result from approving the application. The board may set such conditions as it reasonably may require upon its approval of the application.

4. At least 10 days' notice of the time and place of any public hearing held pursuant to this section shall be published in a newspaper of general circulation in the county.

5. The board may approve the application with respect to only part of the property, but if any part of the application is denied, the applicant may withdraw the entire application.

6. The board shall approve or deny an application no later than March 31 of each year. An application on which action by the board is not completed by March 31 is approved.

(Added to NRS by 1975, 1759)

NRS 361A.210 Orders of approval or denial by board of county commissioners.

1. Within 10 days after the board approves an application for open-space use assessment, it shall:

(a) Send copies of the order of approval to the county assessor and the applicant.

(b) Record the order of approval with the county recorder.

2. When the board denies an application, it shall, within 10 days after denial, send an order of denial to the applicant listing its reasons for denial.

(Added to NRS by 1975, 1760)

NRS 361A.220 Determination of value for open-space use; notification of assessment.

1. If property is to be assessed as open-space real property, the county assessor shall determine its value for open-space use and assess it for taxes to be collected in the ensuing fiscal year at 35 percent of that value.

2. The open-space use assessment must be maintained in the records of the assessor and must be made available to any person upon request. The property owner must be notified of the open-space use assessment in the manner provided for notification of taxable value assessments. The notice must contain the statement: Deferred taxes will become due on any portion of this parcel which is converted to a higher use.

(Added to NRS by 1975, 1760; A 1977, 680; 1981, 808; 1987, 677; 1993, 180; 2005, 2665)

NRS 361A.225 Determination of value for open-space use of real property used as golf course.

1. For the purposes of NRS 361A.220, the value for open-space use of real property used as a golf course in a fiscal year is equal to the sum of:

(a) The value of the land; and

(b) The value of the improvements made to the real property before that fiscal year as adjusted for obsolescence,

determined in accordance with the manual established pursuant to subsection 2.

2. The Nevada Tax Commission shall establish a manual for determining the value for open-space use of real property used as a golf course. The manual must:

(a) Require the use of such standards and modifiers, as published or furnished by the Marshall and Swift Publication Company, as the Nevada Tax Commission determines to be applicable.

(b) For the purpose of determining the value of the land, define various classifications of golf courses and provide for the valuation of each such classification in a manner that is consistent with the provisions of NRS 361.227, except that the value of the land must not be determined to exceed the product of $2,860 per acre multiplied by 1 plus the percentage change in the Consumer Price Index (All Items) for July 1 of the current year as compared to July 1, 2004.

(c) For the purpose of determining the value of the improvements made to the real property, require the use of such factors as the Nevada Tax Commission determines to be appropriate. Those factors must include, for the purpose of determining obsolescence, a factor for golf courses that are not used on a consistently frequent basis each month of the year, which is based upon the actual number of rounds of golf played on the golf course in relation to the number of rounds that could have been played under optimum conditions.

(Added to NRS by 2005, 2663)

NRS 361A.230 Disqualification of property.

1. The county assessor shall enter on the assessment roll the valuation based on open-space use until the property becomes disqualified for open-space use assessment by:

(a) Sale or transfer to an owner making it exempt from ad valorem property taxation;

(b) Removal of the open-space use assessment by the assessor, with the concurrence of the board, upon discovery that the property is no longer in the open-space use;

(c) If the open-space use assessment is based on the designation and classification of the property pursuant to subsection 1 of NRS 361A.170, the cessation of the use of the property for golfing or golfing practice, except for:

(1) A seasonal closure of the property to such use;

(2) A temporary closure of the property for maintenance or repairs; or

(3) A temporary closure of the property, upon notification of the county assessor, for not more than 12 months for any other purpose that is incidental to such use or necessary for the continuation of such use; or

(d) If the open-space use assessment is based on a designation or classification adopted pursuant to subsection 3 of NRS 361A.170:

(1) Notification by the applicant to the assessor to remove the open-space use assessment; or

(2) Failure to file a new application as provided in NRS 361A.190.

2. Except as otherwise provided in paragraph (a) of subsection 1, the sale or transfer to a new owner or transfer by reason of death of a former owner does not operate to disqualify open-space real property from open-space use assessment so long as the property continues to be used exclusively for an open-space use. If the open-space use assessment is based on a designation or classification adopted pursuant to subsection 3 of NRS 361A.170, the new owner must apply for open-space use assessment in the manner provided in NRS 361A.190.

3. Whenever open-space real property becomes disqualified under subsection 1, the county assessor shall send a written notice of disqualification by certified mail with return receipt requested to each owner of record. The notice must contain the assessed value for the ensuing fiscal year.

(Added to NRS by 1975, 1760; A 1977, 681; 1987, 678; 1993, 180; 2005, 2665; 2009, 1230)

NRS 361A.240 Appeal from determination; equalization of assessment.

1. The determination of use and the open-space use assessment in each year are final unless appealed.

2. If the application for an open-space use assessment is based on a designation or classification adopted pursuant to subsection 3 of NRS 361A.170, the applicant for the open-space assessment is entitled to:

(a) Appeal the determination made by the board of county commissioners to the district court in the county where the property is located, or if located in more than one county, in the county in which the major portion of the property is located, as provided in NRS 278.0235.

(b) Equalization of the open-space use assessment in the manner provided in chapter 361 of NRS for complaints of overvaluation, excessive valuation or undervaluation.

(Added to NRS by 1975, 1761; A 1977, 681; 1981, 808; 1987, 678; 2005, 2666; 2009, 1231)

NRS 361A.250 Redetermination of use: Complaint; hearing; order; judicial review.

1. Any person claiming that any open-space real property is no longer in the approved open-space use may file a complaint and proof of the claim with the board of county commissioners of the county or counties in which the property is located. The complaint and proof must show the name of each owner of record of the property, its location, description and the use in which it is claimed to be.

2. The board shall hear the complaint after 10 days' notice of the time to the complainant and each owner of the property.

3. The board shall examine the proof and all data and evidence submitted by the complainant, together with any evidence submitted by the county assessor or any other person. The board shall notify the complainant, each owner of the property and the county assessor of its determination within 10 days after the hearing. It shall direct the county assessor to appraise, value and tax the property for the ensuing fiscal year in a manner consistent with its determination and the provisions of this chapter and, in appropriate cases, order the tax receiver to collect any amounts due under NRS 361A.280 and 361A.283.

4. The determination of the board may be appealed to the district court by the complainant or the owner of the property as provided in NRS 361A.240.

(Added to NRS by 1975, 1761; A 1991, 2102; 1993, 181)

PARTIAL DEFERRED TAXATION AND RECAPTURE OF TAX

NRS 361A.265 Prepayment of deferred taxes; estimate of taxes due; appeal by owner; conversion to higher use after secured tax roll has been closed.

1. An owner of property which has received an agricultural or open-space use assessment:

(a) Must pay the full amount of deferred taxes calculated pursuant to NRS 361A.280 for any property for which a final map will be recorded pursuant to NRS 278.460 before the date on which the map is recorded, if the existence or recording of the map will result in the conversion of any portion of the property to a higher use.

(b) In all other cases may, before the conversion of any portion of the property to a higher use, pay the amount of deferred taxes which would be due upon the conversion of that property pursuant to NRS 361A.280.

2. An owner who desires to pay the deferred taxes must request, in writing, the county assessor to estimate the amount of the deferred taxes which would be due at the time of conversion. After receiving such a request, the county assessor shall estimate the amount of the deferred taxes due for the next property tax statement and report the amount to the owner.

3. An owner who voluntarily pays the deferred taxes may appeal the valuations and calculations upon which the deferred taxes were based in the manner provided in NRS 361A.273.

4. If a parcel that has been created after the secured tax roll has been closed is converted to a higher use, the assessor must change the roll to reflect the changes in the parcel or parcels and assess the new parcel or parcels at taxable value for the following fiscal year. The deferred tax must be assessed pursuant to NRS 361A.280.

(Added to NRS by 1987, 672; A 1989, 1829; 1991, 2103; 1993, 181; 1997, 1583; 2009, 1231)

NRS 361A.270 Owner to notify assessor of cessation of agricultural or open-space use or conversion to higher use; survey of portion of parcel converted to higher use.

1. Within 30 days after a parcel or any portion of a parcel of real property which has received agricultural or open-space use assessment ceases to be used exclusively for agricultural use or the approved open-space use or is converted to a higher use, the owner shall notify the county assessor in writing of the date of cessation or change of that use.

2. In addition to the notice required by subsection 1, an owner of agriculturally assessed land who wishes to have a portion of a parcel converted to a higher use rather than the entire parcel must record and transmit to the county assessor a survey of the portion of the parcel to be converted. The survey must be transmitted to the county assessor at the same time as the notice required by subsection 1. The recordation of a survey pursuant to this subsection does not create a new parcel.

3. The county assessor shall keep a description of any portion of a parcel that is separately converted to a higher use and a record of the taxes paid on that portion of the parcel with the records for the parcel until the remainder of the parcel is converted to a higher use or the parcel becomes inactive.

(Added to NRS by 1975, 1762; A 1979, 277; 1987, 678; 1989, 1829; 1991, 2103)

NRS 361A.271 Assessor to give owner notice of determination; contents of notice. Within 30 days after determining that property has been converted to a higher use, the county assessor shall send a written notice of that determination by certified mail, return receipt requested, to each owner of record. The notice must contain the taxable and assessed values for the next tax roll and all prior years for which a deferred tax or penalty is owed pursuant to NRS 361A.280 or 361A.283.

(Added to NRS by 1987, 671; A 1991, 2103)

NRS 361A.273 Appeal from determination or valuations.

1. An owner of property who receives a notice of conversion which is postmarked on or after July 1 and before December 16 may appeal in the manner provided in NRS 361.355:
   (a) The determination that the property has been converted to a higher use; and
   (b) The valuations for the years described in the notice,
   ➥ to the board of equalization of the county in which the property is located.
2. An owner who receives a notice of conversion which is postmarked on or after December 16 and before July 1 may appeal, not later than July 15 of the ensuing fiscal year:
   (a) The determination that the property has been converted to a higher use; or
   (b) The valuations for the years described on the notice,
   ➥ directly to the State Board of Equalization.

(Added to NRS by 1987, 672; A 1993, 182)

NRS 361A.277 Determination of taxable value when property converted to higher use. When any portion of agricultural or open-space land is converted to a higher use, the county assessor shall determine its taxable and, as appropriate, agricultural or open-space use values against which to compute the deferred tax for each fiscal year the property was under agricultural or open-space assessment during the current fiscal year and the preceding 6 fiscal years, or such other period as is required pursuant to NRS 361A.283. The taxable values for each year must be comparable for the corresponding years to the taxable values for property similar, including, without limitation, in size, zoning and location, to the portion of property actually converted to a higher use. When agricultural land is converted to a higher use, the agricultural use values for each of the years may be based on the agricultural use for the latest year. When open-space land that is used as a golf course is converted to a higher use, the taxable values for the property must be determined, for the purpose of computing the deferred tax, in accordance with the provisions of NRS 361.227 based upon the assessment of the land as a golf course.

(Added to NRS by 2009, 1228)

NRS 361A.280 Payment of deferred tax when property converted to higher use. If the county assessor is notified or otherwise becomes aware that a parcel or any portion of a parcel of real property which has received agricultural or open-space use assessment has been converted to a higher use, the county assessor shall add to the tax extended against that portion of the property on the next property tax statement the deferred tax, which is the difference between the taxes that would have been paid or payable on the basis of the agricultural or open-space use valuation and the taxes which would have been paid or payable on the basis of the taxable value calculated pursuant to NRS 361A.277 for each year in which agricultural or open-space use assessment was in effect for the property during the fiscal year in which the property ceased to be used exclusively for agricultural use or approved open-space use and the preceding 6 fiscal years. The county assessor shall assess the property pursuant to NRS 361.227 for the next fiscal year following the date of conversion to a higher use.

(Added to NRS by 1975, 1762; A 1977, 681; 1979, 277; 1981, 809; 1987, 678; 1989, 1829; 1991, 2104; 2009, 1231)

NRS 361A.283 Period for assessment of deferred tax; penalty for failure of owner to provide assessor with required notice.

1. If the county assessor determines that the deferred tax for any fiscal year or years was not assessed in the year it became due, he or she may assess it anytime within 5 fiscal years after the end of the fiscal year in which a parcel or portion of a parcel was converted to a higher use.
2. If the county assessor determines that a parcel was assessed for agricultural or open-space use rather than at full taxable value for any fiscal year in which it did not qualify for agricultural or open-space assessment, he or she may assess the deferred tax for that year anytime within 5 years after the end of that fiscal year.
3. A penalty equal to 20 percent of the total accumulated deferred tax described in subsections 1 and 2 must be added for each of the years in which the owner failed to provide the written notice required by NRS 361A.270. The county assessor may waive this penalty if he or she finds extenuating circumstances sufficient to justify the waiver.

(Added to NRS by 1991, 2100; A 1999, 2775; 2009, 1232)

NRS 361A.286 Lien for deferred tax and penalty.

1. The deferred tax and penalty assessed pursuant to NRS 361A.280 and 361A.283 are a perpetual lien until paid as provided in NRS 361.450. If the property continues to be used exclusively for agricultural use or approved open-space use for 7 fiscal years after the date of attachment, the lien for that earliest year expires. The lien is for an undetermined amount until the property is converted and the amount is determined pursuant to NRS 361A.280. Any liens calculated and recorded before July 1, 1989, for property that had not been converted shall be deemed to have expired on that date.
2. If agricultural or open-space real property receiving agricultural or open-space use assessment is sold or transferred to an ownership making it exempt from taxation ad valorem, any such liens for deferred taxes must, unless the property is sold or transferred to the Nevada System of Higher Education, a school district or another local governmental entity, be paid in full before the transfer of ownership if the property is converted to another use.
3. The provisions of this section do not apply to any portion of agricultural or open-space real property if the deferred tax and any penalty have been paid pursuant to NRS 361A.265.
4. Each year, the county assessor must record a list of parcel numbers and owner's names for all parcels on which a lien exists pursuant to subsection 1.

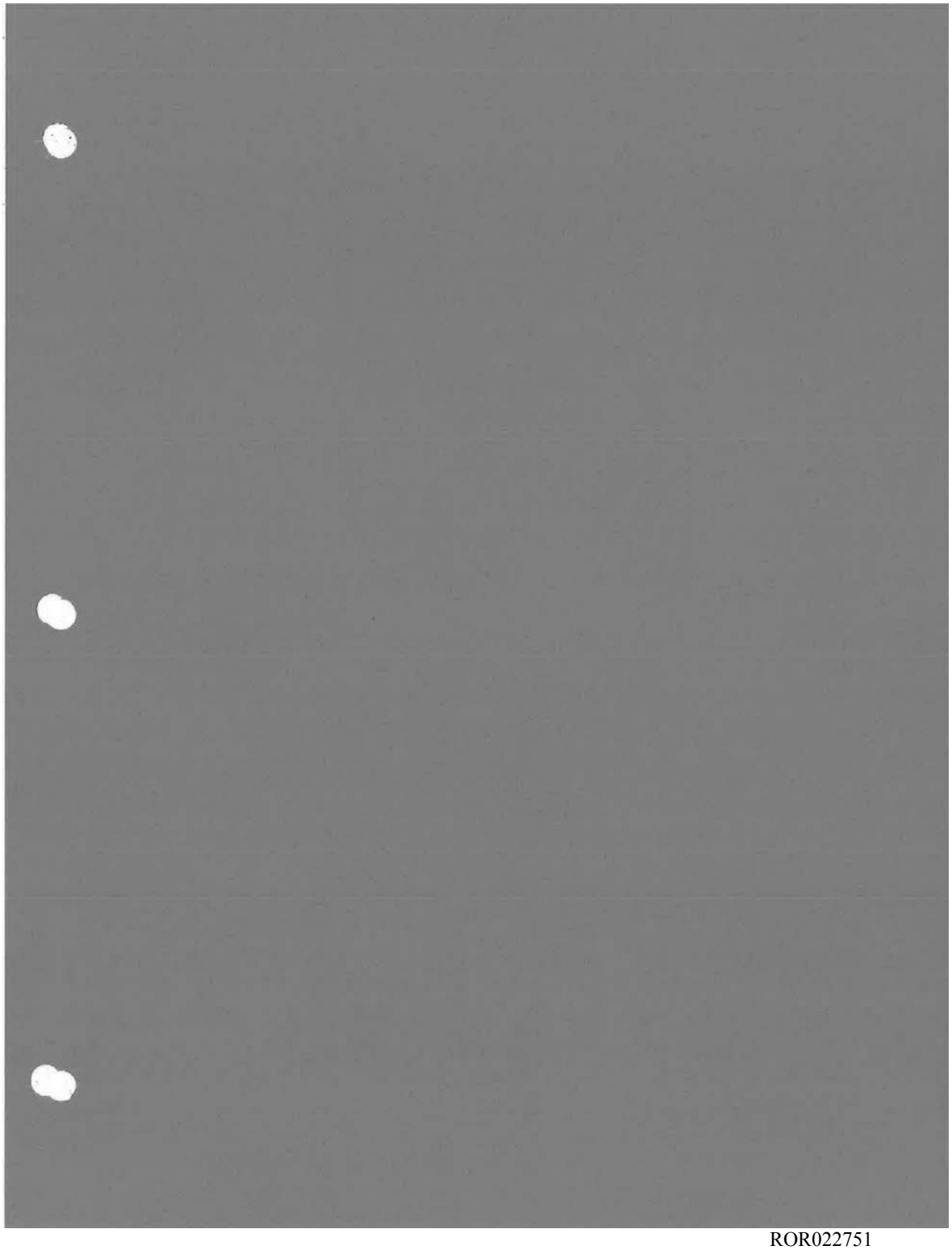
(Added to NRS by 1991, 2101; A 1993, 2513; 1999, 1232; 2005, 2666)

NRS 361A.290 Seller to notify buyer of lien for deferred taxes; personal liability for deferred taxes.

1. If there are deferred taxes that have not been paid under the provisions of NRS 361A.265, 361A.280 or 361A.283 at the time real property is sold or transferred, the seller must notify the buyer in writing that there is a lien for deferred taxes on the property.

2. The owner of the property as of the date on which the deferred taxes become due pursuant to this chapter is liable for the deferred taxes.

(Added to NRS by 1981, 879; A 1989, 1831; 1991, 2105)



ROR022751

24183

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FIRST AMENDMENT

Bill No. 82-73

ORDINANCE NO. 3021

AN ORDINANCE CODIFYING AND COMPILING THE GENERAL AND PERMANENT ORDINANCES OF THE CITY OF LAS VEGAS, NEVADA; ADOPTING THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION; PROVIDING FOR THE CONTINUOUS USE AND PERPETUAL CODIFICATION OF EACH SUBSEQUENTLY ADOPTED ORDINANCE OF GENERAL AND PERMANENT NATURE WHICH AMENDS, ALTERS, ADDS TO OR DELETES FROM THE PROVISIONS OF SAID MUNICIPAL CODE; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

Sponsored by
CITY ATTORNEY'S OFFICE

Summary: Adopts the Las Vegas Municipal Code, 1983 Edition.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The general and permanent ordinances of the City of Las Vegas, Nevada, are hereby codified and compiled as the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, as edited and published by Book Publishing Company, and said Municipal Code is hereby accepted, approved and adopted.

SECTION 2: From and after the effective date of this ordinance, said Municipal Code, as hereby accepted, approved and adopted, shall be the official code of all ordinances of general and permanent nature of said City through Ordinance No. 2262 which was passed, adopted and approved on January 6, 1982.

SECTION 3: There is hereby adopted, as a method of perpetual codification, the loose leaf type of binding together with a continuous supplement service whereby each ordinance of general and permanent nature which is passed, adopted and approved subsequent to January 6, 1982, and which amends, alters, adds to or deletes from the provisions of said Municipal Code is to be inserted in the proper place in each of the official copies of said Municipal Code and, when so inserted, shall become an official part of said Municipal Code.

SECTION 4: At least two copies of said Municipal Code

shall at all times be on file and available for inspection in the office of the City Clerk of said City, which said copies shall constitute the "official copies" of said Municipal Code, and two copies of said Municipal Code shall be filed with the Librarian of the Supreme Court Law Library, which shall be supplemented in the same manner and at the same time as the official copies of said Municipal Code are supplemented.

SECTION 5: The provisions of said Municipal Code shall not in any manner affect matters of record which refer to, or are otherwise connected with the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, or with any ordinance of said City which is therein specifically designated by number or otherwise and which is included within the 1983 edition of said Municipal Code, but such references shall be construed to apply to the corresponding provisions contained within the 1983 edition of said Municipal Code.

SECTION 6: Neither the adoption of the 1983 edition of said Municipal Code nor the repeal or amendment hereby of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, or of any ordinance, or any part or portion of any such ordinance, of the City of Las Vegas shall in any manner affect the prosecutions for violations of such Code or ordinance, which violations were committed prior to the effective date thereof, nor be construed as a waiver of any license, fee or penalty at said effective date which is due and unpaid under such Code or ordinance, nor be construed as affecting any of the provisions of such Code or of any such ordinance which relates to the collection of any such license, fee or penalty or the penal provisions which are applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof which is required to be posted, filed or deposited pursuant to such Code or to any such ordinance, and all rights and obligations thereunder appertaining

shall continue in full force and effect.

SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, which is hereby adopted, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or of said Municipal Code, or any part thereof. The Board of Commissioners of the City of Las Vegas hereby declares that it would have passed, approved and adopted this ordinance, and each section, subsection, subdivision, paragraph, sentence, clause or phrase of said Municipal Code, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective, and, if for any reason this ordinance or said Municipal Code should be declared unconstitutional, invalid or ineffective, the original ordinance or ordinances, as from time to time amended, which are codified and compiled herein shall be in full force and effect.

SECTION 8: All ordinances or parts of ordinances, and all sections, subsections, phrases, sentences, clauses or paragraphs which are contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, are hereby repealed.

PASSED, ADOPTED and APPROVED this 15th day of December, 1982.

APPROVED:

By William H. Briare
WILLIAM H. BRIARE, Mayor

ATTEST:

Carol A Hawley
Carol Ann Hawley, City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 1st day of December, 1982, and referred to the following committee composed of Commissioners Lurie and Levy for recommendation; thereafter the said committee reported favorably on said ordinance on the 15th day of December, 1982, which was a regular meeting of said Board; that at said regular meeting, the proposed ordinance was read by title to the Board of Commissioners as amended and adopted by the following vote:

VOTING "AYE" Commissioners: Christensen,Levy,Lurie,Pearson,and Mayor Briare

VOTING "NAY" Commissioners: NONE

ABSENT: NONE

APPROVED:

By William H. Briare
WILLIAM H. BRIARE, Mayor

ATTEST:

Carol A Hawley
CAROL ANN HAWLEY, City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, } ss.
COUNTY OF CLARK }

Lorraine Johnson, being first duly sworn,

deposes and says: That he is Legal Clerk of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of 1 time.

from December 8, 1982 to December 8, 1982

inclusive, being the issues of said newspaper for the following dates, to-wit:

December 8, 1982

That said newspaper was regularly issued and circulated on each of the dates above named.

Signed Lorraine Johnson

Subscribed and sworn to before me this 8th day of December, 1982

Notary Public and for Clark County, Nevada

My Commission Expires

Notary Public-State of Nevada
COUNTY OF CLARK
My Appointment Expires Apr. 14, 1985

BILL NO. 82-73

AN ORDINANCE CODIFYING AND COMPILING THE GENERAL AND PERMANENT ORDINANCES OF THE CITY OF LAS VEGAS, NEVADA; ADOPTING THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION; PROVIDING FOR THE CONTINUOUS USE AND PERPETUAL CODIFICATION OF EACH SUBSEQUENTLY ADOPTED ORDINANCE OF GENERAL AND PERMANENT NATURE WHICH AMENDS, ALTERS, ADDS OR DELETES FROM THE PROVISIONS OF SAID MUNICIPAL CODE; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

Sponsored by:
CITY ATTORNEY'S OFFICE

Summary: Adopts the Las Vegas Municipal Code, 1983 Edition.

At a Commission Meeting on December 1, 1982 BILL NO. 82-73 was read by title and referred to Recommending Committee: Commissioners Lurie and Levy.

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

Pub.: December 8, 1982
Las Vegas Sun

ROR022756

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RECEIVED
Dec 10 11 41 AM '82
CITY CLERK

RECEIVED
Dec 9 10 04 AM '82
PROCUREMENT
DIVISION

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AM '82

ROR022757

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AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, COUNTY OF CLARK } ss.

Lorraine Johnson, being first duly sworn,

deposes and says: That he is Legal Clerk of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of 1 time.

from December 21, 1982 to December 21, 1982

inclusive, being the issues of said newspaper for the following dates, to-wit:

DECEMBER 21, 1982

That said newspaper was regularly issued and circulated on each of the dates above named.

Signed Lorraine Johnson

Subscribed and sworn to before me this 21st day of December, 1982

Notary Public in and for Clark County, Nevada

My Commission Expires

RUTHIE V. DESKIN
Notary Public-State of Nevada
COUNTY OF CLARK
My Appointment Expires Apr. 14, 1985

BILL NO. 82123
ORDINANCE NO. 3021

AN ORDINANCE CODIFYING AND COMPILING THE GENERAL AND PERMANENT ORDINANCES OF THE CITY OF LAS VEGAS, NEVADA; ADOPTING THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION PROVIDING FOR PERIODIC FUTURE CODIFICATION OF EACH SUBSEQUENTLY ADOPTED ORDINANCE OF GENERAL AND PERMANENT NATURE AND NOT INCLUDED THEREIN; AND TO ADD, DELETE FROM, REVISE AND AMEND THE PROVISIONS OF SAID MUNICIPAL CODE; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

Submitted by:
CITY ATTORNEY'S OFFICE

Summary: Adopts the Las Vegas Municipal Code, 1983 Edition.

The above and foregoing amended ordinance was read by title to the Board of Commissioners on the 1st day of December, 1982, and referred to the following committee composed of Commissioners Lowry and Jones for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 15th day of December, 1982, which was read by title to the meeting of said Board, that a further regular meeting the proposed ordinance was read by title to the Board of Commissioners as amended and adopted by the following vote:

VOTING "AYE": Commissioners: Christensen, Lowry, Lurie, Peterson and Mayor Bilbray

VOTING "NAY": Commissioners: None

ABSENT: None

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC USE IN THE CITY CLERK'S OFFICE, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

Pub: December 21, 1982
Las Vegas Sun

ROR022758

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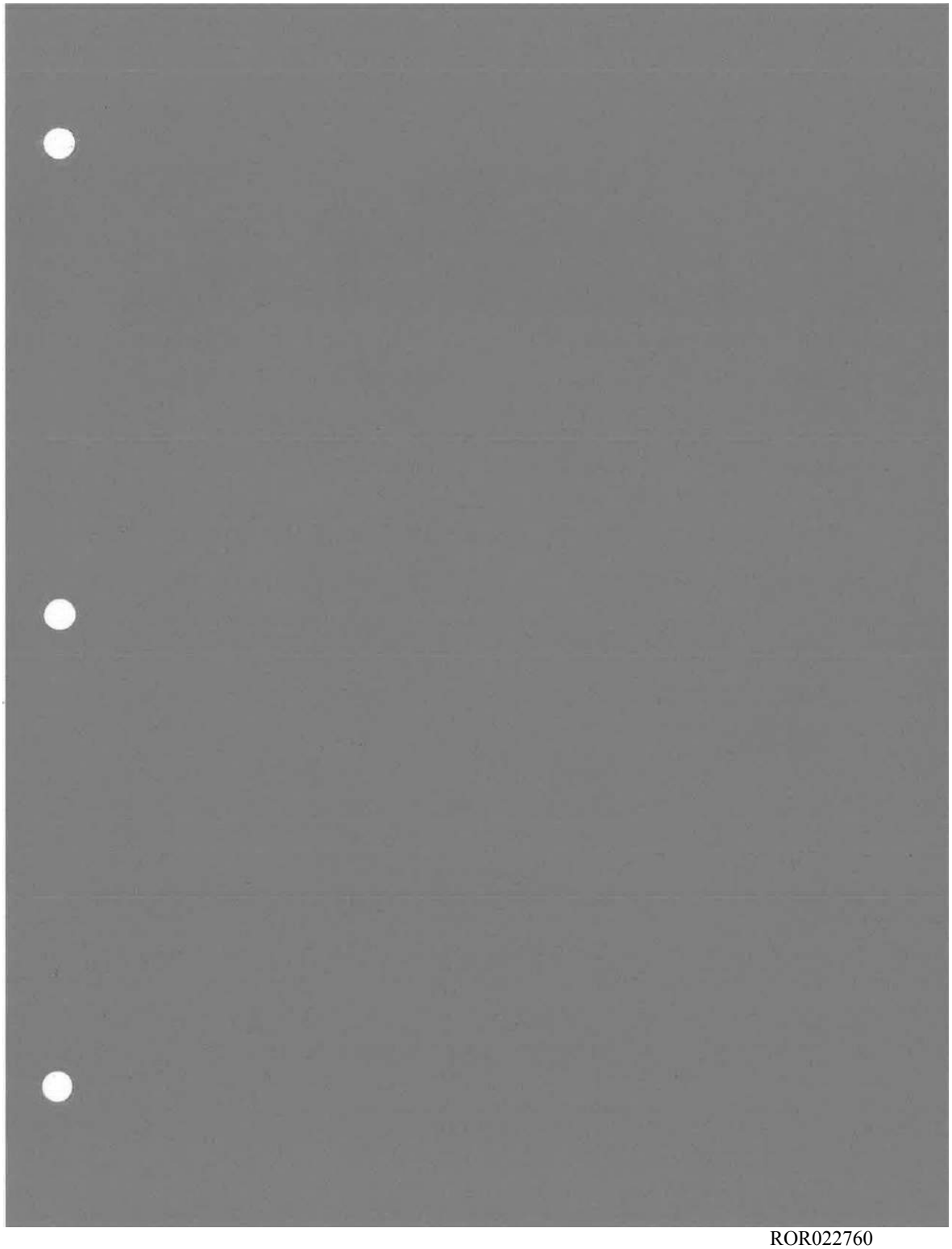

ROR022760

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AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

0169

December 15, 1982

ITEM	Commission Action	Department Action
VI. REPORTS FROM RECOMMENDING COMMITTEES (Continued)		
C. BILL NO. 82-73 (First Amendment) - ADOPTS THE LAS VEGAS MUNICIPAL CODE, 1983 EDITION. Committee: Commissioners Lurie and Levy 1st Publication: SUN - 12/8/82 Committee Recommendation: Adoption at 12/15/82 City Commission meeting as per First Amendment.	Lurie - Second Reading and BILL ADOPTED as amended. Unanimous	Clerk to proceed with second publication.
D. BILL NO. 82-74 (First Amendment) - READOPTS "ROOM TAX" ORDINANCE IN CONNECTION WITH REFUNDING OF CONVENTION AUTHORITY BONDS. Committee: Commissioners Christensen and Levy 1st Publication: REVIEW-JOURNAL - 12/8/82 Committee Recommendation: Adoption at 12/15/82 City Commission meeting as per First Amendment.	Christensen - Second Reading and BILL ADOPTED as amended. Unanimous	Clerk to proceed with second publication.

APPROVED AGENDA ITEM

ROR022761

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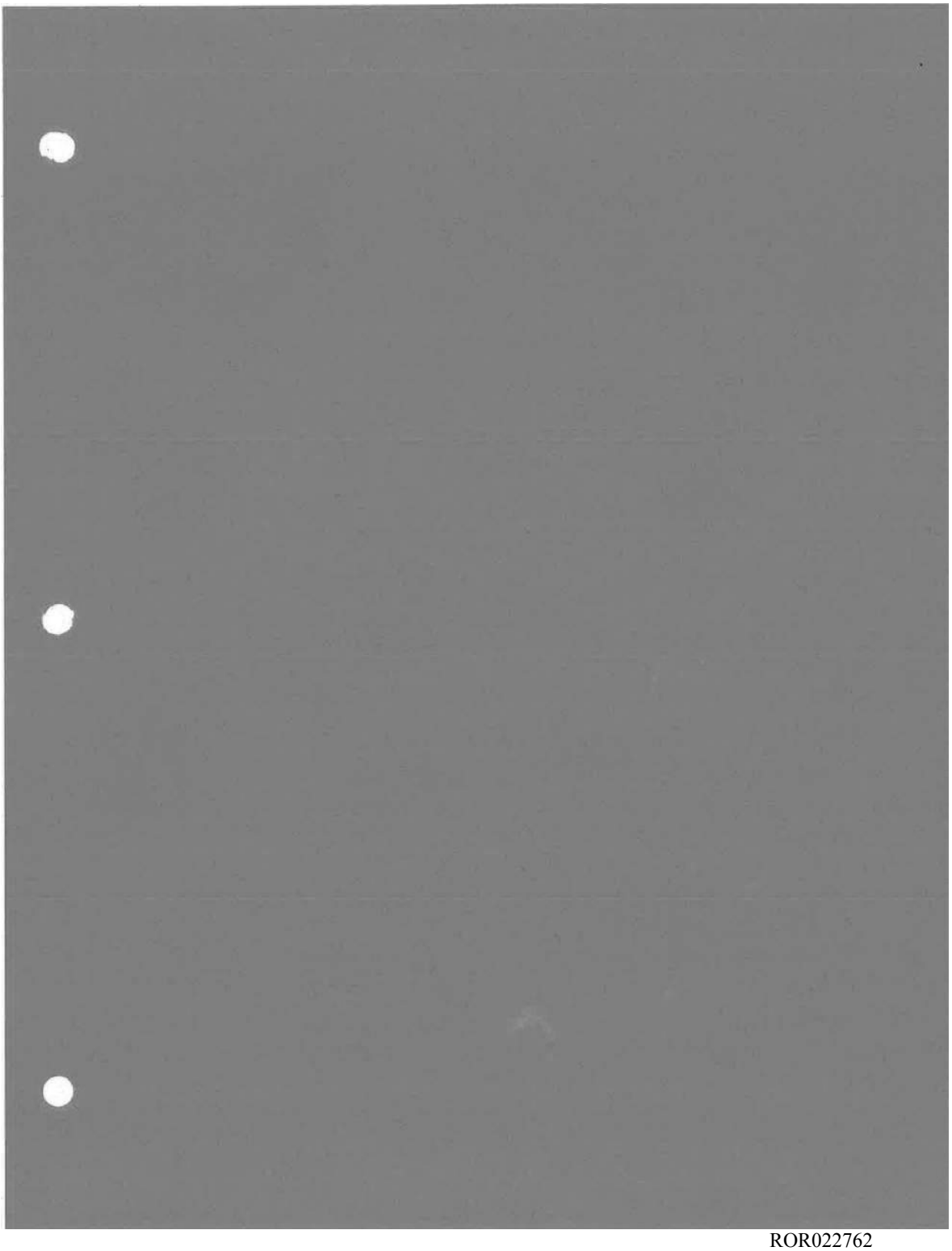

ROR022762

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Chapter 19.02

GENERAL PROVISIONS

Sections:

19.02.010 Short title. The ordinances codified in this Title shall be known as and may be cited as the Zoning Ordinance of the City of Las Vegas, Nevada.
(Ord. 972 § 1, 1962: prior code § 11-1-1)

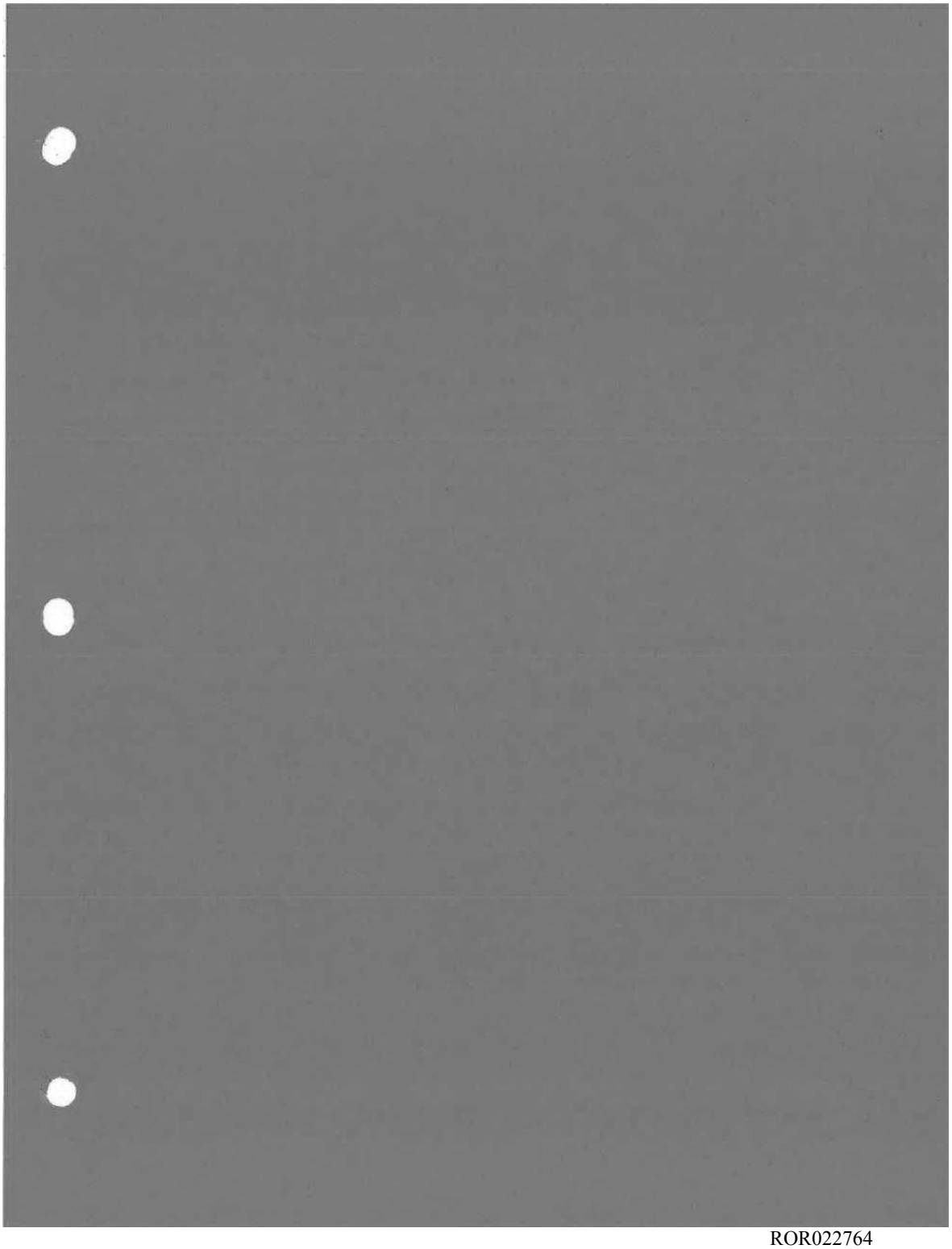
19.02.020 Purpose.

(A) This Title is adopted in order to conserve and promote the public health, safety, morals and general welfare of the City and the present and future inhabitants of the City.

(B) This Title is adopted in conformity with and in consonance with the Comprehensive General Master Plans of the City of Las Vegas as adopted by the Board of City Commissioners on March 2, 1960, and February 5, 1975. In this regard this Title is designed to improve the safety and convenience and lessen congestion in the public streets, to provide adequate protection against fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sanitary sewerage, storm drainage, schools, parks, recreation and other public conveniences and necessities, to maintain the character of land uses in the various property districts, to conserve the value of land and buildings and protect investment in same, and to encourage the utmost property uses of the land.

(C) This Title is adopted to protect the character, social advantages and economic stability of the residential, commercial, industrial and other areas within the City and to assure the orderly, efficient and beneficial development of such areas.
(Ord. 972 § 2(A, B, C), 1962: prior code § 11-1-2(A, B, C))

19.02.030 Statutory authority. This Title is adopted pursuant to the authority of NRS 278.010 through 278.080, Statutes of 1941, State of Nevada, and all acts amendatory thereof and supplementary thereto, and shall be known as the Zoning Ordinance of the City of Las Vegas, Nevada.
(Ord. 972 § 2(D), 1962: prior code § 11-1-2(D))



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patio may be enclosed provided that each exterior wall shall consist of at least fifty percent screen area, screen being of a mesh character allowing a free flow of air, which shall not be covered.
(Ord. 1726 § 1 (part), 1974: Ord. 1696 § 1 (part), 1974: Ord. 972 § 10(F), 1962: prior code § 11-1-10(F))

Chapter 19.18

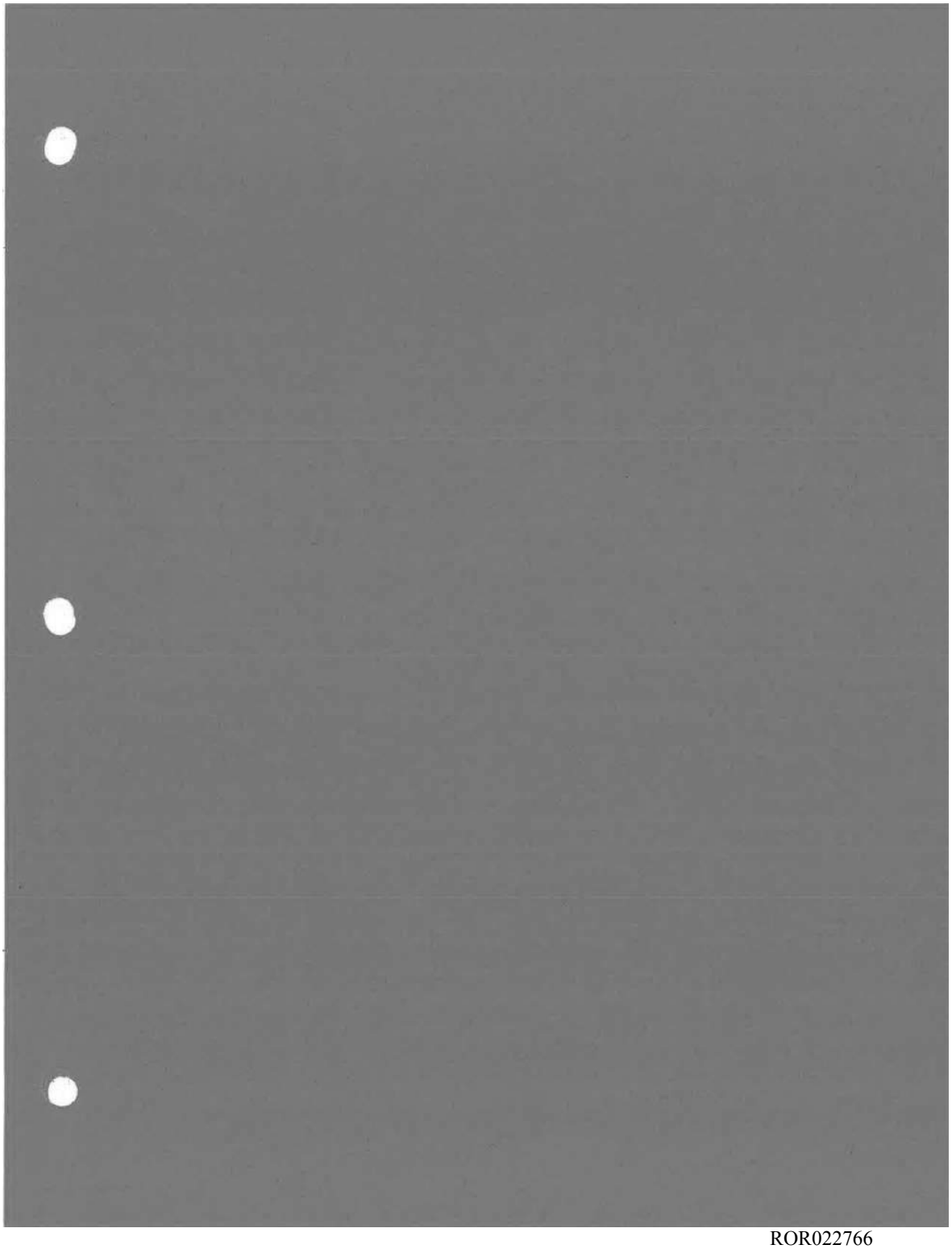
R-PD RESIDENTIAL PLANNED DEVELOPMENT DISTRICT

Sections:

19.18.010 Purpose. The purpose of a planned unit development is to allow a maximum flexibility for imaginative and innovative residential design and land utilization in accordance with the General Plan. It is intended to promote an enhancement of residential amenities by means of an efficient consolidation and utilization of open space, separation of pedestrian and vehicular traffic and a homogeneity of use patterns.
(Ord. 1582 § 3 (part), 1972: prior code § 11-1-11.B(A))

19.18.020 Permitted uses. A development in the R-PD District may consist of attached or detached single-family units, townhouses, cluster units, condominiums, garden apartments, or any combination thereof.
(Ord. 1582 § 3 (part), 1972: prior code § 11-1-11.B(B))

19.18.025 Liquefied petroleum gas installations. Liquefied petroleum gas installations are permitted as an accessory use in the R-



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of Commissioners as evidenced by a resolution of record and copies of said resolution shall be available in the Planning Department. The design standards in the resolution may be amended when deemed necessary by the Board of Commissioners.
(Ord. 2185 § 1 (part), 1981: Ord. 1582 § 3 (part), 1972: prior code § 11-1-11.B(G) (part))

19.18.080 Common recreation, other facilities. All developments shall provide common recreation facilities or other common facilities when deemed necessary by the Board of Commissioners; however, common open space shall be provided for all developments in this district containing single-family compact-lot units.
(Ord. 2185 § 1 (part), 1981: prior code § 11-1-11.B(G) (part))

19.18.090 Subdivision procedure conformance. A planned unit development shall follow the standard subdivision procedure. The tentative map shall include the public and private street design and dimension, lot design and dimension, location of driveways, buildings, walls, fences, walkways, open space areas, parking areas, drainage information, street names and location of utilities. The final map shall indicate the use, location and dimension of all proposed structures, streets, easements, driveways, walkways, parking areas, recreational facilities, open spaces and landscaped areas.
(Ord. 1582 § 3 (part), 1972: prior code § 11-1-11.B(H))

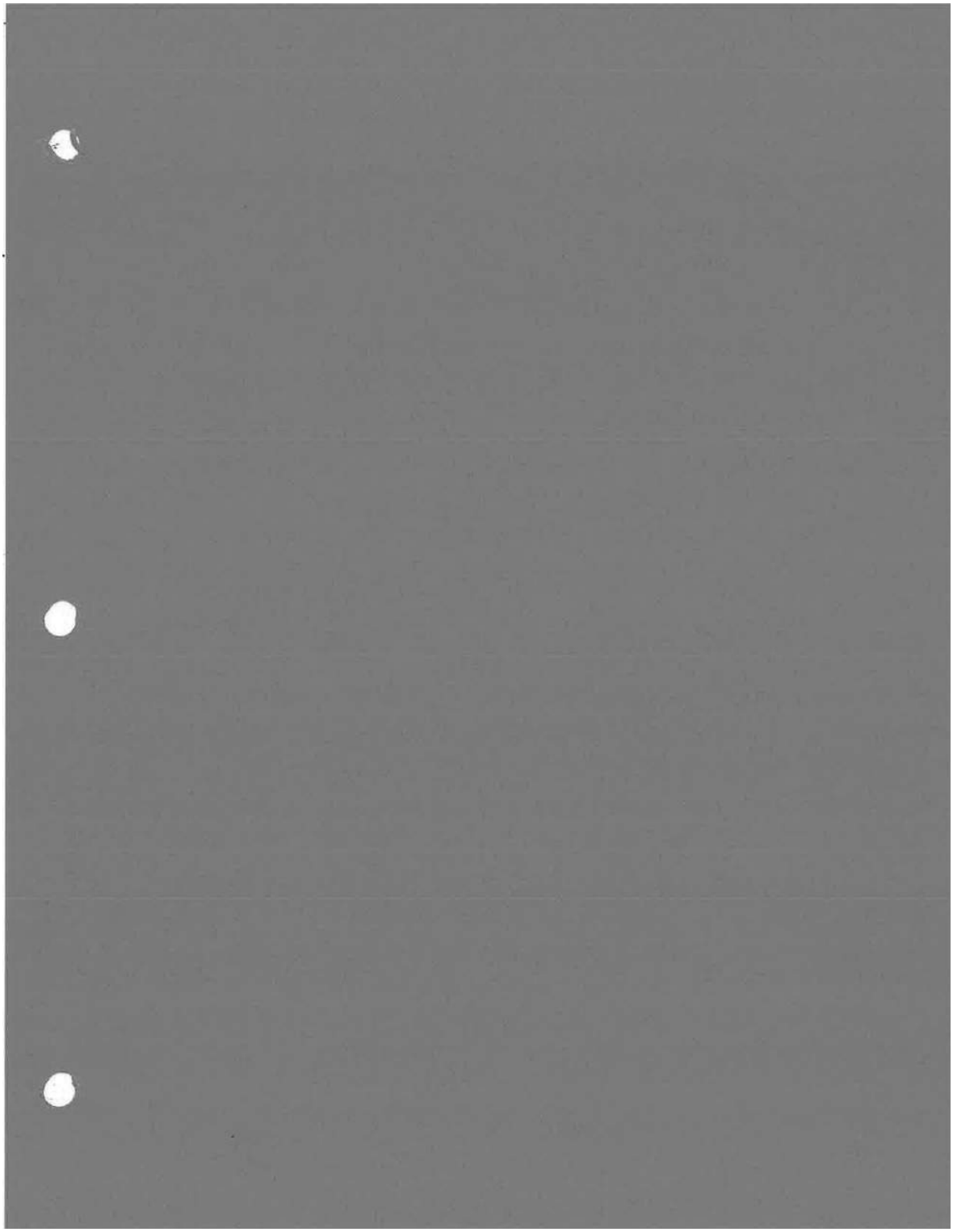
Chapter 19.20

R-1 SINGLE-FAMILY RESIDENCE DISTRICT

Sections:

19.20.010 Permitted uses – Accessories. Uses permitted in the R-1 District include:

(A) One-family dwellings of a permanent character, placed in a



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19.18.060 Plans approval, conditions, conformance.

(A) Plans shall be approved by the Planning Commission and the Board of Commissioners. Upon completion of the construction, in accordance with the approved plan, no changes of any type shall be permitted unless first approved by the Board of Commissioners;

(B) The Planning Commission and the Board of Commissioners, in their approval, may attach whatever conditions they deem necessary to ensure the proper amenities of residential usage and to assure that the proposed development will be compatible with surrounding existing and proposed land uses.

(Ord. 1582 § 3 (part), 1972: prior code § 11-1-11.B(F))

19.18.070 Design standards — Designated — Accordance. All developments shall be in accordance with the design standards adopted by the Board of Commissioners as evidenced by a resolution of record and copies of said resolution shall be available in the Planning Department. The design standards in the resolution may be amended when deemed necessary by the Board of Commissioners.

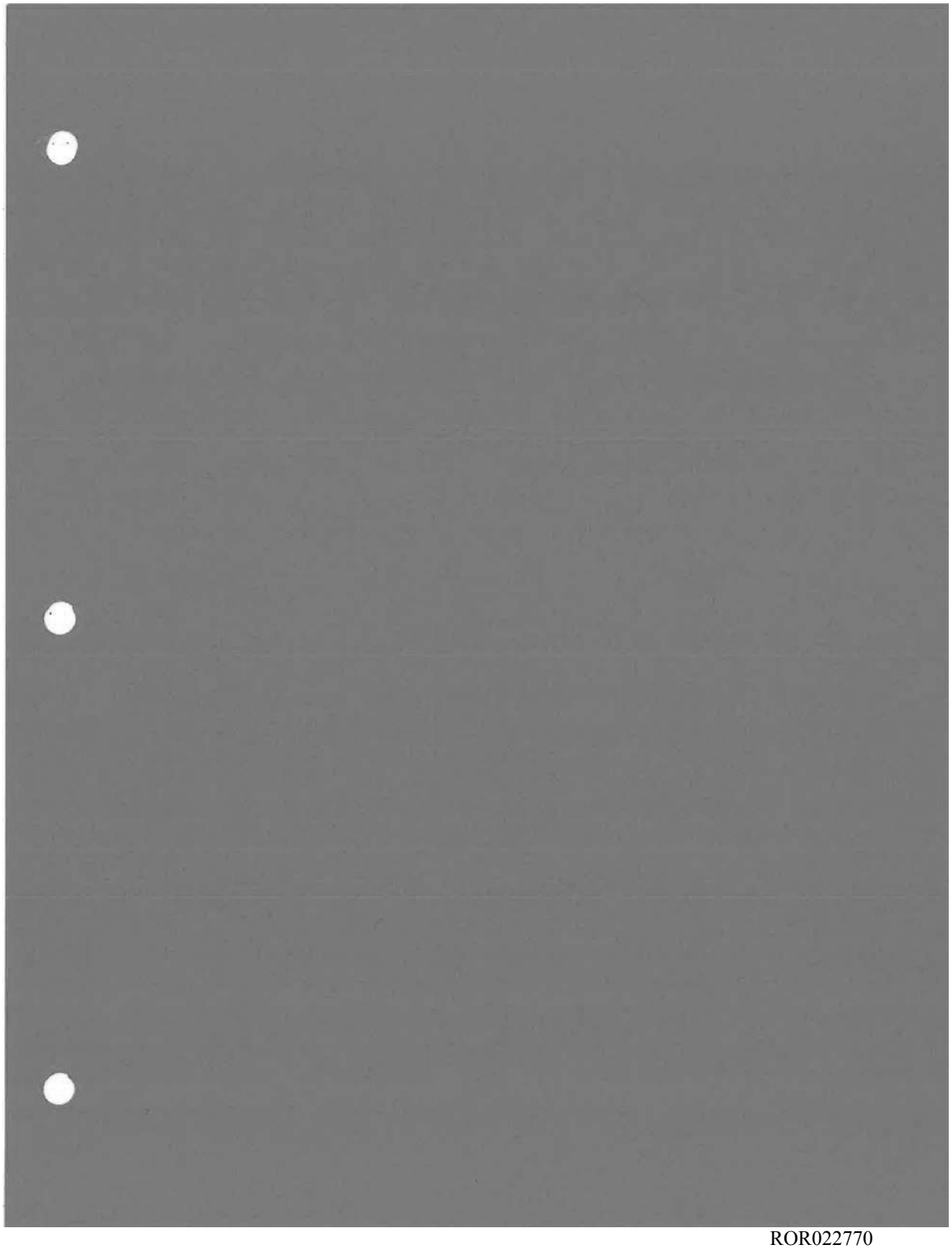
(Ord. 2185 § 1 (part), 1981: Ord. 1582 § 3 (part), 1972: prior code § 11-1-11.B(G) (part))

19.18.080 Common recreation, other facilities. All developments shall provide common recreation facilities or other common facilities when deemed necessary by the Board of Commissioners; however, common open space shall be provided for all developments in this district containing single family compact-lot units.

(Ord. 2185 § 1 (part), 1981: prior code § 11-1-11.B(G)(part))

19.18.090 Subdivision procedure conformance. A planned unit development shall follow the standard subdivision procedure. The tentative map shall include the public and private street design and dimension, lot design and dimension, location of driveways, buildings, walls, fences, walkways, open space areas, parking areas, drainage information, street names and location of utilities. The final map shall indicate the use, location and dimension of all proposed structures, streets, easements, driveways, walkways, parking areas, recreational facilities, open spaces and landscaped areas.

(Ord. 1582 § 3 (part), 1972: prior code § 11-1-11.B(H))



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H. Subdivision Procedure Conformance

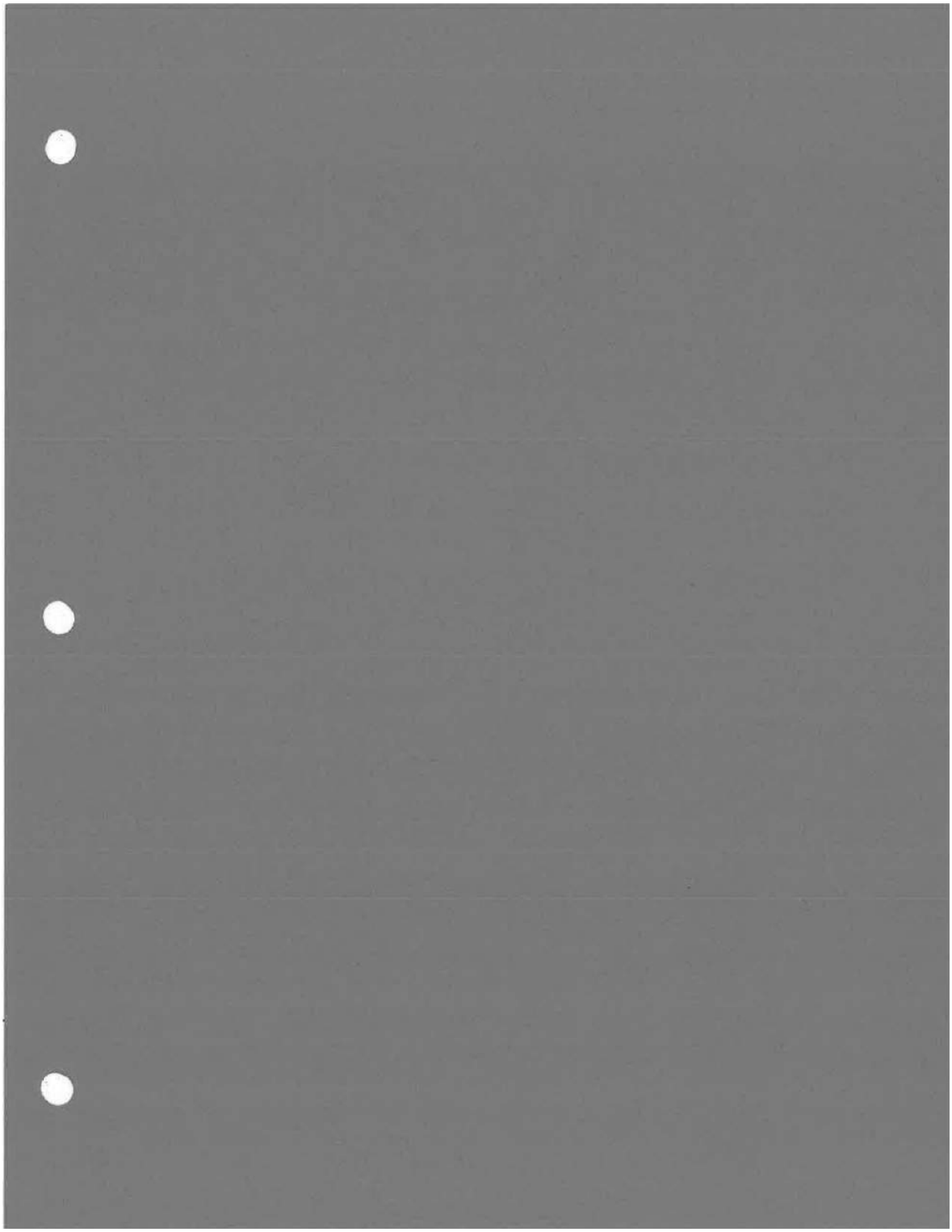
A Residential Planned Development shall follow the standard subdivision procedure. The tentative map shall include the public and private street design and dimension, lot design and dimension, location of driveways, buildings, walls, fences, walkways, open space areas, parking areas, drainage information, street names and location of utilities. The final map shall indicate the use, location and dimension of all proposed structures, streets, easements, driveways, walkways, parking areas, recreational facilities, open spaces and landscaped areas.

19.06.050 PD PLANNED DEVELOPMENT DISTRICT

A. Intent of District

The intent of the Planned Development (PD) District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or multi-use planned development. The rezoning of property to the PD District may be deemed appropriate if the development proposed for the District can accomplish one or more of the following goals:

1. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community;
2. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities;
3. Providing for flexibility in the distribution of land uses, in the density of development, and in other matters typically regulated in zoning districts;
4. Providing for cultural, civic, educational, medical, religious or recreational facilities, or any combination thereof, in a planned or a unique setting and design;
5. Providing for the redevelopment of areas where depreciation of any type has occurred.
6. Providing for the revitalization of designated areas;
7. Promoting or allowing development to occur in accordance with a uniform set of standards which reflect the specific circumstances of the site;
8. Avoiding premature or inappropriate development that would result in incompatible uses or would create traffic and public service demands that exceed the capacity of existing or planned facilities;
9. Encouraging area-sensitive site planning and design; and
10. Contributing to the health, safety and general welfare of the community and providing development which is compatible with the City's goals and objectives.



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patio may be enclosed provided that each exterior wall shall consist of at least fifty percent screen area, screen being of a mesh character allowing a free flow of air, which shall not be covered.
(Ord. 1726 § 1 (part), 1974: Ord. 1696 § 1 (part), 1974: Ord. 972 § 10(F), 1962: prior code § 11-1-10(F))

Chapter 19.18

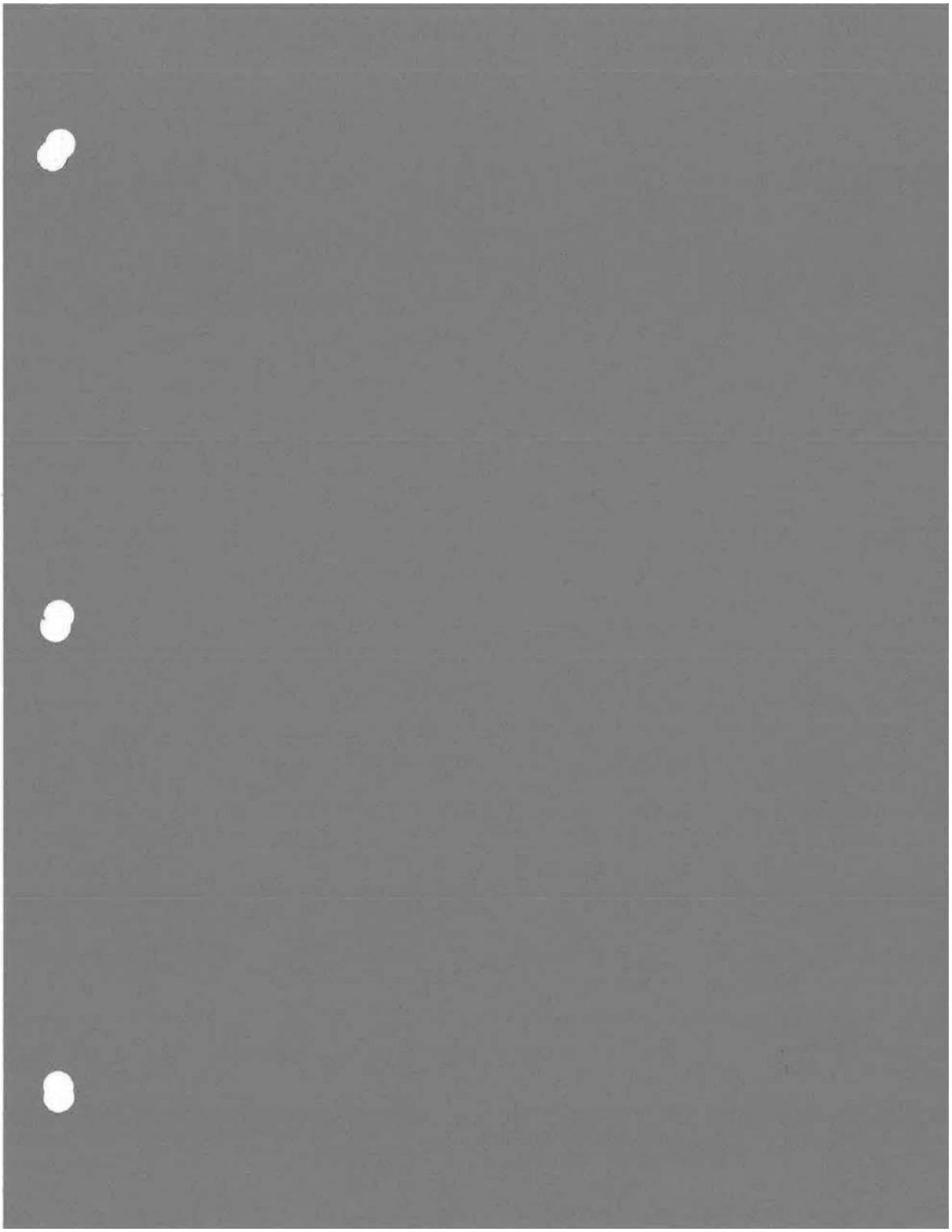
R-PD RESIDENTIAL PLANNED DEVELOPMENT DISTRICT

Sections:

19.18.010 Purpose. The purpose of a planned unit development is to allow a maximum flexibility for imaginative and innovative residential design and land utilization in accordance with the General Plan. It is intended to promote an enhancement of residential amenities by means of an efficient consolidation and utilization of open space, separation of pedestrian and vehicular traffic and a homogeneity of use patterns.
(Ord. 1582 § 3 (part), 1972: prior code § 11-1-11.B(A))

19.18.020 Permitted uses. A development in the R-PD District may consist of attached or detached single-family units, townhouses, cluster units, condominiums, garden apartments, or any combination thereof.
(Ord. 1582 § 3 (part), 1972: prior code § 11-1-11.B(B))

19.18.025 Liquefied petroleum gas installations. Liquefied petroleum gas installations are permitted as an accessory use in the R-



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19.10.050

R-PD RESIDENTIAL PLANNED DEVELOPMENT DISTRICT

A. Intent of R-PD District

The R-PD District has been to provide for flexibility and innovation in residential development, with emphasis on enhanced residential amenities, efficient utilization of open space, the separation of pedestrian and vehicular traffic, and homogeneity of land use patterns. Historically, the R-PD District has represented an exercise of the City Council's general zoning power as set forth in NRS Chapter 278. The density allowed in the R-PD District has been reflected by a numerical designation for that district. (Example: R-PD4 allows up to four units per gross acre.) However, the types of development permitted within the R-PD District can be more consistently achieved using the standard residential districts, which provide a more predictable form of development while remaining sufficiently flexible to accommodate innovative residential development. Therefore, new development under the R-PD District is not favored and will not be available under this Code.

B. Development Standards

1. The development standards for a project, including minimum front, side and rear yard setbacks, grade changes, maximum building heights, maximum fence heights and fence design, parking standards, standards for any guest houses/casitas and other design and development criteria, shall be as established by the approved Site Development Plan Review for the development.

2. With regard to any issue of development standards that may arise in connection with a Residential Planned Development District and that is not addressed or provided for specifically in this Section or in the approved Site Development Plan Review for that District, the Director may apply by analogy the general definitions, principles, standards and procedures set forth in this Title, taking into consideration the intent of the approved Site Development Plan Review.

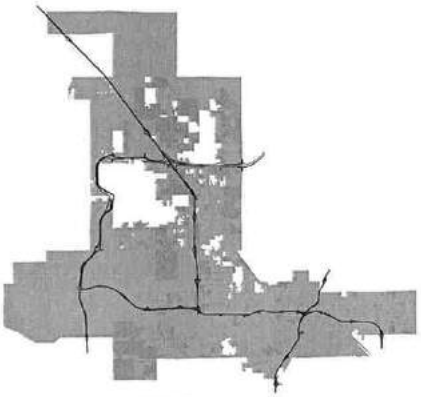
   a. **Signage.** As this Paragraph (2) applies to standards for signage:

      i. Single and Two-Family residential developments within a R-PD District shall be analogous to those standards indicated in LVMC 19.06.140 for the R-1 District; and

      ii. Multi-family residential developments within a R-PD District shall be analogous

Illustrations & Graphics **R-PD 19.10.050**

FIGURE 1 - RESIDENTIAL PLANNED DEVELOPMENT DISTRICT MAP



MAP IS REPRESENTATIVE OF WHERE THE R-PD DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTY CURRENTLY ZONED AS R-PD (RESIDENTIAL PLANNED DEVELOPMENT) DISTRICT.

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to those standards indicated in LVMC 19.06.140 for the R-3 District.

C. Permitted Land Uses

1. Single-family and multi-family residential and supporting uses are permitted in the R-PD District to the extent they are determined by the Director to be consistent with the density approved for the District and are compatible with surrounding uses. In addition, the following uses are permitted as indicated:

   a. Home Occupations for which proper approvals have been secured.

   b. Child Care-Family Home and Child Care-Group Home, to the extent the Director determines that such uses would be permitted in the equivalent standard residential district.

2. For any use which, pursuant to this Subsection, is deemed to be permitted within the R-PD District, the Director may apply the development standards and procedures which would apply to that use if it were located in the equivalent standard residential district.

3. For purposes of this Subsection, the "equivalent standard residential district" means a residential district listed in the Land Use Tables which, in the Director's judgment, represents the (or a) district which is most comparable to the R-PD District in question, in terms of density and development type.

D. Plan Amendment Approvals, Conditions, Conformance

Amendments to an approved Site Development Plan Review shall be reviewed and approved pursuant to LVMC 19.16.100(H). The approving body may attach to the amendment to an approved Site Development Plan Review whatever conditions are deemed necessary to ensure the proper amenities and to assure that the proposed development will be compatible with surrounding existing and proposed land uses.

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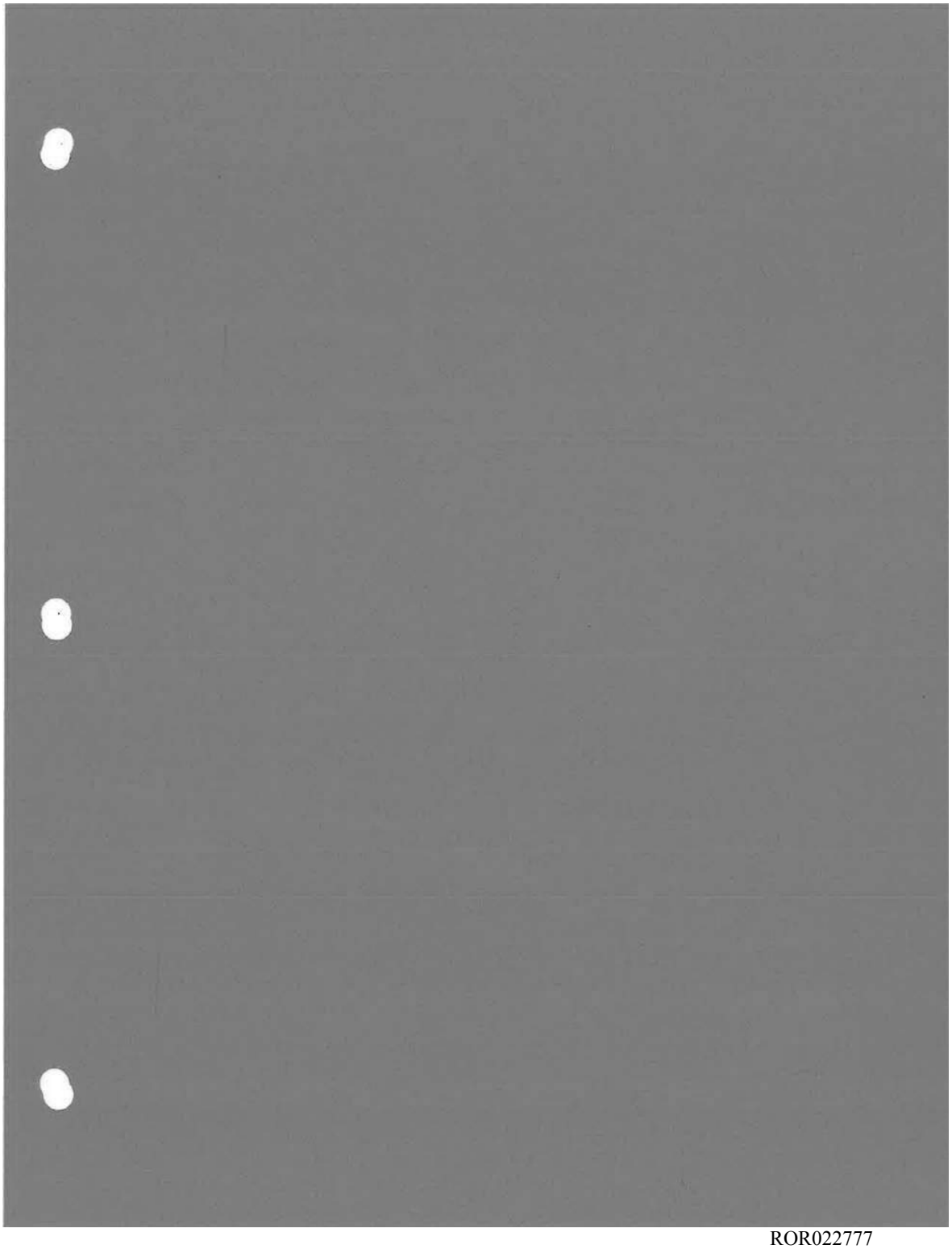

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H. Subdivision Procedure Conformance

A Residential Planned Development shall follow the standard subdivision procedure. The tentative map shall include the public and private street design and dimension, lot design and dimension, location of driveways, buildings, walls, fences, walkways, open space areas, parking areas, drainage information, street names and location of utilities. The final map shall indicate the use, location and dimension of all proposed structures, streets, easements, driveways, walkways, parking areas, recreational facilities, open spaces and landscaped areas.

19.06.050 PD PLANNED DEVELOPMENT DISTRICT

A. Intent of District

The intent of the Planned Development (PD) District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or multi-use planned development. The rezoning of property to the PD District may be deemed appropriate if the development proposed for the District can accomplish one or more of the following goals:

1. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community;
2. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities;
3. Providing for flexibility in the distribution of land uses, in the density of development, and in other matters typically regulated in zoning districts;
4. Providing for cultural, civic, educational, medical, religious or recreational facilities, or any combination thereof, in a planned or a unique setting and design;
5. Providing for the redevelopment of areas where depreciation of any type has occurred.
6. Providing for the revitalization of designated areas;
7. Promoting or allowing development to occur in accordance with a uniform set of standards which reflect the specific circumstances of the site;
8. Avoiding premature or inappropriate development that would result in incompatible uses or would create traffic and public service demands that exceed the capacity of existing or planned facilities;
9. Encouraging area-sensitive site planning and design; and
10. Contributing to the health, safety and general welfare of the community and providing development which is compatible with the City's goals and objectives.

B. Definitions

For purposes of this subchapter:

1. "Master development plan" means a specific written plan and accompanying maps which identify, with respect to a PD District development, the proposed location and size of development parcels, land uses and zoning designations; transportation plans and a traffic impact analysis; open space, community facilities and amenity plans; and the applicable development regulations and design standards.

2. "Development standards" means the minimum standards for development in the Planned Development District, including but not limited to standards for intensity and type of use; densities; building design, layout, configuration, height, coverage, spacing, bulk and setback requirements; provision for utilities; topography and drainage patterns; signage; open space and landscaping; on-site vehicular and pedestrian circulation and parking; urban design elements and features; and site amenities.

C. Rezoning And Minimum Site Area
{Ord 6095 – 06/02/10}

Property may be rezoned to the Planned Development District by the City Council in accordance with the requirements of this Chapter and Chapter 19.18.040. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a district development project number or label, along with the designation "PD". The rezoning shall include the adoption of a specific master development plan and development standards.

The minimum site area for a Planned Development District is five acres.

D. Application Requirements

1. In the case of property that is sought to be reclassified to the Planned Development District by the property owner, the owner or authorized representative must meet with the Director of Planning and Development, or the Director's designee, before the City has any obligation to accept the rezoning application as complete.

2. In addition to the submittals required by Chapter 19.18, the following must accompany an application for rezoning submitted by a property owner:

   a. A metes and bounds description of the proposed Planned Development District.

   b. A proposed master development plan for the entire site.

   c. Development standards that are proposed to be applied to the development. The development standards must include provisions regarding the installation of utility boxes and aboveground utilities that are at least as restrictive as those set forth in Section 19.12.050(D).

   d. Any proposed conditions, covenants and restrictions for the development, including easements and grants for public utility purposes.

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e. The location of primary and secondary thoroughfares proposed for the development, including right-of-way widths and the location of access points to abutting streets.

f. Identification of all rights-of-way, easements, open spaces or other areas to be dedicated, deeded or otherwise transferred to the City.

g. A plan for the extension of any necessary public services and facilities, including sewer facilities and facilities for flood control and drainage.

h. Guidelines for the physical development of the property, including illustrations of proposed architectural, urban design, landscape, open space and signage concepts.

i. The location and description of all buffering that is proposed between the development site and adjacent properties.

j. Additional information and detail as may be required in order to respond to the unique characteristics of the site and its location.

E. Permitted Uses and Standards

Any combination of residential, commercial, industrial or public uses may be permitted within a specific Planned Development District to the extent they are consistent with the Master Development Plan for that District. The uses to be permitted within the District must be specified in the adopted Master Development Plan for the District. Because of the nature and purpose of the PD District, and notwithstanding any other provision of this Subchapter:

1. An application to rezone property to the PD District may be denied by the City Council, at its complete discretion, if it finds that the proposed development is incompatible or out of harmony with surrounding uses or the pattern of development within the area.

2. No use, type of development or development standard is presumptively permitted within the PD District unless it already has been included in the adopted plan for the District.

3. An application to allow within the PD District a particular use, type of development or development standard which has not already been included in the adopted plan for the District may be denied if it is incompatible or out of harmony with the surrounding uses or the pattern of development within the area.

F. Approval Of Master Development Plan and Development Standards

In connection with the approval of a Planned Development District, the City Council shall adopt a Master Development Plan and Development Standards, which will thereafter govern the development of property within the District. In considering the approval of a Master Development Plan and Development Standards for a Planned Development District, the Planning Commission and City Council shall be guided by the following objectives, and may impose such conditions and requirements deemed necessary to meet those objectives:

1. Consistency of the proposed development with the General Plan; this Title; the Design Standards Manual; the Landscape Wall, and Buffer Standards Manual; and other applicable plans, policies, standards and regulations.

2. Compatibility of the proposed development with adjacent and surrounding development.

3. Minimization of the development's impact upon adjacent roadways and neighborhood traffic, and upon other public facilities and infrastructure.

4. Protection of the public health, safety, and general welfare.

G. Modification of Master Development Plan and Development Standards

The development of property within the Planned Development District may proceed only in strict accordance with the approved Master Development Plan and Development Standards. Any request by or on behalf of the property owner, or any proposal by the City, to modify the approved Master Development Plan or Development Standards shall be filed with the Department of Planning and Development. In accordance with Subsections (1) and (2) of this Section, the Director shall determine if the proposed modification is "minor" or "major," and the request or proposal shall be processed accordingly.

1. **Minor Modification.** A Minor Modification is a modification which is requested or agreed to by the property owner and which is intended to accomplish one or more of the following:

   a. A change in the location of a use from the location specified in the approved Master Development Plan, but only if the change in location will not have a significant impact on other uses in the area.

   b. The addition of uses that are comparable in intensity to those permitted in connection with the rezoning approval or the approval of a Master Development Plan for the District.

   c. A change in parking lot layout, building location or other similar change that conforms with the intent of the previously approved Master Development Plan and Development Standards.

   d. A change in the species of plant material proposed for the District.

   e. A decrease in the density or intensity of development from that previously approved for the District.

   f. Any other change or modification of a similar nature which the Director determines will not have a significant impact on the District or its surroundings. A Minor Modification shall be reviewed and acted upon administratively by the Director. An applicant who is aggrieved by the Director's decision may appeal that decision to the Planning Commission by filing a written appeal with the Department no later than 10 days after the date the applicant receives notice of the administrative decision.

2. **Major Modification.** A Major Modification includes any modification which does not qualify as a Minor Modification. A Major Modification shall be processed in accordance with the procedures and standards applicable to a rezoning application, as set forth in Sections (H) to (M), inclusive, of Subchapter 19.18.040.

H. Site Development Plan Review

All development within a PD District is subject to the site development plan review procedures set forth in Subchapter 19.18.050.

I. Issue Resolution – Analogous Standards

With regard to any issue of land use regulation that may arise in connection with a Planned Development District and that is not addressed or provided for specifically in this subchapter or in the approved Master Development Plan and Development Standards for that District, the Director may apply by analogy the general definitions, principles, standards and procedures set forth in this Title, taking into consideration the intent of the approved Master Development Plan and Development Standards.

19.06.060 DCP-O DOWNTOWN CENTENNIAL PLAN OVERLAY DISTRICT

(Ord 6080 02/17/10)

A. Intent

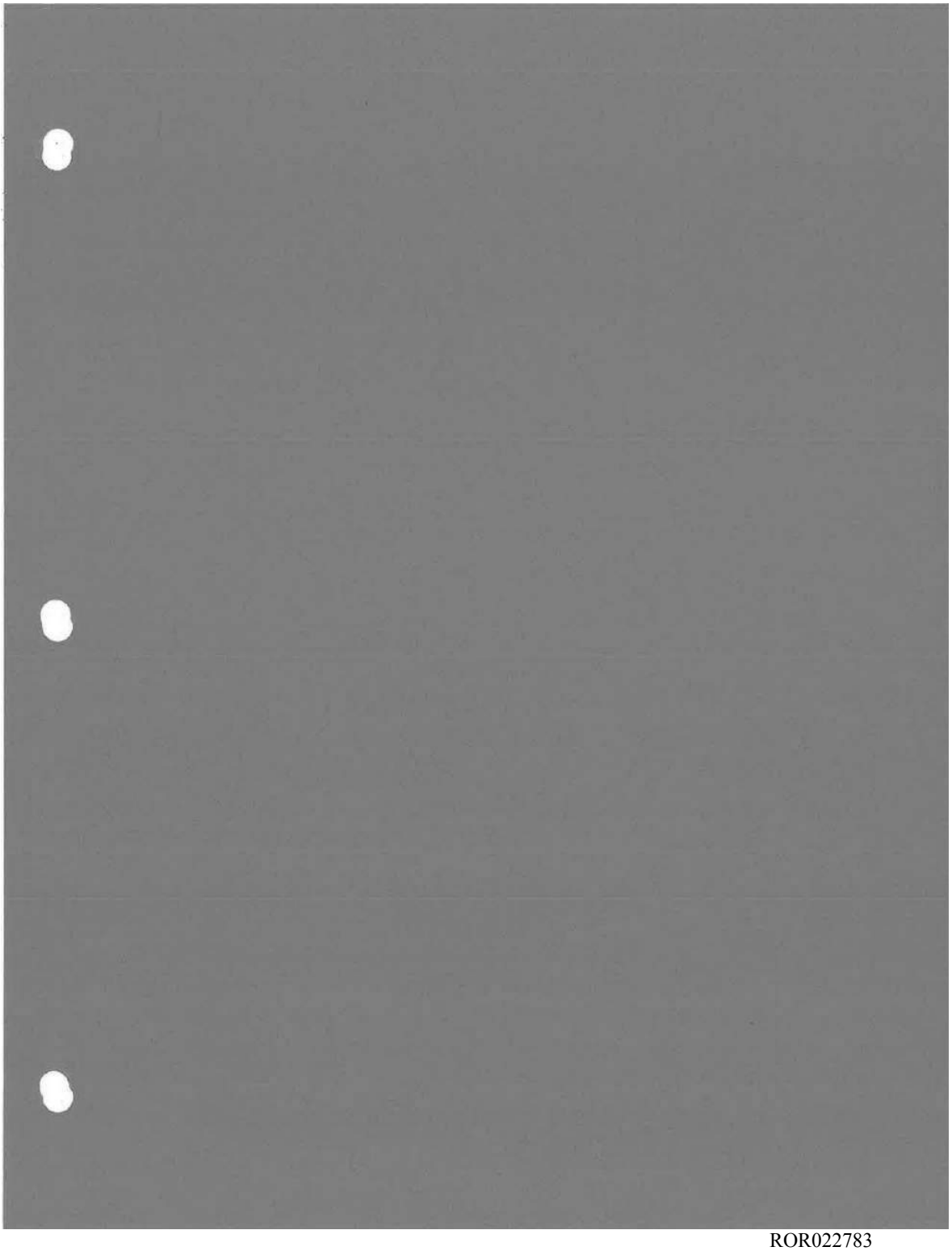
The intent of the Downtown Centennial Plan Overlay District is to establish special design standards for development within the City's established urban core. The boundaries of the District shall be as indicated at the end of this Subchapter 19.06.060.

B. Design Standards

Development within the Downtown Centennial Plan Overlay District shall conform to the Design Standards that are included within the Las Vegas Downtown Centennial Plan. Those Design Standards are adopted and incorporated by this reference. In addition, development within the boundaries of any sub-districts within the Downtown Centennial Overlay District shall conform to applicable Design Standards that have been adopted for that sub-district. As and when such Design Standards for sub-districts are adopted, they shall be deemed to be Council (whether published separately or not) shall be on file in the Office of the City Clerk and in the Planning and Development Department. The Downtown Centennial Plan Design Standards are mandatory and shall apply to any property and zoning category within the District, and any Design Standards adopted to which they pertain. Design Standards referred to in this Subsection may be amended from time to time by ordinance or by resolution of the City Council. If the City Council adopts more restrictive design standards for one or more sub-districts within the Downtown Centennial Plan Overlay District, those more restrictive standards shall apply to the sub-district to which they pertain.

C. Special Provisions

In order to encourage the development of a complex, visually interesting and urbane walkable mixed-use environment, and to encourage transit-oriented development as future transit routes and stations develop within the Downtown area, properties within the Downtown Centennial Plan Overlay District are exempt from the automatic application of the mandatory maximum building height, required building setback, maximum lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements in Subchapter 19.08.040, Subchapter 19.08.050, Subchapter 19.08.060, Chapter 19.10, and Chapter 19.12. However, the exemption does not prohibit City staff, the Planning Commission, and the City Council from imposing limitations on the approval of a Site Development Plan. Site Development Plan applications within the Downtown Centennial Plan Overlay District shall be evaluated on a case-by-case basis to determine the extent to which those standards shall be required.



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G. Open Space And Landscape Area Requirements

A minimum of 20 percent of the gross property area in the P-C District shall consist of open space, recreation facilities, multi-purpose trails, pedestrian and bikeway facilities, other common community facilities and landscaped areas in public rights-of-way. Any private recreation facility which serves more than one individual lot may be counted as a part of the minimum requirement. Specific open space and landscaped area requirements shall be set forth in the Planned Community Program.

H. Street And Subdivision Design Requirements

All development shall conform to the standard street and subdivision design requirements set forth in Title 18 of the Las Vegas Municipal Code, except as otherwise provided for specifically in an approved Planned Community Program.

I. Non-applicability Of Other Provisions- Analogous Applications

1. The Development Standards may contain provisions for the processing and review of Minor Exceptions, Deviations, Plot Plan Reviews, Development Plan Modifications and other land use control procedures. If such procedures are so provided, they supersede the corresponding procedures set forth in this Title.

2. With regard to any issue of land use regulation that may arise in connection with the PC District and that is not addressed or provided for specifically in this chapter or in an approved Planned Community Program, the Director of the Department of Planning and Development may apply by analogy the general definitions, principles and procedures set forth in this Title, taking into consideration the intent of the approved Planned Community Program.

19.06.040 R-PD RESIDENTIAL PLANNED DEVELOPMENT DISTRICT

A. Intent Of R-PD District And Minimum Site Area

The R-PD District is intended to provide for flexibility and innovation in residential development, with emphasis on enhanced residential amenities, efficient utilization of open space, the separation of pedestrian and vehicular traffic, and homogeneity of land use patterns. As with previous versions of this Title, the R-PD District represents an exercise of the City Council's general zoning power as set forth in NRS Chapter 278. The density allowed in the R-PD District shall be reflected by a numerical designation for that district. (Example, R-PD4 allows up to four units per gross acre.)

The minimum site area that is eligible for rezoning to the R-PD zoning district is five acres. Any additional tract which contains less than the minimum site area, but which is contiguous to property previously zoned R-PD, may also be zoned R-PD by the City Council if it otherwise qualifies for the R-PD zoning designation. Both such properties must be owned by or be under the control of the same property owner.

B. Pre-Application Conference

Prior to the acceptance of a rezoning application to an R-PD District, a pre-application conference is required with the developer or an authorized representative and the staff of the Department of Planning and Development.

C. Development Review

1. Concurrently with the submission of a rezoning application to an R-PD District, the owner shall submit a Development Review application for the proposed project.

2. Site Development Plans shall show the following information:

   a. The proposed uses for the property and the dimensions and locations of all proposed lots, setbacks, heights, open space and common areas, private drives, public streets and the exterior boundaries. In addition, the layout and design of all perimeter walls, landscaping, access control gates, and guard stations shall be provided. If the development is to be constructed in phases, each phase shall be delineated on the Site Development Plan. Each set of plans shall also include floor plans and elevations of the buildings.

   b. Drainage and grading information which shall consist of either a contour map or sufficient information indicating the general flow pattern or percentage of slope.

   c. For any development site where 20% or more of the aggregate site has a slope of natural grade above 4%, a cross section, which must extend a minimum of 100 feet beyond the limits of the project at each property line, showing the location and finish floor elevations of adjacent structures; the maximum grade differentials; and the elevations of existing and proposed conditions.

3. The conditions, covenants and restrictions proposed for the development shall also be submitted.

D. Development Standards

The development standards for a project, including minimum front, side and rear yard setbacks, grade changes, maximum building heights, maximum fence heights and fence design, parking standards, standards for any guest houses/casitas and other design and development criteria, shall be established by the Site Development Plans.

E. Permitted Land Uses

1. Single-family and multi-family residential and supporting uses are permitted in the R-PD District to the extent they are determined by the Director to be consistent with the density approved for the District and are compatible with surrounding uses. In addition, the following uses are permitted as indicated:

   a. Home Occupations for which proper approvals have been secured.

   b. Child Care-Family Home and Child Care-Group Home, to the extent the Director determines that such uses would be permitted in the equivalent standard residential district.

2. For any use which, pursuant to this Section, is deemed to be permitted within the R-PD District, the Director may apply the development standards and procedures which would apply to that use if it were located in the equivalent standard residential district.

3. For purposes of this Section, the "equivalent standard residential district" means a residential district listed in the Land Use Tables which, in the Director's judgment, represents the (or a) district which is most comparable to the R-PD District in question, in terms of density and development type.

F. Plans Approval, Conditions, Conformance

Site Development Plans shall be reviewed and approved by the Planning Commission and the City Council during the rezoning public hearing. The Planning Commission and the City Council may attach to the Site Development Plans whatever conditions they deem necessary to ensure the proper amenities and to assure that the proposed development will be compatible with surrounding existing and proposed land uses.

G. Allocation of Open Space and Common Recreational Facilities

1. Each residential planned development containing 12 or more dwelling units shall allocate and provide open space and common recreational facilities which, at a minimum, comply with the following formula:

   DENSITY (UNITS PER ACRE, TO THE NEAREST TENTH) X 1.65 = PERCENTAGE OF GROSS LAND REQUIRED FOR OPEN SPACE/ RECREATIONAL AREA

2. Except as otherwise permitted under Subsection (4) of this Section (G), the following do not qualify as required open space or common recreational facilities:

   a. Rights-of-way;

   b. Required setback areas;

   c. Drainage easements;

   d. Vehicle parking areas;

   e. Landscaped entry features;

   f. Landscape planters located along major thoroughfares or collector streets; or

   g. Any area which is not platted as a separate lot, unless it is made available for public use by means of an appropriate access and use easement.

3. Any area allocated for public multi-use trails may be counted toward the requirement for open space and common recreational facilities unless it is not intended for open space or common recreational facilities as indicated on the list of exclusions for the trail area.

4. Any area allocated for streetscape within a subdivision may be counted toward the requirement for open space and common recreational facilities if:

a. The streetscape conforms to the following:

1) A minimum of one (1) twenty four inch (24") box tree shall be provided for every thirty feet (30') of gross frontage, with a maximum distance of thirty feet (30') on-center between any such tree and the tree nearest to it, whether on the same or different lot;

2) A minimum of four (4) shrubs, each with a minimum size of five (5) gallons, shall be provided for every tree; and

3) Bare soil is not permitted. Any streetscape area not covered by vegetation must contain a minimum of two inches (2") of rock mulch or decomposed granite.

b. Where practical, such streetscape is provided on both sides of the street on all internal streets within the subdivision;

c. The area allocated for streetscape is not less than five feet (5') in width, and is directly adjacent to the sidewalk or curb; and

d. The area allocated for streetscape is dedicated as a common lot and maintained by an owners' association.

5. Open space and common recreational facilities shall be configured so as to permit optimal utilization and shall be more or less centrally located so as to be reasonable and readily accessible from all residences built or proposed for the development. A sidewalk system shall be provided to connect all residential areas to required open space and common recreational facilities. Easy and safe shortcut access to such facilities (or to any adjacent trail system, public park or public recreational facility) should be provided by means of alleyways or pathways that:

a. Are cleared and provide for the safe passage of pedestrians or bicycle traffic only, or both;

b. Are improved, either with or without paving;

c. Have minimum widths as follows:

1) When lined on at least one side with a solid wall of a height not greater than forty-two (42) inches, a minimum width of five (5) feet;

2) In any other case in which the alleyway or pathway does not exceed one hundred sixty (160) feet in length, a minimum width of ten (10) feet; or

3) In the case of an alleyway or pathway that exceeds one hundred sixty (160) feet in length, a minimum width of ten (10) feet, plus one (1) additional foot in width for each additional eight (8) feet in length beyond one hundred sixty (160) feet.

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H. Subdivision Procedure Conformance

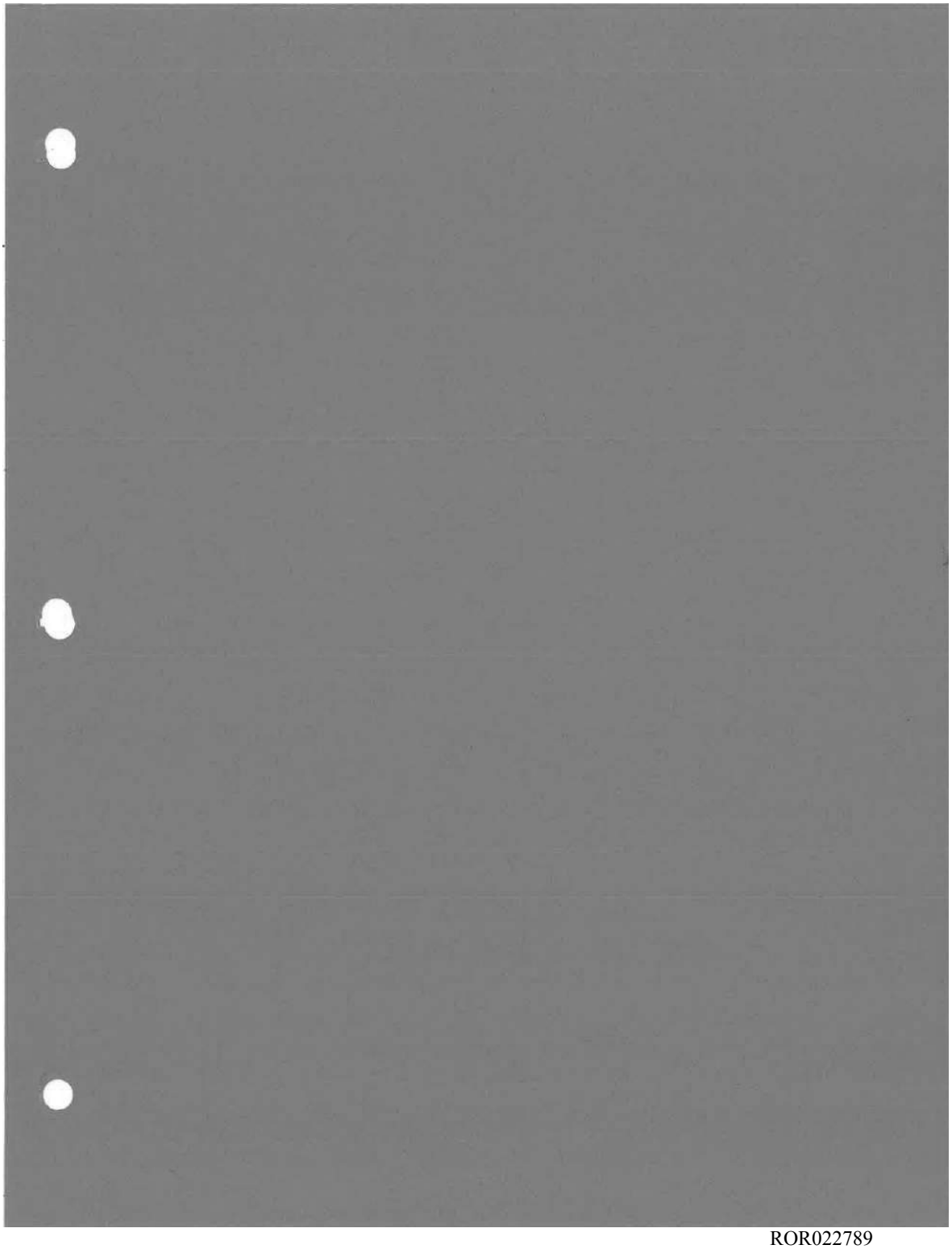
A Residential Planned Development shall follow the standard subdivision procedure. The tentative map shall include the public and private street design and dimension, lot design and dimension, location of driveways, buildings, walls, fences, walkways, open space areas, parking areas, drainage information, street names and location of utilities. The final map shall indicate the use, location and dimension of all proposed structures, streets, easements, driveways, walkways, parking areas, recreational facilities, open spaces and landscaped areas.

19.06.050 PD PLANNED DEVELOPMENT DISTRICT

A. Intent of District

The intent of the Planned Development (PD) District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or multi-use planned development. The rezoning of property to the PD District may be deemed appropriate if the development proposed for the District can accomplish one or more of the following goals:

1. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community;
2. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities;
3. Providing for flexibility in the distribution of land uses, in the density of development, and in other matters typically regulated in zoning districts;
4. Providing for cultural, civic, educational, medical, religious or recreational facilities, or any combination thereof, in a planned or a unique setting and design;
5. Providing for the redevelopment of areas where depreciation of any type has occurred.
6. Providing for the revitalization of designated areas;
7. Promoting or allowing development to occur in accordance with a uniform set of standards which reflect the specific circumstances of the site;
8. Avoiding premature or inappropriate development that would result in incompatible uses or would create traffic and public service demands that exceed the capacity of existing or planned facilities;
9. Encouraging area-sensitive site planning and design; and
10. Contributing to the health, safety and general welfare of the community and providing development which is compatible with the City's goals and objectives.



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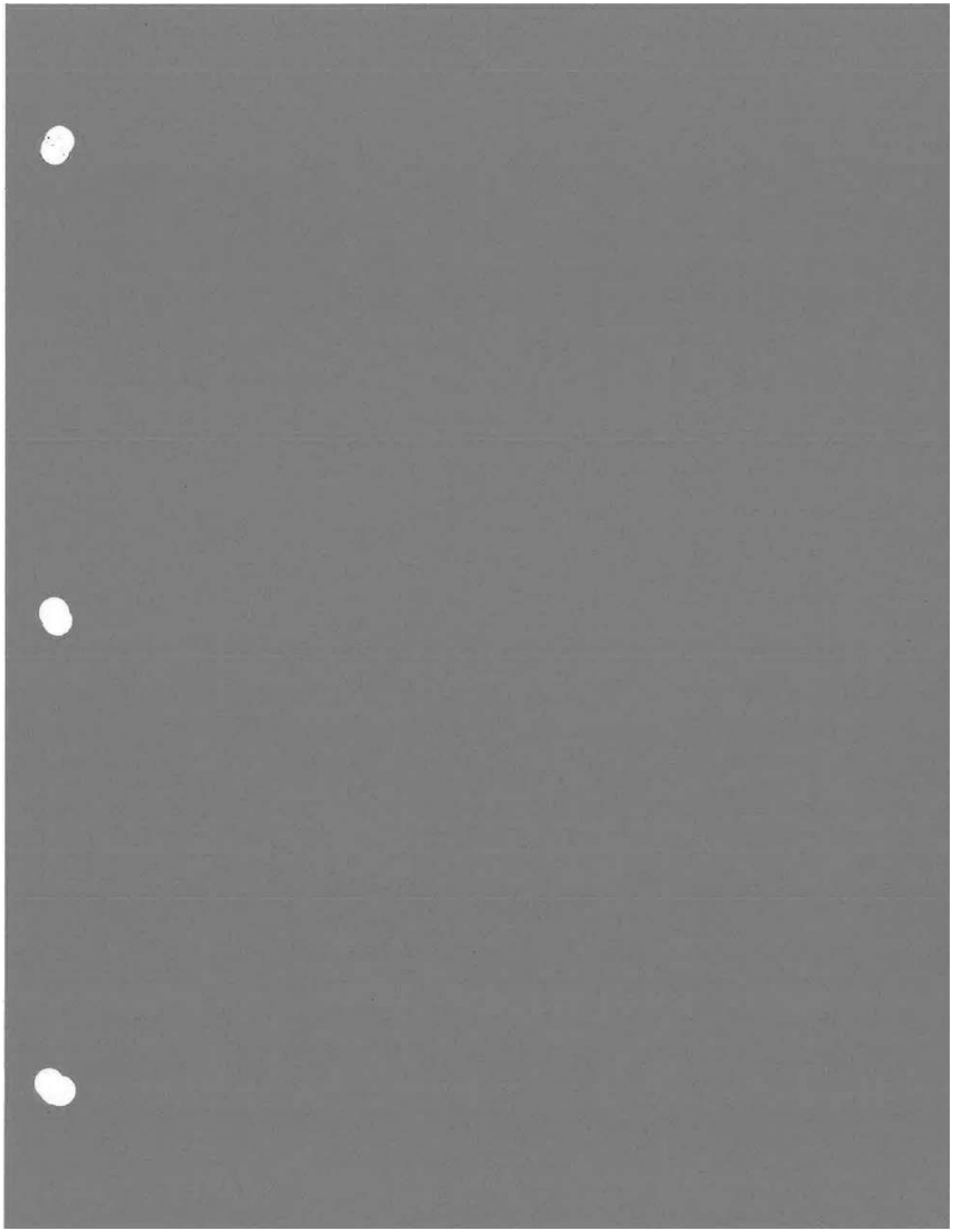
PECCOLE RANCH

LAND USE DATA

PHASE TWO

LAND USE	ACRES	NET DENSITY	NET UNITS
Single-Family	401.0	7.0 du/ac	2,807
Multi-Family	60.0	24.0 du/ac	1,440
Commercial/Office	194.3	-	-
Resort-Casino	56.0	-	-
Golf Course Drainage	211 6	-	-
Right-of-Way	60.4	-	-
Elementary School	13.1	-	-
TOTAL	996 4	4.5 du/ac	4,247

Note Overall density based upon all areas except R.O.W



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19.10.020

C-V CIVIC DISTRICT

A. Intent of the District

The purpose of the C-V District is to provide for the continuation of existing public and quasi-public uses and for the development of new schools, libraries, public parks, public flood control facilities, police, fire, electrical transmission facilities, Water District and other public utility facilities. In addition, the C-V District may provide for any public or quasi-public use operated or controlled by any recognized religious, fraternal, veteran, civic or service organization. The C-V District is consistent with the Public Facilities category of the General Plan.

B. Permitted Land Uses

The following uses are permitted in the C-V District:

1. Any use operated or controlled by the city, county, state or federal government, other than those indicated in Subsection (D) of this Subchapter as requiring a Special Use Permit.

2. Any public or quasi-public use operated or controlled by a recognized religious, fraternal, veteran, civic or service organization, other than those indicated in Subsection (D) of this Subchapter as requiring a Special Use Permit.

3. Utility company facilities, including electrical power substation facilities, telephone switching stations and towers, water district facilities, cable TV lines and wireless communication facilities.

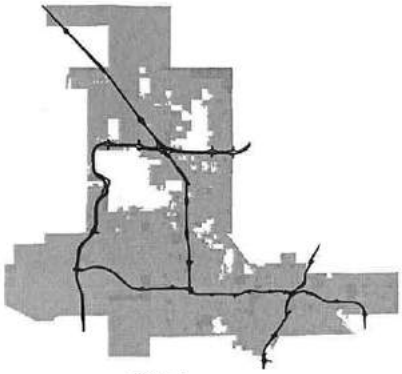
C. Similar Uses

1. **Additional Uses.** The uses permitted in Subsection (B) of this Subchapter are classified on the basis of common operational characteristics and land use compatibility. Uses not specifically listed in this Subchapter are prohibited. However, additional uses may be permitted by the Director if the Director finds the use in each case to be similar to the other uses listed in Subsection (B) of this Subchapter.

2. **Appeal of Decision.** An applicant who is aggrieved by the decision of the Director may appeal that decision to the City Council. The appeal shall be filed in the office of the City Clerk, with a copy to be filed in the office of the Department of Planning. The appeal must be filed within 10 days after the decision is made. Unless otherwise stated, the Council's determination shall constitute a permanent and consistent interpretative decision, which the Director shall apply in all future instances.

Illustrations & Graphics **C-V 19.10.020**

FIGURE 1 - CIVIC DISTRICT MAP



MAP IS REPRESENTATIVE OF WHERE THE C-V DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTIES CURRENTLY ZONED AS C-V (CIVIC) DISTRICT.

FIGURE 2 - UTILITY INSTALLATIONS

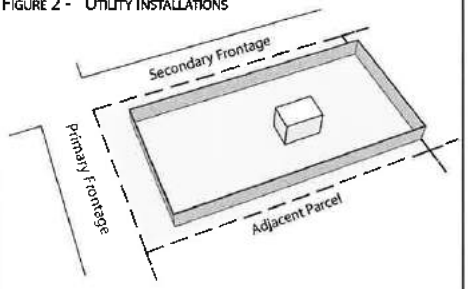
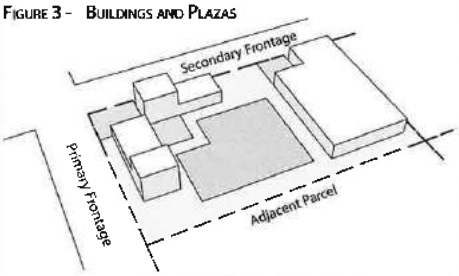


FIGURE 3 - BUILDINGS AND PLAZAS



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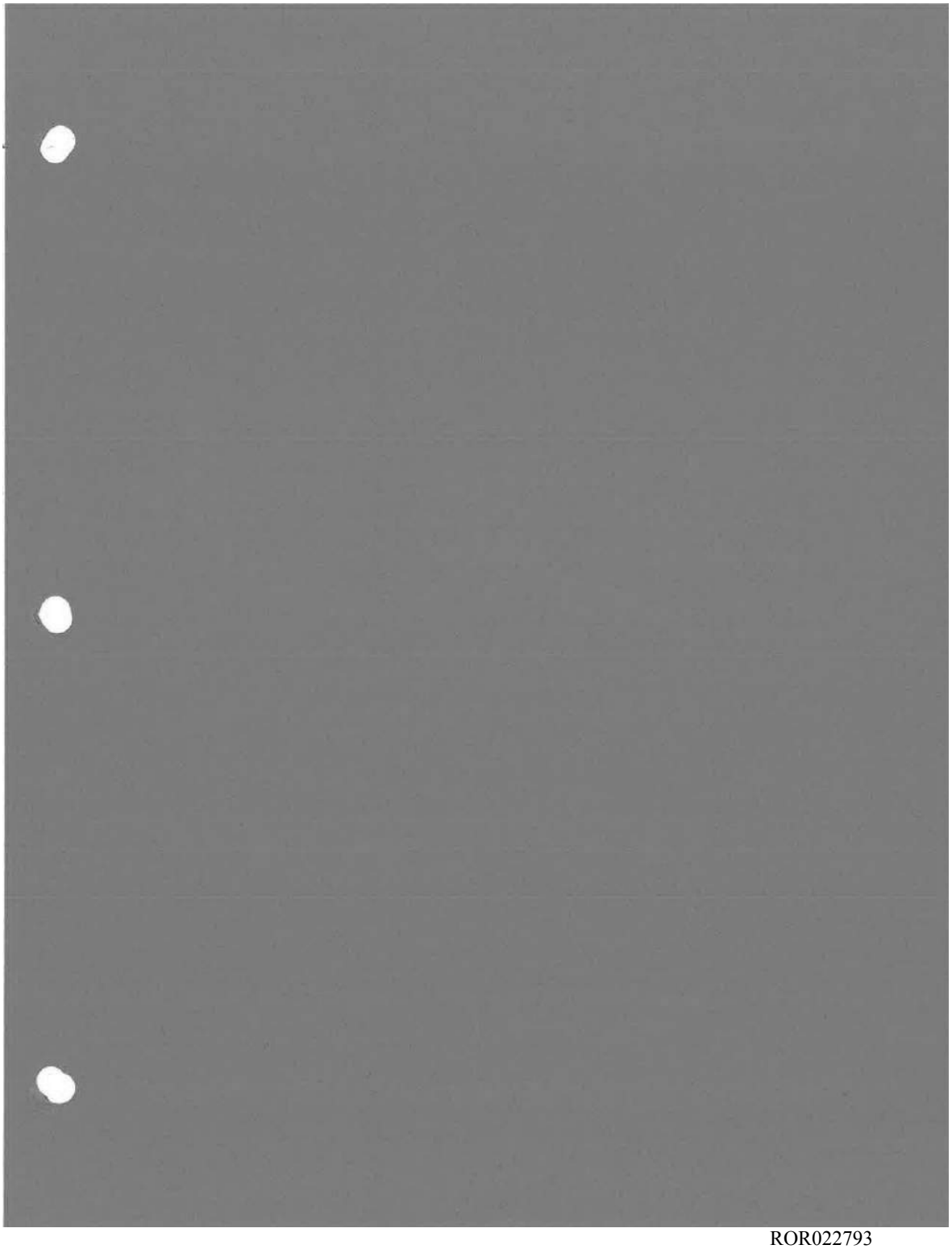

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PECCOLE WEST

A PORTION OF SECTION 31 AND THE WEST HALF (W 1/2) OF SECTION 32,
TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA

LEGAL DESCRIPTION

BEING A PORTION OF SECTION 31 AND THE WEST HALF (W 1/2) OF SECTION 32, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE NORTH 00°05'57" WEST ALONG THE WEST LINE OF SAID SECTION 31 AND THE CENTERLINE OF DURANGO DRIVE 1655.00 FEET; THENCE NORTH 89°54'03" EAST, 50.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID DURANGO DRIVE AND BEING THE POINT OF BEGINNING;

THENCE NORTH 00°05'57" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, 1655.44 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 31; THENCE SOUTH 89°59'38" EAST ALONG SAID NORTH LINE, 2594.79 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 31; THENCE SOUTH 89°52'38" EAST, 2648.82 FEET; THENCE SOUTH 89°40'31" WEST, ALONG A RADIAL LINE, 50.00 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE SOUTHEASTERLY, THENCE SOUTHWESTERLY, ALONG SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING SAID RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 87°59'23", THENCE SOUTH 48°19'54" EAST, 22.32 FEET TO THE BEGINNING OF A 1050.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY, ALONG SAID CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 41°40'37", THENCE SOUTH 89°59'43" EAST, 848.29 FEET TO THE BEGINNING OF A 800.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY, ALONG SAID CURVE, 1015.61 FEET THROUGH A CENTRAL ANGLE OF 43°37'22"; THENCE SOUTH 46°22'21" WEST ALONG A RADIAL LINE, 40.00 FEET TO A POINT ON A 760.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY, ALONG SAID CURVE, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 08°30'00", 112.79 FEET; THENCE SOUTH 37°52'21" WEST, 1134.98 FEET TO THE BEGINNING OF A 1760.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY, ALONG SAID CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 19°59'23", 614.01 FEET TO A POINT ON A 940.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY, ALONG SAID CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 39°52'38", 654.31 FEET; THENCE NORTH 37°52'21" EAST, 1134.98 FEET; THENCE NORTHEASTERLY, ALONG SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING SAID RADIUS OF 1760.00 FEET, THROUGH A CENTRAL ANGLE OF 08°30'00", 261.03 FEET; THENCE NORTH 46°22'21" EAST, 40.00 FEET TO A POINT ON A 760.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY, ALONG SAID CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 43°37'22", 578.61 FEET; THENCE NORTH 48°19'54" WEST, 22.32 FEET TO THE BEGINNING OF A 1050.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY, ALONG SAID CURVE, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 41°40'37", 763.72 FEET; THENCE NORTH 89°59'43" WEST, 848.29 FEET TO THE BEGINNING OF A 800.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE SOUTHWESTERLY, ALONG SAID CURVE, 1015.61 FEET THROUGH A CENTRAL ANGLE OF 43°37'22"; THENCE SOUTH 46°22'21" WEST NON-TANGENT TO SAID CURVE, 632.90 FEET; THENCE SOUTH 01°53'38" EAST, 880.00 FEET; THENCE NORTH 88°06'22" EAST, 570.00 FEET; THENCE SOUTH 01°53'38" EAST, 170.00 FEET; THENCE SOUTH 88°06'22" WEST, 250.00 FEET; THENCE SOUTH 01°53'38" EAST, 1321.87 FEET; THENCE SOUTH 89°40'31" WEST, 2610.15 FEET TO A POINT ON A 50.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY, ALONG SAID CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 90°18'09", 78.81 FEET; THENCE NORTH 00°05'57" WEST, 1655.00 FEET; THENCE SOUTH 89°40'31" WEST, 50.00 FEET TO A POINT ON A 50.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY, ALONG SAID CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 89°41'51", THENCE NORTH 00°05'57" WEST, 1655.00 FEET; THENCE NORTH 89°54'03" EAST, 50.00 FEET TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM ALL OF THAT CERTAIN PLAT KNOWN AS "PECCOLE WEST NO. 6 - PHASE 1", ON FILE IN THE COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA, IN BOOK 72 OF PLATS, AT PAGE 95;

ALSO EXCEPTING THEREFROM ALL OF THAT CERTAIN PLAT KNOWN AS "PECCOLE WEST NO. 6 - PHASE 2", ON FILE IN THE COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA, IN BOOK 73 OF PLATS, AT PAGE 34;

ALSO EXCEPTING THEREFROM ALL OF THAT CERTAIN PLAT KNOWN AS "PECCOLE LOT 6 - PHASE 1", ON FILE IN THE COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA, IN BOOK 73 OF PLATS, AT PAGE 34.

CONTAINING 239.67 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, FREDERICK W. OREAR, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF NEVADA, DO HEREBY STATE:

1. THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF THE TRUSTEE UNDER THAT TRUST AGREEMENT DATED JUNE 1, 1972, KNOWN AS PECCOLE FAMILY TRUST AGREEMENT;
2. THE LANDS SURVEYED LIE WITHIN SECTION 31 & 32, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AND THE SURVEY WAS COMPLETED ON JULY 11, 1996;
3. THIS PLAT COMPLIES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE GOVERNING BODY GAVE ITS FINAL APPROVAL;
4. THE MONUMENTS DEPICTED ON THE PLAT WILL BE OF THE CHARACTER SHOWN AND OCCUPY THE POSITIONS INDICATED BY _____ AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED AND MONUMENTS REMAINING OR REPLACED WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED AND THE MONUMENTS REMAINING OR REPLACED WILL BE SUFFICIENT TO ENABLE THE RETRACEMENT OR REMONUMENTATION OF THE SURVEY.

9/24/96
FREDERICK W. OREAR
PROFESSIONAL LAND SURVEYOR
NEVADA CERTIFICATE NO. 10241

IN CONSIDERATION OF THIS SUBDIVISION MAP WILL BE WITHIN A LIMITED WATER COMMITMENT FROM THE LAS VEGAS VALLEY WATER DISTRICT AS FOLLOWS:

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CITY SURVEYOR'S CERTIFICATE

I, RAY N. LEMKE, CITY SURVEYOR OF THE CITY OF LAS VEGAS, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE FINAL SUBDIVISION MAP OF PECCOLE WEST AND AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT. MONUMENTS HAVE NOT BEEN SET, BUT AN APPROPRIATE FINANCIAL GUARANTEE HAS BEEN DEPOSITED TO GUARANTEE THEIR SETTING ON OR BEFORE 10/4

10/2/96
RAY N. LEMKE, CITY SURVEYOR
CITY OF LAS VEGAS, NEVADA
NEVADA CERTIFICATE NO. 5084

DISTRICT BOARD OF HEALTH CERTIFICATE

THIS FINAL MAP IS APPROVED BY THE CLARK COUNTY DISTRICT BOARD OF HEALTH. THIS APPROVAL CONCERNS SEWAGE DISPOSAL, WATER POLLUTION, WATER SUPPLY, AND WATER QUALITY FACILITIES ONLY AND IS PREDICATED UPON PLANS FOR A PUBLIC WATER SUPPLY AND A COMMUNITY SYSTEM FOR DISPOSAL OF SEWAGE.

11-13-96
CLARK COUNTY DISTRICT BOARD OF HEALTH — KEVIN W. VANEY — DATE

DIVISION OF WATER RESOURCES CERTIFICATE

THIS FINAL MAP IS APPROVED BY THE DIVISION OF WATER RESOURCES OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES CONCERNING WATER QUANTITY SUBJECT TO THE REVIEW OF APPROVAL ON FILE IN THIS OFFICE.

11-25-96
DIVISION OF WATER RESOURCES - ROBERT CANCHE, P.E. — DATE

CERTIFICATE OF PLANNING COMMISSION/DIRECTOR OF PLANNING AND DEVELOPMENT APPROVAL

I CERTIFY THAT THIS FINAL MAP SUBSTANTIALLY COMPLIES WITH THE TENTATIVE MAP AND ANY APPROVED ALTERNATIVE, AGREES TO THAT THE MAP COMPLIES WITH APPLICABLE STATUTORY AND ORDINANCE PROVISIONS, THAT ALL CONDITIONS IMPOSED UPON THE FINAL MAP HAVE BEEN MET, AND THAT THE MAP WAS APPROVED AND THE PARCEL MAPPED HERE ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF LAS VEGAS, NEVADA ON THE 26th DAY OF NOVEMBER, 1996.

11-27-96
PAUL WILLIS — DATE
DIRECTOR OF PLANNING AND DEVELOPMENT AND SECRETARY OF THE PLANNING COMMISSION
CITY OF LAS VEGAS, NEVADA

BASIS OF BEARINGS

A BEARING OF NORTH 89°41'38" EAST, BEING THE BEARING OF THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 31, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., AS SHOWN ON A MAP ON FILE IN THE CLARK COUNTY, NEVADA RECORDER'S OFFICE IN FILE 76, PAGE 83, OF PARCEL MAPS.

RECORDER'S NOTE:

ANY SUBSEQUENT CHANGES TO THIS MAP SHOULD BE EXAMINED AND MAY BE SUBJECT TO BY REFERENCE TO THE COUNTY RECORDER'S EXAMINATIVE MAP INDEX.
APN'S: 138-31-

CERTIFICATE OF EASEMENT RECIPIENTS

WE, THE UTILITY EASEMENT RECIPIENTS, APPROVE THE CONTENT OF THE DEDICATED EASEMENTS.

10-02-96
LAS VEGAS VALLEY WATER DISTRICT — GARY LANGE — DATE

10-1-96
SOUTHWEST GAS CORPORATION — ELLEN A. MCCARTHY — DATE

10-2-96
NEVADA POWER COMPANY — DEBORA M. BOWERS — DATE

10-8-96
SPRINT — SHARON STONER — DATE

10-8-96
COMMUNITY CABLE T.V. INC. — FARIBA PARVILA — DATE

11-19-96
CITY OF LAS VEGAS — DENNIS A. HORDICHUK — DATE

Final Map Prepared By:
PENTACORE Surveying Inc.
8345 W. Charleston Blvd.
Las Vegas, Nevada 89117 (702) 258-4110

FILE NO. 24205
SHEET 1 OF 5

INSTRUMENT NO. 721142
OFFICIAL RECORDS BOOK NO. 961227
FILED AT THE REQUEST OF PENTACORE SURVEYING INC
DATE 12-27-96 TIME 8:27 A.M.
IN THE COUNTY RECORDS OF CLARK COUNTY, NEVADA
BOOK 77 PAGE 23
RECORDER

Bk 77 Pg 23

24205

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PECCOLE WEST

A PORTION OF SECTION 31 AND THE WEST HALF (W 1/2) OF SECTION 32,
TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA

SHEET 2 OF 5

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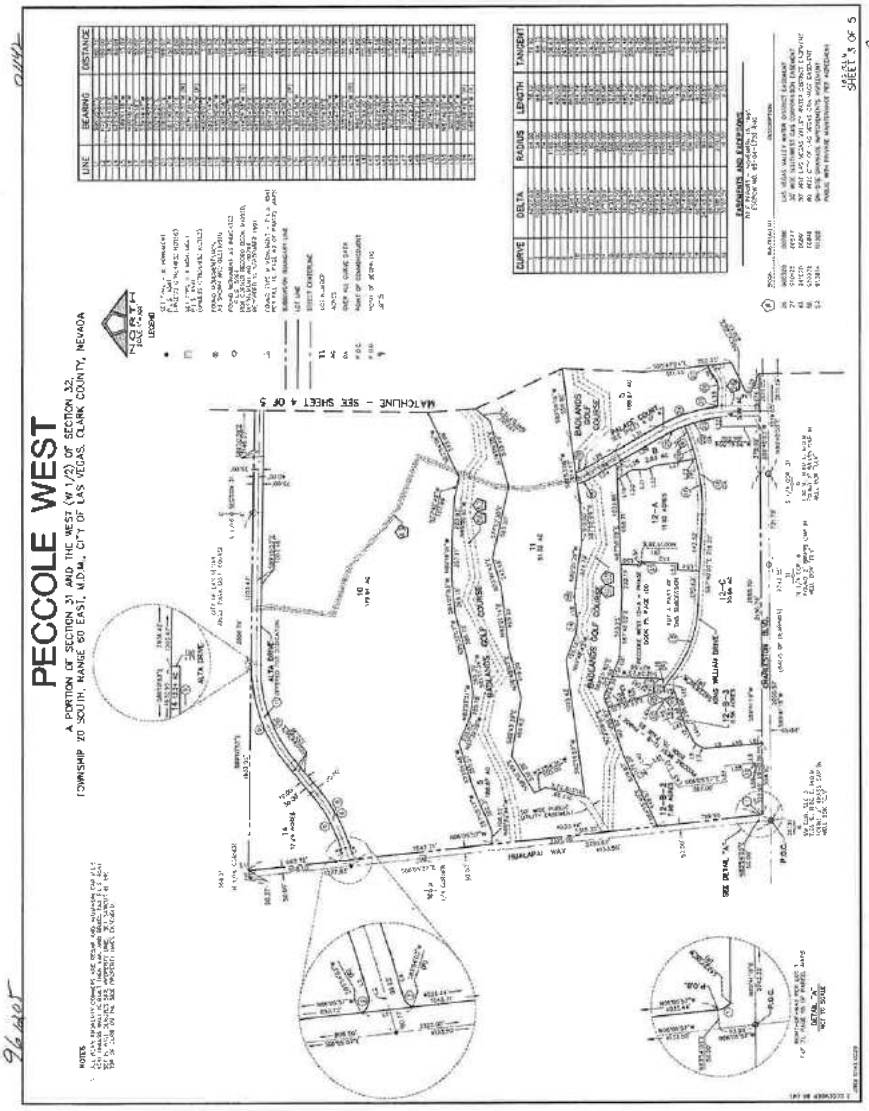

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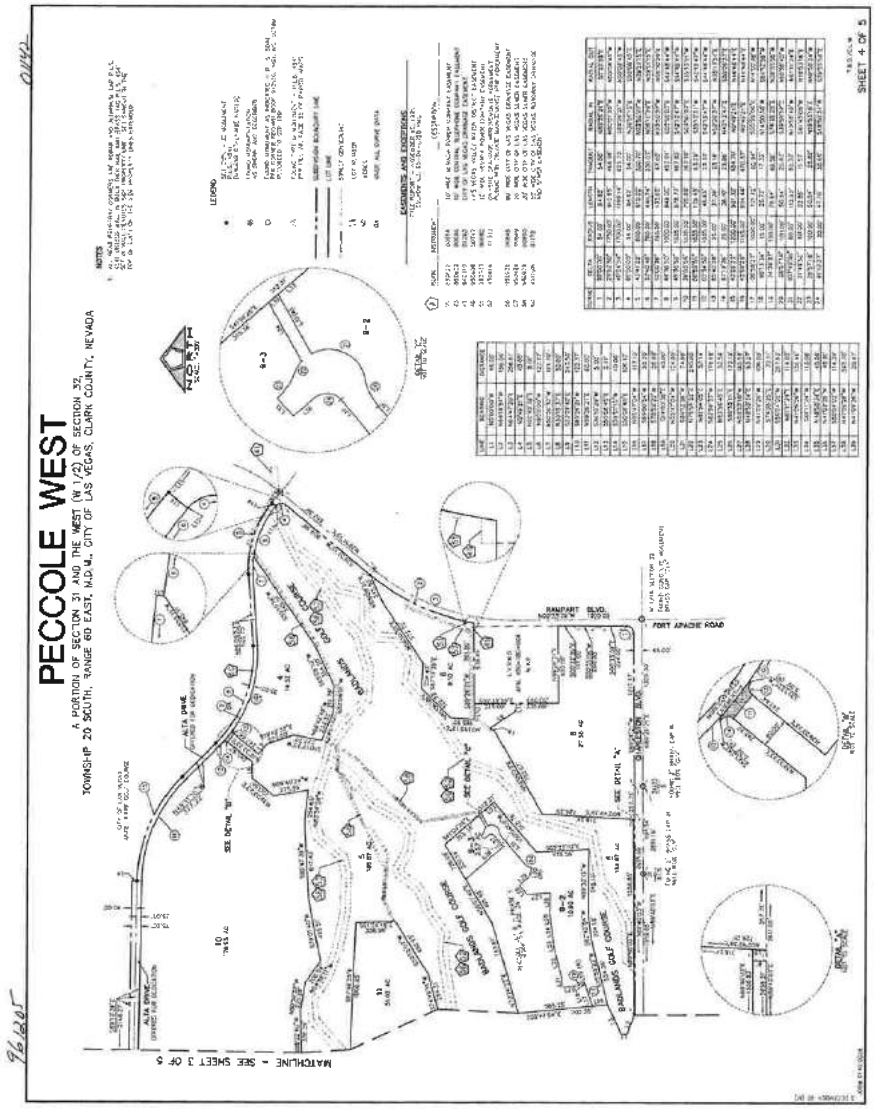

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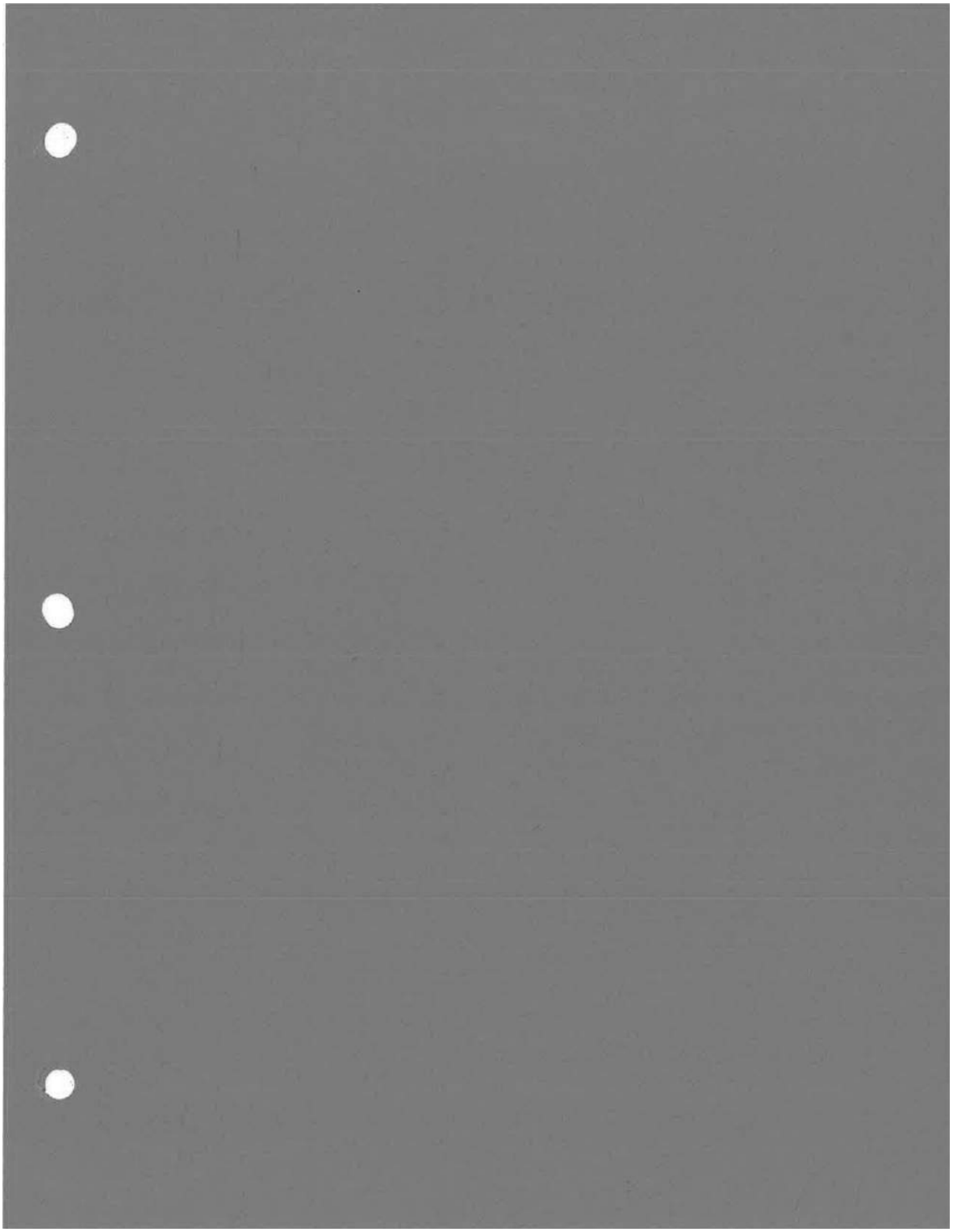

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CITY of LAS VEGAS

PLANNING AND DEVELOPMENT DEPARTMENT

February 13, 1996

Ms. Wanda Peccole
Peccole 1982 Trust
9999 West Charleston Boulevard
Las Vegas, Nevada 89117

RE: FINAL MAP - PECCOLE WEST - FM-8-96

Dear Ms. Peccole:

Your request for a Final Map for the PECCOLE WEST subdivision, on property located on the north side of Charleston Boulevard, between Hualapai Way and Rampart Boulevard, Ward 2, N-U Zone (under Resolution of Intent to R-PD7, R-3 and C-1), was considered by the Planning Commission on February 8, 1996.

The Planning Commission unanimously voted to APPROVE your request, subject to the following:

1. Conformance to all Conditions of Approval for the Tentative Map.

2. Parcel 5 must be shown on this Final Map as a public Drainage Easement with private maintenance as per the approved Master Drainage Plan. Individual site-specific technical drainage studies shall be submitted as the individual subdivision "pods" are developed.

3. Prior to recordation of this Final Map, the applicant must submit a Revised Final Map "clearly" showing the developer's intent as to dedication of roadway right-of-way and/or easements along the Alta Drive alignment which was required by the Tentative Map to be an 80' wide roadway easement.

4. Prior to recordation, this Final Map must show all required easements and right-of-way dedications, must coincide with the approved drainage plan/study and construction plans and the Owner's Certificate must make specific reference to all easements and right-of-ways noted/offered for public use as required by the Department of Public Works. Appropriate sight visibility restriction easements, if applicable, are also required to be shown on this Final Map at all interior intersections, at all perimeter intersections abutting this subdivision site, at all intersections where an interior subdivision street connects with an abutting public street and at all other locations as required by the Traffic Engineer.

400 E. STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986
(702) 229-6011 (VOICE) • (702) 386-9108 (TDD)

7009 3010-070-1295

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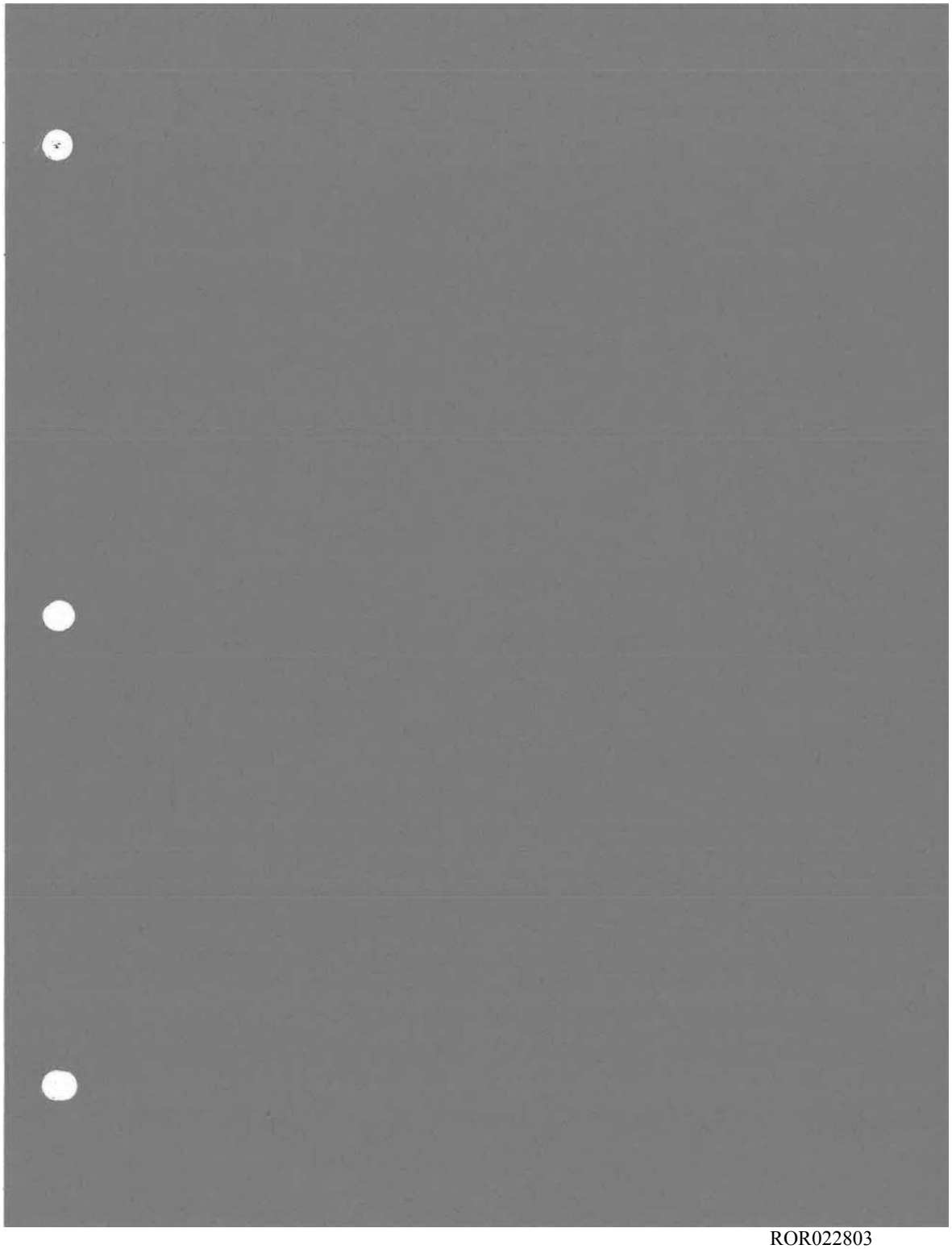

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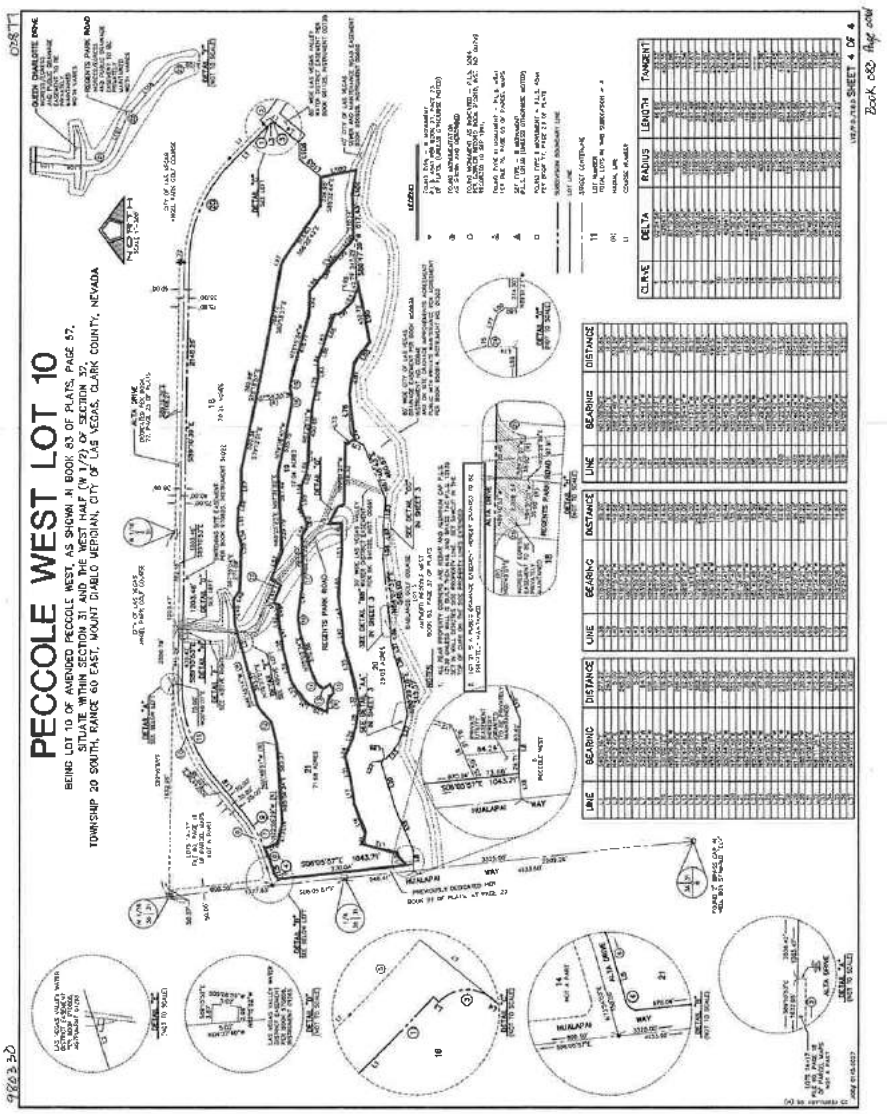

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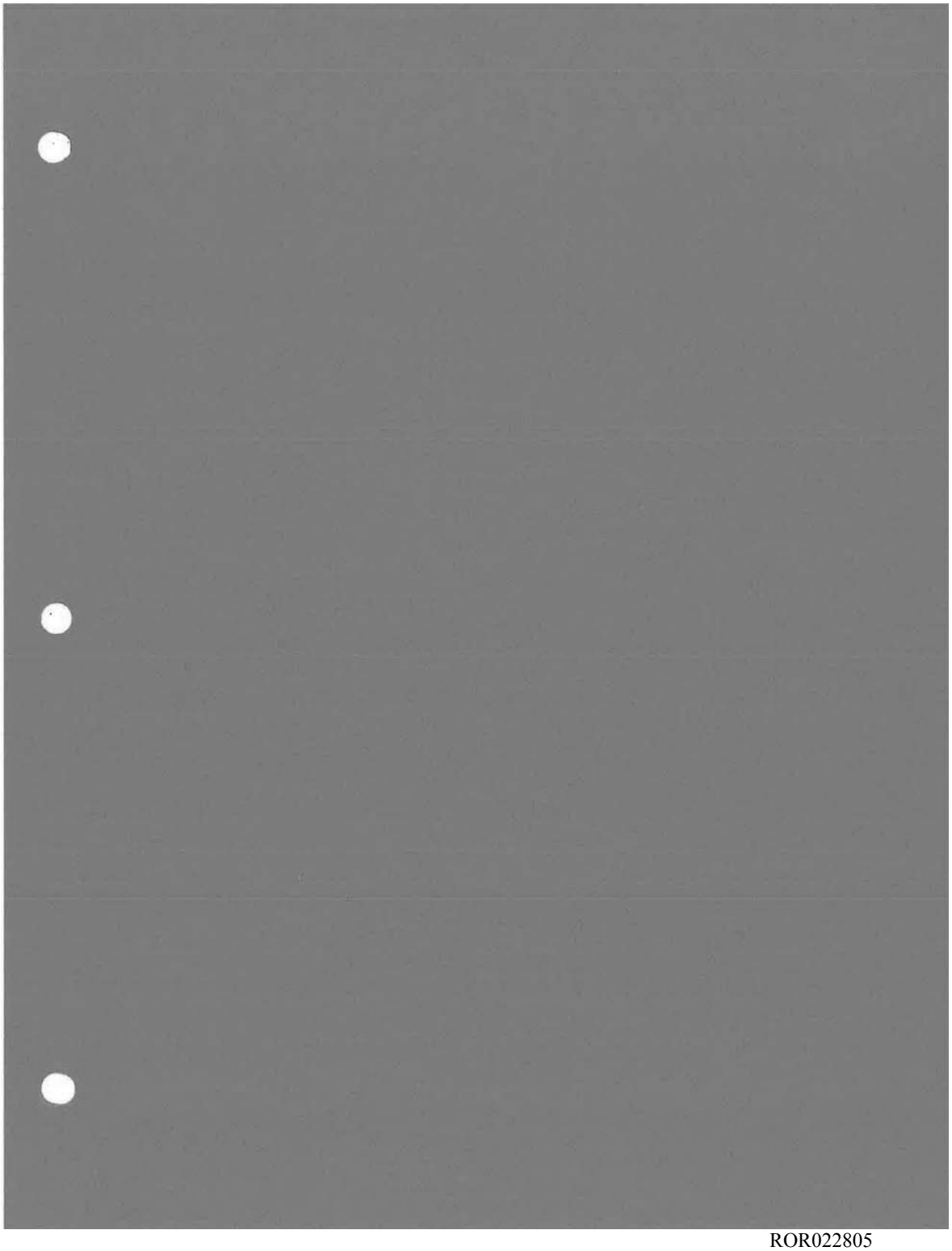

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A-1. TM-82-96 - PECCOLE WEST LOT 10 - PECCOLE 1982 TRUST - Request for a Tentative Map on property located on the southeast corner of Hualapai Way and Alta Drive, N-U (Non-Urban) Zone under Resolution of Intent to R-PD7 (Residential Planned Development - 7 Units Per Acre), Size: 179.70 Acres, No. of Lots: 5, Ward 2 (Adamsen).

NOT A PUBLIC HEARING P.C.: FINAL ACTION

APPLICATION REQUEST:

This request is for the approval of a Tentative Subdivision Map which contains 5 lots.

BACKGROUND DATA:

04/04/90 The City Council approved R-PD7 (Residential Planned Development - 7 units per acre) zoning for this site as part of a larger request (Z-17-90).

01/04/95 The City Council approved R-PD7 (Residential Planned Development - 7 units per acre) zoning for this site as part of a larger request (Z-146-94).

FINDINGS:

These 5 lots are development parcels which will be developed as single family compact lots and a golf course, and conform to the two related zoning cases associated with this development.

STAFF RECOMMENDATION: **APPROVAL**, subject to the following:

1. Conformance to the Conditions of Approval for Zoning Applications Z-17-90 and Z-146-94.
2. The Peccole West Final Map (FM 8-96) shall record prior to the recordation of the Final Map for this site as required by the Department of Public Works.
3. Provide dedication for Alta Drive in accordance with the conditions of approval stated within the Peccole West Tentative Map (TM-101-95) as required by the Department of Public Works.
4. If such has not already been completed by the Master Developer, construct half-street improvements including appropriate overpaving on Hualapai Way adjacent to this site concurrent with development anywhere on this site as required by the Department of Public Works. All existing overpaving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site as required by the Department of Public Works.

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5. Construct full width street improvements along Alta Drive between Rampart Boulevard and Hualapai Way concurrent with the first phase of development anywhere on this site as required by the Department of Public Works. Construction of Alta Drive may be phased with development of individual sites; however, the limits of construction shall be determined by the City Engineer to provide continuous corridors to the individual sites, and as is necessary to handle increases in traffic demand. The City of Las Vegas reserves the right to demand the timely construction of any and all incomplete full-width street improvements on Alta Drive between Hualapai Way and Rampart Boulevard when area traffic concerns may prompt such a request.

6. Contribute $187,020.00 per the Peccole Ranch Signal Participation Proposal prior to the issuance of building or off-site permits as required by the Department of Public Works. The developer may provide to the City Engineer a cost breakdown based on the individual pod sites created by this map. The golf course sites must provide payment prior to the issuance of any permits for the golf course sites or prior to the recordation of a final map for those sites, whichever may occur first. If the residential pod sites are further divided, payment is expected prior to any recordation of final maps for those individual residential subdivisions. A payment plan shall be provided and payments are expected prior to any maps that allow final development of the individual sites. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. The City of Las Vegas reserves the right to utilize the contributed traffic signal monies for the installation of traffic signals at any other intersection within the general facility which is impacted by this development and which has a more immediate need for signalization.

7. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been secured.

8. Provide two lanes of paved, legal access to each individual parcel within this site prior to occupancy of any units within this development as required by the Department of Public Works.

9. Site development to comply with all applicable conditions of approval for the overall Peccole West Tentative Map TM-101-95, Z-17-90, Z-146-94 and all other site-related actions as required by the Department of Public Works.

10. The approval of all Public Works related improvements shown on this map is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. All deviations from adopted City Standards must receive approval from the City Engineer prior to the recordation of a Final Map or the approval of the construction plans, whichever may occur first.

11. Standard Condition Nos. 1 - 5.

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PLANNING AND DEVELOPMENT DEPARTMENT

November 26, 1996

Mr. Bruce Bayne
Peccole 1982 Trust
9999 West Charleston Boulevard
Las Vegas, Nevada 89117

RE: TENTATIVE MAP - PECCOLE WEST LOT 10 - TM-82-96

Dear Mr. Bayne:

Your request for a Tentative Map on property located on the southeast corner of Hualapai Way and Alta Drive, N-U (Non-Urban) Zone under Resolution of Intent to R-PD7 (Residential Planned Development - 7 Units Per Acre), Size: 179.70 Acres, No. of Lots: 5, Ward 2 (Adamsen), was considered by the Planning Commission on November 21, 1996.

The Planning Commission unanimously voted to approve your request, subject to the following:

1. Conformance to the Conditions of Approval for Zoning Applications Z-17-90 and Z-146-94.

2. The Peccole West Final Map (FM 8-96) shall record prior to the recordation of the Final Map for this site as required by the Department of Public Works.

3. Provide dedication for Alta Drive in accordance with the conditions of approval stated within the Peccole West Tentative Map (TM-101-95) as required by the Department of Public Works.

4. If such has not already been completed by the Master Developer, construct half-street improvements including appropriate overpaving on Hualapai Way adjacent to this site concurrent with development anywhere on this site as required by the Department of Public Works. All existing overpaving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site as required by the Department of Public Works.

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