

[Rev. 3/19/2010 2:38:52 PM]

CHAPTER 278 - PLANNING AND ZONING

GENERAL PROVISIONS

- [NRS 278.010](#) Definitions.
- [NRS 278.0105](#) “Affordable housing” defined.
- [NRS 278.0107](#) “Average residential density” defined.
- [NRS 278.011](#) “Building code” defined.
- [NRS 278.0115](#) “Building official” defined.
- [NRS 278.012](#) “Cities and counties” defined.
- [NRS 278.0125](#) “City surveyor” defined.
- [NRS 278.013](#) “Commission” and “planning commission” defined.
- [NRS 278.0135](#) “Common-interest community” defined.
- [NRS 278.014](#) “County surveyor” defined.
- [NRS 278.0145](#) “Final map” defined.
- [NRS 278.0147](#) “Gaming enterprise district” defined.
- [NRS 278.015](#) “Governing body” defined.
- [NRS 278.0153](#) “Historic neighborhood” defined.
- [NRS 278.0155](#) “Improvement” defined.
- [NRS 278.0157](#) “Infrastructure” and “public facilities” defined.
- [NRS 278.016](#) “Local ordinance” defined.
- [NRS 278.0165](#) “Lot” defined.
- [NRS 278.0166](#) “Military installation” defined.
- [NRS 278.0167](#) “Mobile home park” defined.
- [NRS 278.017](#) “Parcel map” defined.
- [NRS 278.0172](#) “Regional planning coalition” defined.
- [NRS 278.0173](#) “Renewable energy” defined.
- [NRS 278.01735](#) “Renewable energy generation project” defined.
- [NRS 278.0174](#) “Residential dwelling unit” defined.
- [NRS 278.0175](#) “Right-of-way” defined.
- [NRS 278.0177](#) “Rural preservation neighborhood” defined.
- [NRS 278.018](#) “Streets” defined.
- [NRS 278.0185](#) “Subdivider” defined.
- [NRS 278.019](#) “Tentative map” defined.
- [NRS 278.0193](#) “Used for residential purposes” defined.
- [NRS 278.0195](#) “Utility project” defined.
- [NRS 278.020](#) Regulation by governing bodies of improvement of land and location of structures for general welfare.
- [NRS 278.0201](#) Agreement with governing body concerning development of land: Manner and contents; extension of period for commencement of construction under certain circumstances; applicable ordinances, resolutions and regulations; restrictions on subsequent action by governing body.
- [NRS 278.0203](#) Agreement with governing body concerning development of land: Approval by ordinance; recording.
- [NRS 278.0205](#) Agreement with governing body concerning development of land: Amendment or cancellation; review of development by governing body; notice; approval of amendment; filing and recording of amendment.
- [NRS 278.0207](#) Agreement with governing body concerning development of land: Recording of certified copy of ordinance adopting agreement.
- [NRS 278.02073](#) Building permit for residential or commercial project: Extension of period of validity when financing is not available and land is leased for renewable energy generation project.
- [NRS 278.02077](#) Prohibition against prohibiting or unreasonably restricting use of system for obtaining wind energy; exceptions.
- [NRS 278.0208](#) Prohibition against prohibiting or unreasonably restricting use of system for obtaining solar energy.
- [NRS 278.02081](#) Mandatory consideration of certain standards and guidelines if governing body establishes committee or task force on sustainable energy.
- [NRS 278.02083](#) Prohibition against restricting right of owner to display United States flag on real property; limitations; recovery of attorney’s fees and costs in action for enforcement.
- [NRS 278.02085](#) Amateur radio: Limitations on restrictions on amateur service communications; limitations on regulation of station antenna structures; exception.
- [NRS 278.0209](#) Factory-built housing: Inclusion in definition of “single-family residence”; standards for safety and development; installation prohibited under certain circumstances.
- [NRS 278.02095](#) Manufactured homes: Inclusion in definition of “single-family residence”; governing body to adopt standards for placement outside mobile home park; surrender of certificate of ownership of certain manufactured homes to Manufactured Housing Division; limitations.
- [NRS 278.0213](#) Obstruction of outdoor advertising structures by certain improvement projects: Required action by governing body; limitations on authorized actions; implementation and applicability of provisions.
- [NRS 278.0215](#) Nonconforming outdoor advertising structures: City or county to pay just compensation or authorize relocation if it requires removal or prohibits routine maintenance; exceptions; required removal of structure pursuant to amortization schedule prohibited; public hearing required in certain circumstances; appeal of amount of just compensation.
- [NRS 278.0217](#) Certain documents to be retained by governing body or other entity that causes notices of hearing to be provided.

- [NRS 278.022](#) Restriction of adult motion picture theaters and bookstores: Declaration of legislative intent.
- [NRS 278.0221](#) Restriction of adult motion picture theaters and bookstores: Definitions.
- [NRS 278.0222](#) Restriction of adult motion picture theaters and bookstores: Authority of commission and governing body.
- [NRS 278.0226](#) Preparation of annual plan for capital improvements; contents of plan.
- [NRS 278.023](#) Enactment of separate zoning and planning ordinances for specific parts of territories.
- [NRS 278.0231](#) Requirement to place street address or identifying number on exterior of certain buildings; notice of violation.
- [NRS 278.02313](#) Maintenance, reconstruction and repair of sidewalks: Circumstances under which governing body may compel action by owner of property.
- [NRS 278.02315](#) Inclusion of provisions for placement of recycling containers in plans for construction or major renovation of apartment complex or condominium.
- [NRS 278.02317](#) Governing body may not require dedication of real property as condition for issuance of building permit; exceptions.
- [NRS 278.0232](#) Closure or conversion of mobile home park: Report required to be filed with planning commission or governing body.
- [NRS 278.02325](#) Conversion of existing mobile home park into individually owned lots: Restrictions governing body, commission or board may not impose as condition of approval.
- [NRS 278.02327](#) Application for matter relating to land use planning required to be complete for acceptance by governing body; review for completeness; procedure for return of incomplete application.
- [NRS 278.0233](#) Actions against agency: Conditions and limitations.
- [NRS 278.0235](#) Actions against agency: Commencement.
- [NRS 278.0237](#) Actions against agency: Defenses; attorney's fees, court costs and interest; remedy cumulative.

**GROUP HOMES**

- [NRS 278.0238](#) Definitions.
- [NRS 278.02381](#) "Halfway house for recovering alcohol and drug abusers" defined.
- [NRS 278.02382](#) "Health Division" defined.
- [NRS 278.02383](#) "Home for individual residential care" defined.
- [NRS 278.02384](#) "Residential establishment" defined.
- [NRS 278.02385](#) "Residential facility for groups" defined.
- [NRS 278.02386](#) Certain homes and facilities required to be included in definition of "single-family residence" in city and county ordinances; exclusions; siting of residential establishments in certain larger counties; special use permits; restriction on application of section.
- [NRS 278.02387](#) Registry of group homes: Transmission of information; compilation and maintenance by Health Division; contents; availability.
- [NRS 278.02388](#) Prerequisites to approval or issuance of rezoning, zone variance or special use permit necessary to operate residential establishment; conditional approval or issuance.

**SPRING MOUNTAINS AND RED ROCK CANYON**

- [NRS 278.0239](#) Supremacy of limits upon development established by certain special legislative acts.

**REGIONAL PLANNING AGENCIES**

- [NRS 278.024](#) Powers of Nevada Tahoe Regional Planning Agency. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- [NRS 278.025](#) Powers of regional planning agency created by interstate compact.

**REGIONAL PLANNING IN COUNTIES WHOSE POPULATION IS 400,000 OR MORE**

**GENERAL PROVISIONS**

- [NRS 278.02507](#) Applicability.
- [NRS 278.02514](#) Regional planning coalition: Establishment.

**COMPREHENSIVE REGIONAL POLICY PLANNING**

- [NRS 278.02521](#) Legislative intent.
- [NRS 278.02528](#) Comprehensive regional policy plan: Development by regional planning coalition; contents; prerequisites to adoption and amendment.
- [NRS 278.02535](#) Regional planning coalition: Study and development of incentives for certain types of development.
- [NRS 278.02542](#) Regional planning coalition: Powers; establishment of definition for term "project of regional significance."
- [NRS 278.02549](#) Certain public entities to submit plans to regional planning coalition for review; certain public entities to ensure consistency of land use plans and decisions with comprehensive regional policy plan and certified plans.
- [NRS 278.02556](#) Certain public entities prohibited from adopting or amending certain plans after March 1, 2001, unless regional planning coalition afforded opportunity to make recommendations; exception.
- [NRS 278.02563](#) Regional planning coalition to annually prepare, adopt and submit budget to local governments in region.
- [NRS 278.0257](#) Regional planning coalition authorized to employ persons and contract for services to carry out certain duties.
- [NRS 278.02577](#) Regional planning coalition to review plans of public entities for conformance with comprehensive regional policy plan; procedure upon determination of nonconformance or conformance; grants to city or county.

### PLANNING FOR LAND USE, TRANSPORTATION AND AIR QUALITY

- [NRS 278.02584](#) Regional planning coalition to cooperate with local air pollution control board and regional transportation commission for consistency of action and to carry out program of integrated, long-range planning; public hearings; preparation and submission of report.
- [NRS 278.02587](#) Bus turnouts: Designation of locations for and funding of construction by regional transportation commission; construction pursuant to interlocal or cooperative agreement.

### EXTENSION OF INFRASTRUCTURE TO UNDEVELOPED AREAS

- [NRS 278.02591](#) Analysis by governing body of cost to construct infrastructure in undeveloped area: Establishment; contents; approval; provision to regional planning coalition.
- [NRS 278.02598](#) Governing body authorized to negotiate master development agreements to carry out plan for infrastructure.

### REGIONAL PLANNING IN COUNTIES WHOSE POPULATION IS 100,000 OR MORE BUT LESS THAN 400,000

- [NRS 278.026](#) Definitions.
- [NRS 278.0261](#) Legislative findings and declaration.
- [NRS 278.0262](#) Regional planning commission: Creation; membership; chair; compensation; training.
- [NRS 278.0263](#) Regional planning commission: Request for assistance.
- [NRS 278.02632](#) Regional planning commission: Study and development of incentives for certain types of development.
- [NRS 278.0264](#) Governing board for regional planning: Creation; membership; chair; compensation; operational needs; capacity to sue and be sued; budget.
- [NRS 278.0265](#) Governing board for regional planning: Adoption of regulations; prescription of training for members of regional planning commission; fees for services provided; entry into cooperative agreements and interlocal agreements.
- [NRS 278.0266](#) Director of regional planning: Appointment; qualifications; powers and duties.
- [NRS 278.0268](#) Appointment of subcommittees and advisory committees.
- [NRS 278.0272](#) Development, review and amendment of regional plan; public hearings required.
- [NRS 278.0274](#) Contents of regional plan.
- [NRS 278.0276](#) Adoption of regional plan.
- [NRS 278.0277](#) Project of regional significance: Adoption of guidelines and procedures for review of proposal.
- [NRS 278.0278](#) Project of regional significance: Finding of conformance with adopted regional plan required before final approval and commencement of construction; appeal of determination to governing board.
- [NRS 278.02784](#) Joint planning area: Designation in regional plan; master plan required for area.
- [NRS 278.02786](#) Joint planning area: Procedure for recommendation and adoption of master plan.
- [NRS 278.02788](#) Adoption of master plan for sphere of influence; appeal of decision concerning use of land within sphere of influence.
- [NRS 278.028](#) Review and amendment of existing master plan, facilities plan or other similar plan; objection filed with regional planning commission; appeal of final determination to board.
- [NRS 278.0282](#) Review of proposed adoption or amendment of master plan, facilities plan or other similar plan; objection filed with regional planning commission; appeal of final determination to board.
- [NRS 278.0284](#) Conformity of local ordinances and regulations to master plan.
- [NRS 278.0286](#) Annual report by local planning commission; local government to file information relating to proposed actions concerning regional plan.
- [NRS 278.0288](#) Exempted region.
- [NRS 278.029](#) Facilities plan not required.

### PLANNING COMMISSIONS

- [NRS 278.030](#) Creation by cities and counties; number of members.
- [NRS 278.040](#) Members: Appointment; qualifications; compensation and expenses; terms; removal; vacancies.
- [NRS 278.050](#) Meetings; rules; records; continuances.
- [NRS 278.060](#) Chair: Election; term.
- [NRS 278.070](#) Additional officers; employees; consultants.
- [NRS 278.080](#) Expenditures; operational needs.
- [NRS 278.090](#) Regional planning commission: Creation; selection of representatives.
- [NRS 278.100](#) Regional planning commission: Members; terms; membership on city or county planning commission not public office; compensation; removal; vacancies.
- [NRS 278.110](#) Regional planning commission: Chair; employees.
- [NRS 278.120](#) Regional planning commission: Appropriation of money for expenses.
- [NRS 278.130](#) Regional planning commission: Performance of duties and functions of city or county planning commission; regional or intergovernmental decisions.
- [NRS 278.140](#) Regional planning districts: Formation and functions.
- [NRS 278.145](#) Report of location of utility project.
- [NRS 278.147](#) Facilities for use, manufacture, processing, transfer or storage of explosives or certain other substances: Conditional use permit required; application for and issuance of conditional use permit.
- [NRS 278.150](#) Master plan: Preparation and adoption by planning commission; adoption by governing body of city or county.
- [NRS 278.160](#) Subject matter of master plan.
- [NRS 278.170](#) Coordination of master plans; adoption of all or parts.
- [NRS 278.180](#) School sites: Commission to notify school boards of preparation of plans for community and public buildings.

- [NRS 278.185](#) Notice of plan for future construction of school.
- [NRS 278.190](#) Promotion of plans and regulations; consultations and advice; entry upon land; general powers.
- [NRS 278.200](#) Form of master plan.
- [NRS 278.210](#) Adoption of master plan and amendments by commission: Notice; hearing; neighborhood meeting; resolution; frequency of certain amendments; attested copies; certification by electronic means.
- [NRS 278.220](#) Adoption of master plan or part thereof by governing body; change to plan adopted by commission.
- [NRS 278.225](#) Governing body may establish by ordinance procedure for adopting minor amendments to master plan; public hearing and notice required before adoption of ordinance.
- [NRS 278.230](#) Governing body to put adopted master plan into effect.
- [NRS 278.235](#) Adoption of measures to maintain and develop affordable housing to carry out housing plan required in master plan; annual reports.
- [NRS 278.240](#) Approval required for certain dedications, closures, abandonments, construction or authorizations.
- [NRS 278.243](#) City or county authorized to represent own interests in certain matters if governing body has adopted master plan.
- [NRS 278.246](#) City or county authorized to enter into certain actions if governing body has adopted master plan.
- [NRS 278.250](#) Zoning districts and regulations.
- [NRS 278.260](#) Determination, establishment, enforcement and amendment of zoning regulations, restrictions and boundaries: Procedure and prerequisites; notice and hearing; signs; additional fee for certain applications.
- [NRS 278.262](#) Hearing examiners: Power of governing body to appoint.
- [NRS 278.263](#) Hearing examiners: Compensation; qualifications; removal.
- [NRS 278.264](#) Hearing examiners: Rules of procedure.
- [NRS 278.265](#) Hearing examiners: Notice and hearing; duties and powers; final action on certain matters; appeal of final action.

### ZONING BOARDS OF ADJUSTMENT

- [NRS 278.270](#) Creation.
- [NRS 278.280](#) Members: Appointment; compensation; terms; removal; vacancies.
- [NRS 278.290](#) Meetings, rules and records.
- [NRS 278.300](#) Powers.
- [NRS 278.310](#) Appeals: Persons entitled to appeal to board of adjustment; procedure; appeals from decisions of board of adjustment; alternative procedure if board of adjustment has not been created.

### SPECIAL EXCEPTIONS

- [NRS 278.315](#) Granting of variances, special and conditional use permits and other special exceptions by board of adjustment, planning commission or hearing examiner; appeal of decision.
- [NRS 278.319](#) Granting of minor deviations without hearing; appeal of decision.

### APPEALS

- [NRS 278.3195](#) Governing body to adopt ordinance allowing appeal to governing body concerning certain decisions regarding use of land; required contents of ordinance; appeal of decision of governing body to district court.

### DIVISIONS OF LAND

#### SUBDIVISION OF LAND: GENERAL PROVISIONS

- [NRS 278.320](#) "Subdivision" defined; exemptions for certain land.
- [NRS 278.325](#) Mapping for industrial or commercial development; restriction on sale of parcel for residential use; requirements for creating boundary by conveyance.
- [NRS 278.326](#) Local ordinances governing improvements, mapping, accuracy, engineering and related subjects.
- [NRS 278.327](#) Approval of map does not preclude further division.
- [NRS 278.328](#) Final action by planning commission on tentative map and final map: Authorization; appeal.
- [NRS 278.329](#) Relief from requirement to dedicate certain easements.

#### SUBDIVISION OF LAND: TENTATIVE MAPS

- [NRS 278.330](#) Preparation of tentative map; filing and distribution of copies; action by planning commission.
- [NRS 278.335](#) Review of tentative map by agencies of State; reviews and inspections by district board of health.
- [NRS 278.340](#) Review by city of tentative map of subdivision proposed to be located within 1 mile of boundary of city.
- [NRS 278.345](#) Review by county of tentative map of subdivision proposed to be located within 1 mile of boundary of unincorporated area of county.
- [NRS 278.346](#) Tentative map to be forwarded to school board; acquisition or disposal of school site.
- [NRS 278.347](#) Review of tentative map by general improvement district.
- [NRS 278.348](#) Review of tentative map by irrigation district in county whose population is less than 100,000.
- [NRS 278.3485](#) Review of tentative map for subdivision of land containing irrigation ditch located outside irrigation district in county whose population is less than 100,000.
- [NRS 278.349](#) Action on tentative map by governing body; considerations in determining action on tentative map; final disposition.
- [NRS 278.350](#) Limitations on time for action on tentative or final map; effect of certain agreements extending time limits covering portion of approved tentative map.

[NRS 278.353](#) Disclosure required when property offered for sale before final map recorded.

**SUBDIVISION OF LAND: FINAL MAPS**

[NRS 278.360](#) Requirements for presentation of final map or series of final maps; extensions of time. [Effective through June 30, 2013.]

[NRS 278.360](#) Requirements for presentation of final map or series of final maps; extensions of time. [Effective July 1, 2013.]

[NRS 278.371](#) Survey, setting of monuments and preparation of final map; performance bond.

[NRS 278.372](#) Final map: Requirements and contents.

[NRS 278.373](#) Certificates and acknowledgments to appear on final map.

[NRS 278.374](#) Certificate of owner of land; report and guarantee of title company.

[NRS 278.375](#) Certificate of professional land surveyor.

[NRS 278.376](#) Certificate by county or city surveyor or by county or city engineer.

[NRS 278.377](#) Certificates of certain governmental entities required; appeal from adverse decision of Division of Environmental Protection; copies of certain certificates to be furnished to subdivider and purchaser.

[NRS 278.378](#) Certificate by clerk of governing body, planning commission or other authorized person or agency; clerk to present final map to county recorder for recording.

[NRS 278.380](#) Approval of final map: General requirements; acceptance of dedications; imposition and appeal of requirements for improvements and security.

[NRS 278.385](#) Approval of final map: Submission of plans to install water meters.

[NRS 278.390](#) Title to dedicated property passes when final map recorded; offer of dedication may remain open.

[NRS 278.450](#) Fee for recording final map.

[NRS 278.460](#) Requirements for recording final map; county recorder to provide copy of final map or access to digital final map to county assessor.

**PARCEL MAPS**

[NRS 278.461](#) General requirements; exemptions.

[NRS 278.462](#) Requirements which may be imposed by governing body.

[NRS 278.4625](#) Minimum size of mobile home lot.

[NRS 278.463](#) Survey required; exception.

[NRS 278.464](#) Action on parcel map by planning commission, governing body or other authorized person or agency; waiver of requirement for map and survey; consideration of certain criteria authorized in determining approval of certain parcel maps; appeals; certificate of approval of parcel map.

[NRS 278.466](#) Form and contents of parcel map; reference to parcel number and recording.

[NRS 278.467](#) Preparation, recordation and contents of document which may be required if parcel map waived; statement indicating that property taxes have been paid; county recorder to provide copy of document or access to digital document to county assessor.

[NRS 278.468](#) Duties of preparer of parcel map upon approval; duties of county recorder.

[NRS 278.469](#) Map to indicate record of survey not in conflict with planning and zoning requirements.

**DIVISION OF LAND INTO LARGE PARCELS**

[NRS 278.471](#) Divisions of land subject to [NRS 278.471](#) to [278.4725](#), inclusive; exemption.

[NRS 278.4713](#) Preparation, contents and filing of tentative map; affidavit required.

[NRS 278.4715](#) Waiver of requirement to file tentative map; designation of easements.

[NRS 278.472](#) Final map: Filing; form and contents.

[NRS 278.4725](#) Final map: Action by planning commission or governing body; appeal; procedures in event of disapproval; conditions for approval; filing; contents; fee for recording; county recorder to provide copy of final map or access to digital final map to county assessor.

**AMENDMENT OF PLATS, SURVEYS AND MAPS**

[NRS 278.473](#) Certificate of amendment to correct or amend recorded plat, survey or map if correction or amendment does not change location of survey monument, property line or boundary line: Request; preparation, contents and recordation.

[NRS 278.475](#) Amended plat, survey or map to correct or amend recorded plat, survey or map if correction or amendment changes location of survey monument, property line or boundary line: Request; preparation and recordation.

[NRS 278.477](#) Amendment of recorded plat, map or survey which changes location of survey monument, property line or boundary line: Procedures and requirements.

**MAINTENANCE OF CERTAIN IMPROVEMENTS**

[NRS 278.478](#) Definitions.

[NRS 278.4781](#) "Landscaping" defined.

[NRS 278.4783](#) "Public lighting" defined.

[NRS 278.4785](#) "Security wall" defined.

[NRS 278.4787](#) Assumption of maintenance by governing body.

[NRS 278.4789](#) Provision through association for common-interest community; notice of failure to maintain; hearings; remedies of governing body.

**VACATION OR ABANDONMENT OF STREETS, EASEMENTS OR MAPS; REVERSION OF DIVIDED LAND**

[NRS 278.479](#) "Contiguous" defined.

[NRS 278.480](#) Vacation or abandonment of street or easement: Procedures, prerequisites and effect; appeal; reservation of

- [NRS 278.490](#) certain easements; sale of vacated portion.
- [NRS 278.4925](#) Reversion of maps and reversion of division of land to acreage: Procedure and requirements; exemption from certain requirements.
- [NRS 278.4955](#) Merger and subdivision of land without reversion to acreage: Authority; procedure; delineation of remaining streets and easements; crediting of security.
- [NRS 278.496](#) Requirements for submitting map of reversion.
- [NRS 278.4965](#) Requirements for presenting map of reversion for recording.
- Map of reversion must include certificate of approval from appropriate person.

**PARKS AND PLAYGROUNDS FOR RESIDENTIAL DEVELOPMENTS**

- [NRS 278.497](#) Definitions.
- [NRS 278.4971](#) "Apartment house" defined.
- [NRS 278.4973](#) "Mobile home" defined.
- [NRS 278.4975](#) "Mobile home lot" defined.
- [NRS 278.4977](#) "Residential dwelling unit" defined.
- [NRS 278.4979](#) Governing body may by ordinance require dedication of land for parks or playgrounds.
- [NRS 278.498](#) Ordinance requiring dedication: Conformity to or adoption of plan for recreation.
- [NRS 278.4981](#) Ordinance requiring dedication: Contents.
- [NRS 278.4982](#) Land dedicated for park or playground: Compensation of developer for excess; plan for development; time limited for development.
- [NRS 278.4983](#) Residential construction tax.
- [NRS 278.4985](#) Applicability to planned unit developments.
- [NRS 278.4987](#) Provisions for dedication and residential construction tax mutually exclusive; concurrent application prohibited.

**DEED RESTRICTIONS FOR SUBDIVISIONS IN UNINCORPORATED AREAS OF CERTAIN COUNTIES**

- [NRS 278.563](#) "Construction committee" and "deed restriction" defined.
- [NRS 278.564](#) Construction committee: Establishment and operation pursuant to deed restrictions; officers of committee to file affidavit with building official on annual basis; required contents of affidavit.
- [NRS 278.565](#) Deed restrictions: Copy to be filed with tentative map and with building official and presented to prospective purchaser; recording of original copy.
- [NRS 278.566](#) Written report of construction committee required before building official may issue building permit; application for written report; exceptions.
- [NRS 278.567](#) Procedure when construction committee inoperative.
- [NRS 278.568](#) Applicability to preexisting subdivisions.

**MISCELLANEOUS PROVISIONS**

- [NRS 278.569](#) Reservation in map of right-of-way for existing irrigation ditch.
- [NRS 278.5692](#) Approval of adjustments to boundary lines by governing body.
- [NRS 278.5693](#) Requirements for adjustment of boundary line or transfer of land involving adjacent property.
- [NRS 278.5695](#) County recorder required to indicate on copy of plot, plat, map or survey that subsequent changes should be examined.

**INSPECTION OF STRUCTURES AND ENFORCEMENT OF ZONING REGULATIONS**

- [NRS 278.570](#) Building official: Purpose; appointment; compensation; certification and continuing education; employees; expenditures.
- [NRS 278.573](#) Statement of restrictions: Delivery to owner of residence who is issued permit for construction thereon; acknowledgment of receipt; text.
- [NRS 278.575](#) Program to allow independent contractors to review plans for and inspect buildings.
- [NRS 278.577](#) Certain cities and counties to require certification and continuing education for persons who act as building official, review plans or inspect structure or building or portion thereof; exception; application in smaller counties.
- [NRS 278.580](#) Building codes: Adoption; fees for permits; applicability to State and Nevada System of Higher Education; authorization of use of materials and technologies that conserve resources in construction and use of solar or wind energy; adoption of seismic provisions and standards.
- [NRS 278.581](#) Adoption, enforcement and application of construction and energy codes in county whose population is 100,000 or more.
- [NRS 278.582](#) Minimal standards for plumbing fixtures in certain structures.
- [NRS 278.583](#) National Electrical Code: Applicability; approval; modification.
- [NRS 278.585](#) Compliance with appropriate city or county building code.
- [NRS 278.587](#) Duty of city or county building official to notify State Board of Professional Engineers and Land Surveyors concerning submission of incomplete or rejected plans.
- [NRS 278.589](#) Duty of city or county building official to notify State Board of Architecture, Interior Design and Residential Design concerning submission of incomplete or rejected plans.

**UNLAWFUL ACTS AND PENALTIES**

- [NRS 278.590](#) Unlawful sale or transfer of divided land; penalties; remedies.
- [NRS 278.600](#) Unlawful recording of map by recorder: Penalty.

- [NRS 278.610](#)      Unlawful to erect, construct, reconstruct, alter or change use of structure without building permit; requirements for obtaining permit.
- [NRS 278.630](#)      Violation of provisions concerning maps: County assessor to determine and report discrepancies and not place on tax roll or maps any land for which discrepancy exists; investigation; prosecution.

**IMPOSITION OF PLANS AND ZONING REGULATIONS BY GOVERNOR**

- [NRS 278.640](#)      Applicability of [NRS 278.640](#) to [278.675](#), inclusive.
- [NRS 278.645](#)      Imposition by Governor of plans and zoning regulations in absence of local action; extension of time for local action.
- [NRS 278.650](#)      Requirements of plans and zoning regulations; enforcement; hearings.
- [NRS 278.655](#)      Purposes and goals of comprehensive physical planning.
- [NRS 278.660](#)      Notice to Governor of proposed building construction.
- [NRS 278.665](#)      Governor may contract for appropriate services.
- [NRS 278.670](#)      Duration of plans and zoning regulations imposed by Governor.
- [NRS 278.675](#)      Power of Governor to institute civil actions to remedy violations.

**TAX FOR IMPROVEMENT OF TRANSPORTATION**

- [NRS 278.710](#)      Imposition of tax on privilege of development; special election; rate of tax; collection of tax; use of revenue; applicability of [chapter 278B](#) of NRS.

**SOUTHERN NEVADA ENTERPRISE COMMUNITY PROJECTS FUND**

- [NRS 278.750](#)      Creation and administration; credit of interest and income; expenditure.

**1973 NEVADA TAHOE REGIONAL PLANNING AGENCY**

**FINDINGS AND DECLARATION OF POLICY**

- [NRS 278.780](#)      Legislative findings and declaration.

**GENERAL PROVISIONS**

- [NRS 278.782](#)      Definitions.
- [NRS 278.784](#)      "Agency" defined.
- [NRS 278.786](#)      "Governing body" defined.
- [NRS 278.788](#)      "Planning commission" defined.
- [NRS 278.790](#)      "Region" defined.
- [NRS 278.791](#)      "Restricted gaming license" defined.

**ORGANIZATION**

- [NRS 278.792](#)      Nevada Tahoe Regional Planning Agency: Creation; composition of governing body. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- [NRS 278.792](#)      Nevada Tahoe Regional Planning Agency: Creation; composition, appointment and interests of governing body. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers, unless the 1987 amendments made to the Compact by the State of Nevada become effective before that time.]
- [NRS 278.792](#)      Nevada Tahoe Regional Planning Agency: Creation; composition, appointment and interests of governing body. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers, if the 1987 amendments made to the Compact by the State of Nevada become effective before that time.]
- [NRS 278.794](#)      Terms of office of members of governing body. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- [NRS 278.794](#)      Terms of office of members of governing body; review of appointments. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- [NRS 278.796](#)      Vacancies.
- [NRS 278.798](#)      Expenses of members and agency.
- [NRS 278.800](#)      Officers: Election; terms; vacancies.
- [NRS 278.802](#)      Meetings.
- [NRS 278.804](#)      Quorum; voting; rules of procedure.
- [NRS 278.806](#)      Office; records; budget.
- [NRS 278.808](#)      Advisory planning commission: Appointment; composition. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe

- [NRS 278.808](#) Regional Planning Agency has become unable to perform its duties or exercise its powers.]  
Advisory planning commission: Appointment; composition; terms; vacancies; quorum. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- [NRS 278.810](#) Executive Officer; staff; attorney.

#### PLANNING

- [NRS 278.8111](#) Regional plan: Adoption and review; contents. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- [NRS 278.8113](#) Regional plan: Public hearings by planning commission in preparing plan and amendments; action by governing body. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- [NRS 278.8115](#) Regional plan: Correlated elements. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- [NRS 278.8117](#) Regional plan: Formulation, maintenance, realization and administration. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- [NRS 278.8119](#) Maintenance and availability of data, maps and other information; assistance in exchanges of property. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

#### AGENCY'S POWERS

- [NRS 278.812](#) Review of applications approved by local authorities. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- [NRS 278.8121](#) Review and approval of public works. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- [NRS 278.8123](#) Review and approval of proposals by Agency: Time limitations. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- [NRS 278.8125](#) Permitted and conforming uses.
- [NRS 278.8127](#) Exemption from and intentment of [NRS 278.8125](#).
- [NRS 278.813](#) Ordinances, rules and regulations; general and regional standards. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- [NRS 278.814](#) Ordinances: Publication by title; copies transmitted to political subdivisions within region.
- [NRS 278.816](#) Enforcement of ordinances, rules, regulations and policies; jurisdiction of courts.
- [NRS 278.818](#) Violation of ordinance, rule or regulation: Penalty.
- [NRS 278.820](#) Fees for services of Agency. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- [NRS 278.820](#) Financial powers and duties of Agency. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- [NRS 278.822](#) Powers of local authorities subordinate to those of Agency.
- [NRS 278.824](#) Limitations on powers of Agency. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- [NRS 278.826](#) Assumption of powers and duties by Agency. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

#### UNLAWFUL ACTS

- [NRS 278.828](#) Unlawful contract or purchase by member of governing body; penalties.

NOTE: The section added to [chapter 278](#) of NRS by section 3 of chapter 577, Statutes of Nevada 1993, has been codified as subsection 3 of [NRS 393.110](#).

#### GENERAL PROVISIONS

**NRS 278.010 Definitions.** As used in [NRS 278.010](#) to [278.630](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 278.0105](#) to [278.0195](#), inclusive, have the meanings ascribed to them in those sections.

[1:110:1941; A 1947, 834; 1943 NCL § 5063]—(NRS A 1969, 327; 1973, 1335; 1975, 1562; 1977, 186, 1494; 1979, 1497; 1981, 1181; 1985, 2115; 1987, 932, 1391, 1488; 1989, 766; 1991, 580, 952, 956, 1382, 1386; 1993, 2559; 1995, 1105, 2062, 2063, 2225; 1997, 606; [1999, 1137, 1421, 1975, 3365, 3373, 3465, 2001, 597, 1246, 2531, 2804, 2003, 596, 656, 681, 974, 1738, 2337, 2966, 2005, 185, 981, 1583, 2007, 340, 1539, 2009, 834, 2281, 2758](#))

**NRS 278.0105 “Affordable housing” defined.** “Affordable housing” means housing affordable for a family with a total gross income that does not exceed 80 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.

(Added to NRS by 1995, 2225; A [2007, 1518](#))

**NRS 278.0107 “Average residential density” defined.** “Average residential density” means the number of lots intended for residential dwelling units within the boundaries of a subdivided or developed area, divided by the total number of acres within the boundaries of the subdivision or developed area.

(Added to NRS by [1999, 3363](#))

**NRS 278.011 “Building code” defined.** “Building code” means ordinances, plans, regulations or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.

(Added to NRS by 1993, 2557)

**NRS 278.0115 “Building official” defined.** “Building official” means a person employed by a city or county who is charged with the administration and enforcement of building codes. The term includes a person appointed to fill the position of building official pursuant to [NRS 278.570](#) and an administrative official of the city or county who is authorized by the city or county to assume the functions of the position of building official pursuant to [NRS 278.570](#).

(Added to NRS by [2001, 1245](#))

**NRS 278.012 “Cities and counties” defined.** “Cities and counties” means all counties and cities located in counties. Carson City is considered as a county.

(Added to NRS by 1993, 2557)

**NRS 278.0125 “City surveyor” defined.** “City surveyor” means a person appointed as such or a person designated by a city council or other legislative body of the city to perform the duties of a city surveyor pursuant to this chapter.

(Added to NRS by 1993, 2557)

**NRS 278.013 “Commission” and “planning commission” defined.** “Commission” or “planning commission” means the planning commission of the city, the county or the region, as established by ordinance or by the provisions of this chapter.

(Added to NRS by 1993, 2557)

**NRS 278.0135 “Common-interest community” defined.** “Common-interest community” has the meaning ascribed to it in [NRS 116.021](#).

(Added to NRS by 1993, 2557)

**NRS 278.014 “County surveyor” defined.** “County surveyor” means a person appointed as such or a person designated by a board of county commissioners or the Board of Supervisors of Carson City to perform the duties of a county surveyor pursuant to this chapter.

(Added to NRS by 1993, 2557)

**NRS 278.0145 “Final map” defined.** “Final map” means a map prepared in accordance with the provisions of [NRS 278.325, 278.360](#) to [278.460](#), inclusive, [278.472, 278.4725](#) or [278.4955](#) and any applicable local ordinance, which is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located or the recorder of Carson City.

(Added to NRS by 1993, 2557; A 1997, 2419)

**NRS 278.0147 “Gaming enterprise district” defined.** “Gaming enterprise district” has the meaning ascribed to it in [NRS 463.0158](#).

(Added to NRS by [2005, 1583](#))

**NRS 278.015 “Governing body” defined.** “Governing body” means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the Board of Supervisors.

(Added to NRS by 1993, 2557)

**NRS 278.0153 “Historic neighborhood” defined.** “Historic neighborhood” means a subdivided or developed area:

1. Which consists of 10 or more residential dwelling units;
2. Where at least two-thirds of the residential dwelling units are 40 or more years of age; and
3. Which has been identified by the governing body of the city or county within which the area is located as having a distinctive character or traditional quality that can be distinguished from surrounding areas or new developments in the vicinity. Distinguishing characteristics of a historic neighborhood may include, without limitation:

- (a) Significance to the cultural, social, political or economic history of the area in which it is located;
- (b) Association with a significant person, group or event in local, state or national history;
- (c) Representation of an established and familiar visual feature of an area because of its location, design, architecture or singular physical appearance; or
- (d) Meeting the criteria for eligibility for listing on the State or National Register of Historic Places.

(Added to NRS by [2009, 2758](#))

**NRS 278.0155 “Improvement” defined.** “Improvement” means such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.

(Added to NRS by 1993, 2557)

**NRS 278.0157 “Infrastructure” and “public facilities” defined.** “Infrastructure” or “public facilities” means water, sanitary sewer, storm sewer, street, parks, fire, police and flood protection.

(Added to NRS by [1999, 3363](#))

**NRS 278.016 “Local ordinance” defined.** “Local ordinance” means an ordinance enacted by the governing body of any city or county, pursuant to the powers granted in [NRS 278.010](#) to [278.630](#), inclusive.

(Added to NRS by 1993, 2557)

**NRS 278.0165 “Lot” defined.** “Lot” means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.

(Added to NRS by 1993, 2558)

**NRS 278.0166 “Military installation” defined.** “Military installation” means a base or facility at which or from which the Air Force, Army, Coast Guard, Marine Corps, Navy, Air Force Reserve, Army Reserve, Coast Guard Reserve, Marine Corps Reserve, Navy Reserve or National Guard conducts exercises, maneuvers, operations, patrols or training.

(Added to NRS by [2007, 339](#))

**NRS 278.0167 “Mobile home park” defined.** “Mobile home park” has the meaning ascribed to “manufactured home park” in [NRS 118B.017](#).

(Added to NRS by [1999, 3464](#); A [2001, 1190](#))

**NRS 278.017 “Parcel map” defined.** “Parcel map” means a map as provided in [NRS 278.461](#), [278.462](#), [278.463](#), [278.464](#) or [278.466](#).

(Added to NRS by 1993, 2558; A 1997, 2419)

**NRS 278.0172 “Regional planning coalition” defined.** “Regional planning coalition” means the regional planning coalition described in [NRS 278.02514](#).

(Added to NRS by [1999, 1973](#))

**NRS 278.0173 “Renewable energy” defined.**

1. “Renewable energy” means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

- (a) Biomass;
- (b) Fuel cells;
- (c) Geothermal energy;
- (d) Solar energy;
- (e) Waterpower; and
- (f) Wind.

2. The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(Added to NRS by [2009, 2280](#))

**NRS 278.01735 “Renewable energy generation project” defined.** “Renewable energy generation project” means a project involving an electric generating facility or system that uses renewable energy as its primary source of energy to generate electricity. The term does not include a project involving an electric generating facility or system that uses nuclear energy, in whole or in part, to generate electricity.

(Added to NRS by [2009, 2280](#))

**NRS 278.0174 “Residential dwelling unit” defined.** “Residential dwelling unit” has the meaning ascribed to it in [NRS 278.4977](#).

(Added to NRS by [1999, 3363](#))

**NRS 278.0175 “Right-of-way” defined.** “Right-of-way” includes all public and private rights-of-way and all areas required for public use in accordance with any master plan or parts thereof.

(Added to NRS by 1993, 2558)

**NRS 278.0177 “Rural preservation neighborhood” defined.** “Rural preservation neighborhood” means a subdivided or developed area:

- 1. Which consists of 10 or more residential dwelling units;
- 2. Where the outer boundary of each lot that is used for residential purposes is not more than 330 feet from the outer boundary of any other lot that is used for residential purposes;
- 3. Which has no more than two residential dwelling units per acre; and
- 4. Which allows residents to raise or keep animals noncommercially.

(Added to NRS by [1999, 3363](#))

**NRS 278.018 “Streets” defined.** “Streets” includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights-of-way, and other ways.

(Added to NRS by 1993, 2558)

**NRS 278.0185 “Subdivider” defined.** “Subdivider” means a person or governmental entity which causes land to be divided into a subdivision for that person or governmental entity or for others.

(Added to NRS by 1993, 2558)

**NRS 278.019 “Tentative map” defined.** “Tentative map” means a map made to show the design of a proposed subdivision and the existing conditions in and around it.

(Added to NRS by 1993, 2558)

**NRS 278.0193 “Used for residential purposes” defined.** “Used for residential purposes” means a lot or parcel of land that is 5 acres or less in area and contains a residential dwelling unit of a permanent nature.

(Added to NRS by [1999, 3363](#))

**NRS 278.0195 “Utility project” defined.** “Utility project” means:

1. An electric transmission line which is designed to operate at 200 kilovolts or more; or
2. A line used to transport natural gas which operates at 20 percent or more of the specified minimum yield strength of the material from which the line is constructed,

È which has been approved for construction after October 1, 1991, by the State or Federal Government or a governing body.

(Added to NRS by 1993, 2558)

**NRS 278.020 Regulation by governing bodies of improvement of land and location of structures for general welfare.**

1. For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing bodies of cities and counties are authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures.

2. Any such regulation, restriction and control must take into account:

(a) The potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment; and

(b) The availability of and need for affordable housing in the community, including affordable housing that is accessible to persons with disabilities.

[2:110:1941; A 1947, 834; 1943 NCL § 5063.01]—(NRS A 1973, 1241; 1995, 2225)

**NRS 278.0201 Agreement with governing body concerning development of land: Manner and contents; extension of period for commencement of construction under certain circumstances; applicable ordinances, resolutions and regulations; restrictions on subsequent action by governing body.**

1. In the manner prescribed by ordinance, a governing body may, upon application of any person having a legal or equitable interest in land, enter into an agreement with that person concerning the development of that land. This agreement must describe the land which is the subject of the agreement and specify the duration of the agreement, the permitted uses of the land, the density or intensity of its use, the maximum height and size of the proposed buildings and any provisions for the dedication of any portion of the land for public use. The agreement may fix the period within which construction must commence and provide for an extension of that deadline.

2. For an agreement entered into for the residential or commercial development of land, the governing body may extend, beyond the original deadline and beyond any extension of that deadline pursuant to subsection 1, the period within which construction must commence if the person:

(a) Applies for an extension before July 1, 2013, subject to any applicable ordinances adopted by the governing body;

(b) Demonstrates to the satisfaction of the governing body that:

(1) Financing for the residential or commercial project is not available; and

(2) The land will be leased for a renewable energy generation project; and

(c) Submits with his or her application for an extension an affidavit showing that due diligence has been used to obtain financing for the residential or commercial project. The affidavit must include, without limitation, evidence that:

(1) The project was denied financing by at least two lenders; or

(2) The person was unable to issue bonds or other securities to finance the project.

3. An agreement must not be extended pursuant to subsection 2:

(a) For more than 15 years after the original deadline or, if the deadline is extended pursuant to subsection 1, after that extension; or

(b) If the land ceases to be leased for a renewable energy generation project, after the period established pursuant to subsection 4.

4. If a governing body extends a deadline pursuant to subsection 2, the governing body shall establish the maximum duration of the period for which the agreement will remain valid if the land is no longer leased for a renewable energy generation project.

5. Unless the agreement otherwise provides and except as otherwise provided in subsection 7, the ordinances, resolutions or regulations applicable to that land and governing the permitted uses of that land, density and standards for design, improvements and construction are those in effect at the time the agreement is made.

6. This section does not prohibit the governing body from adopting new ordinances, resolutions or regulations applicable to that land which do not conflict with those ordinances, resolutions and regulations in effect at the time the agreement is made, except that any subsequent action by the governing body must not prevent the development of the land as set forth in the agreement. The governing body is not prohibited from denying or conditionally approving any other plan for development pursuant to any ordinance, resolution or regulation in effect at the time of that denial or approval.

7. Notwithstanding the provisions of subsection 6, if the governing body extends a deadline pursuant to subsection 2, changes to ordinances, resolutions or regulations that:

(a) Are made after the extension is granted; and

(b) Enforce environmental, life or safety standards against land that the governing body determines are similar to the land for which an agreement was made pursuant to this section,

È apply to the land for which the agreement was made.

8. The provisions of subsection 2 of [NRS 278.315](#) and [NRS 278.350](#) and [278.360](#) do not apply if an agreement entered into pursuant to this section contains provisions which are contrary to the respective sections.

9. As used in this section, "environmental, life or safety standards" includes, without limitation:

(a) Standards and codes relating to the usage of water; and

(b) Any specialized or uniform code related to environmental, life or safety standards.

(Added to NRS by 1985, 2114; A 1991, 582; 1997, 2419; [2009, 2281](#))

**NRS 278.0203 Agreement with governing body concerning development of land: Approval by ordinance; recording.**

1. The governing body may, if it finds that the provisions of the agreement are consistent with the master plan, approve the agreement by ordinance.

2. Within a reasonable time after approval of the agreement, the clerk of the governing body shall cause the original agreement to be recorded with the county recorder or the recorder of Carson City. Upon recordation, the agreement binds all parties and their successors in interest for the duration of the agreement.

(Added to NRS by 1985, 2114; A [2001, 1759](#))

**NRS 278.0205 Agreement with governing body concerning development of land: Amendment or cancellation; review of development by governing body; notice; approval of amendment; filing and recording of amendment.**

1. The agreement for development of land may be amended or cancelled, in whole or in part, by mutual consent of the parties to the agreement or their successors in interest, except that if the governing body determines, upon a review of the development of the land held at least once every 24 months, that the terms or conditions of the agreement are not being complied with, it may cancel or amend the agreement without the consent of the breaching party.

2. Notice of intention to amend or cancel any portion of the agreement must be given by publication in a newspaper of general circulation in the applicable city or county. The governing body may approve any amendment to the agreement by ordinance if the amendment is consistent with the master plan. The original of the amendment must be filed for recording with the county recorder or the recorder of Carson City.

(Added to NRS by 1985, 2114)

**NRS 278.0207 Agreement with governing body concerning development of land: Recording of certified copy of ordinance adopting agreement.** A certified copy of any local ordinance adopting the agreement for the development of property and any amendments thereto must be recorded in the office of the county recorder or the recorder of Carson City.

(Added to NRS by 1985, 2115)

**NRS 278.02073 Building permit for residential or commercial project: Extension of period of validity when financing is not available and land is leased for renewable energy generation project.**

1. A director of planning or a governing body may extend the period for which a building permit for a residential or commercial project is valid if the person to whom the permit has been issued:

(a) Applies for an extension before July 1, 2013, subject to any applicable ordinances or regulations adopted by the governing body;

(b) Demonstrates to the satisfaction of the director of planning or governing body that:

(1) Financing for the residential or commercial project is not available; and

(2) The land will be leased for a renewable energy generation project; and

(c) Submits with his or her application for an extension an affidavit showing that due diligence has been used to obtain financing for the residential or commercial project. The affidavit must include, without limitation, evidence that:

(1) The project was denied financing by at least two lenders; or

(2) The person was unable to issue bonds or other securities to finance the project.

2. A building permit that is extended pursuant to subsection 1 must not be effective:

(a) For more than 15 years after the original expiration date of the building permit; or

(b) If the land ceases to be leased for a renewable energy generation project, after the period established by the director of planning or governing body pursuant to subsection 3.

3. If a director of planning or governing body extends the period for which a building permit is valid pursuant to subsection 1, the director of planning or governing body shall establish the maximum duration of the period for which the permit will remain valid if the land is no longer leased for a renewable energy generation project.

4. If a director of planning or governing body extends the period for which a building permit is valid pursuant to subsection 1:

(a) No condition may be placed on the permit that was not imposed on the original permit; and

(b) Except as otherwise provided in subsection 5, the ordinances, resolutions or regulations applicable to the land and governing the permitted uses of the land, density and standards for design, improvements and construction are those in effect at the time the building permit is issued.

5. Changes to ordinances, resolutions or regulations that enforce environmental, life or safety standards against parcels of land that the director of planning or governing body determines are similar to the land for which the building permit was issued will apply to the parcel of land for which the permit was issued.

6. As used in this section, "environmental, life or safety standards" includes, without limitation:

(a) Standards and codes relating to the usage of water; and

(b) Any specialized or uniform code related to environmental, life or safety standards.

(Added to NRS by [2009, 2280](#))

**NRS 278.02077 Prohibition against prohibiting or unreasonably restricting use of system for obtaining wind energy; exceptions.**

1. Except as otherwise provided in subsection 2:

(a) A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts the owner of real property from using a system for obtaining wind energy on his or her property.

(b) Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts the owner of the property from using a system for obtaining wind energy on his or her property is void and unenforceable.

2. The provisions of subsection 1 do not prohibit a reasonable restriction or requirement:

(a) Imposed pursuant to a determination by the Federal Aviation Administration that the installation of the system for obtaining wind energy would create a hazard to air navigation; or

(b) Relating to the height, noise or safety of a system for obtaining wind energy.

3. For the purposes of this section, "unreasonably restricts the owner of the property from using a system for obtaining wind energy" includes the placing of a restriction or requirement on the use of a system for obtaining wind energy which significantly decreases the efficiency or performance of the system and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.

(Added to NRS by [2009, 1598](#))

**NRS 278.0208 Prohibition against prohibiting or unreasonably restricting use of system for obtaining solar energy.**

1. A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of real property from using a system for obtaining solar energy on his or her property.

2. Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of the property from using a system for obtaining solar energy on his or her property is void and unenforceable.

3. For the purposes of this section, the following shall be deemed to be unreasonable restrictions:

(a) The placing of a restriction or requirement on the use of a system for obtaining solar energy which decreases the efficiency or performance of the system by more than 10 percent of the amount that was originally specified for the system, as determined by the Director of the Office of Energy, and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.

(b) The prohibition of a system for obtaining solar energy that uses components painted with black solar glazing.

(Added to NRS by 1995, 1105; A [2005, 1820](#); [2009, 1599](#))

**NRS 278.02081 Mandatory consideration of certain standards and guidelines if governing body establishes committee or task**

**force on sustainable energy.** If a governing body establishes a committee or task force on sustainable energy, the committee or task force shall consider:

1. Standards for the efficient use of water;
2. Standards for the efficient use of energy, including, without limitation, the use of sources of renewable energy;
3. Performance guidelines for new, remodeled and renovated buildings; and
4. Performance guidelines for retrofit projects,

Ê including, without limitation, energy consumption, use of potable water, use of water for landscaping purposes and solid waste disposal.

(Added to NRS by [2005, 22nd Special Session, 69](#))

**NRS 278.02083 Prohibition against restricting right of owner to display United States flag on real property; limitations; recovery of attorney's fees and costs in action for enforcement.**

1. Except as otherwise provided in subsection 2:

(a) A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits an owner of real property from engaging in the display of the flag of the United States on his or her property.

(b) Any covenant, condition or restriction contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property that prohibits the owner of the property from engaging in the display of the flag of the United States on his or her property is void and unenforceable.

2. The provisions of this section do not:

(a) Apply to the display of the flag of the United States for commercial advertising purposes.

(b) Preclude a governing body from imposing reasonable restrictions as to the time, place and manner of display of the flag of the United States if the governing body determines that such restrictions are necessary to protect the health, safety or welfare of the public. For the purposes of this paragraph, reasonable restrictions as to the time, place and manner of display of the flag of the United States may include, without limitation, reasonable restrictions as to height and setback.

3. In any action commenced to enforce the provisions of this section, the prevailing party is entitled to recover reasonable attorney's fees and costs.

4. As used in this section, "display of the flag of the United States" means a flag of the United States that is:

(a) Made of cloth, fabric or paper;

(b) Displayed from a pole or staff or in a window; and

(c) Displayed in a manner that is consistent with 4 U.S.C. Chapter 1.

Ê The term does not include a depiction or emblem of the flag of the United States that is made of balloons, flora, lights, paint, paving materials, roofing, siding or any other similar building, decorative or landscaping component.

(Added to NRS by [2003, 2965](#))

**NRS 278.02085 Amateur radio: Limitations on restrictions on amateur service communications; limitations on regulation of station antenna structures; exception.**

1. A governing body shall not adopt an ordinance, regulation or plan or take any other action that precludes amateur service communications or that in any other manner does not conform to the provisions of 47 C.F.R. § 97.15 and the limited preemption entitled "Amateur Radio Preemption, 101 F.C.C. 2d 952 (1985)" as issued by the Federal Communications Commission.

2. If a governing body adopts an ordinance, regulation or plan or takes any other action that regulates the placement, screening or height of a station antenna structure based on health, safety or aesthetic considerations, the ordinance, regulation, plan or action must:

(a) Reasonably accommodate amateur service communications; and

(b) Constitute the minimum level of regulation practicable to carry out the legitimate purpose of the governing body.

3. The provisions of this section do not apply to any district organized pursuant to federal, state or local law for the purpose of historic or architectural preservation.

4. Any ordinance, regulation or plan adopted by or other action taken by a governing body in violation of the provisions of this section is void.

5. As used in this section:

(a) "Amateur radio services" has the meaning ascribed to it in 47 C.F.R. § 97.3.

(b) "Amateur service communications" means communications carried out by one or more of the amateur radio services.

(c) "Amateur station" has the meaning ascribed to it in 47 C.F.R. § 97.3.

(d) "Station antenna structure" means the antenna that serves an amateur station, including such appurtenances and other structures as may be necessary to support, stabilize, raise, lower or otherwise adjust the antenna.

(Added to NRS by [2001, 596](#))

**NRS 278.0209 Factory-built housing: Inclusion in definition of "single-family residence"; standards for safety and development; installation prohibited under certain circumstances.**

1. In any ordinance relating to the zoning of land adopted or amended by a governing body, the definition of "single-family residence" must include factory-built housing that has been built in compliance with the standards for single-family residential dwellings of the *Uniform Building Code* most recently adopted by the International Conference of Building Officials.

2. An ordinance of the governing body may require factory-built housing to comply with standards for safety which exceed the standards prescribed in subsection 1 if a single-family residential dwelling on the same lot is also required to comply with those standards.

3. The governing body shall adopt the same standards for development for the factory-built housing and the lot on which it is placed as those to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to:

(a) Requirements for the setback of buildings.

(b) Side and rear-yard requirements.

(c) Standards for enclosures, access and the parking of vehicles.

(d) Aesthetic requirements.

(e) Requirements for minimum square footage.

(f) Requirements for design, style and structure.

4. The governing body may prohibit the installation of factory-built housing in a specified area if:

(a) More than 6 years have elapsed between the date of manufacture of factory-built housing and the date of the application for the issuance of a permit to install factory-built housing in the affected area; or

(b) The area contains a building, structure or other object having a special character or special historical interest or value.

5. As used in this section, "factory-built housing" has the meaning ascribed to it in [NRS 461.080](#).

6. The provisions of this section do not abrogate a recorded restrictive covenant.

(Added to NRS by 1995, 2759; A [2007, 2333](#))

**NRS 278.02095 Manufactured homes: Inclusion in definition of “single-family residence”; governing body to adopt standards for placement outside mobile home park; surrender of certificate of ownership of certain manufactured homes to Manufactured Housing Division; limitations.**

1. Except as otherwise provided in this section, in an ordinance relating to the zoning of land adopted or amended by a governing body, the definition of “single-family residence” must include a manufactured home.

2. Notwithstanding the provisions of subsection 1, a governing body shall adopt standards for the placement of a manufactured home that will not be affixed to a lot within a mobile home park which require that:

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

(2) Be manufactured within the 6 years immediately preceding the date on which it is affixed to the residential lot;

(3) Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home, as established by the governing body;

(4) Consist of more than one section; and

(5) Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

(b) If the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.

E The governing body of a local government in a county whose population is less than 40,000 may adopt standards that are less restrictive than the standards set forth in this subsection.

3. Standards adopted by a governing body pursuant to subsection 2 must be objective and documented clearly and must not be adopted to discourage or impede the construction or provision of affordable housing, including, without limitation, the use of manufactured homes for affordable housing.

4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the Manufactured Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

5. The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes, nor do the provisions apply within the boundaries of a historic district established pursuant to [NRS 384.005](#) or [384.100](#). An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.

6. As used in this section:

(a) “Manufactured home” has the meaning ascribed to it in [NRS 489.113](#).

(b) “New manufactured home” has the meaning ascribed to it in [NRS 489.125](#).

(Added to NRS by [1999, 3464](#); A [2001, 1119](#), [1964](#); [2007, 2334](#))

**NRS 278.0213 Obstruction of outdoor advertising structures by certain improvement projects: Required action by governing body; limitations on authorized actions; implementation and applicability of provisions.**

1. If any improvement project is caused to be constructed for purposes of noise abatement by the governing body of a city or county within the right-of-way of a controlled-access freeway, which obstructs the visibility from the main-traveled way of the controlled-access freeway of an outdoor advertising structure that adjoins the controlled-access freeway, the governing body of the city or county shall:

(a) Authorize, with the consent of the Department of Transportation pursuant to [chapter 410](#) of NRS and at no cost to the State or any local government, the owner of the outdoor advertising structure to adjust the height or angle of the structure to a height or angle that restores the visibility of the structure to the same or comparable visibility as before the construction of the improvement project;

(b) Authorize, with the consent of the Department of Transportation pursuant to [chapter 410](#) of NRS and at no cost to the State or any local government, the owner of the outdoor advertising structure to relocate the structure to another location on the same parcel of land or on another parcel of land where the owner of the structure has secured the right to construct a structure pursuant to the applicable local ordinances in existence at that time and the relocation restores the visibility of the structure to the same or comparable visibility as before the construction of the improvement project;

(c) Evaluate the impact of the improvement project on the visibility of the outdoor advertising structure and may, in its discretion, implement design modifications to the project which maintain the integrity of the project and which eliminate the effect of the project on the visibility of the structure so that adjustments to or relocation of the structure are not required to maintain its visibility;

(d) Authorize, with the consent of the Department of Transportation pursuant to [chapter 410](#) of NRS and at no cost to the State or any local government, any other relief which is consistent with the public health, safety and welfare and which is mutually agreed upon by the governing body of the city or county, the Department of Transportation and the owner of the outdoor advertising structure; or

(e) If the actions described in paragraphs (a) to (d), inclusive, would not result in the same or comparable visibility of the structure, let the visibility of the structure remain obstructed.

2. Any action authorized pursuant to subsection 1 must comply with applicable federal and state statutes and regulations, agreements with the Federal Government or the State and, to the extent that their provisions do not conflict with this section, local ordinances governing the regulation of outdoor advertising structures.

3. The provisions of subsection 1 do not authorize the owner of an outdoor advertising structure to increase the size of the area of display of the structure.

4. A city or county may implement the provisions of this section by ordinance or by variance or waiver from applicable ordinance, rule or regulation.

5. The provisions of this section:

(a) Apply to lawfully erected conforming and nonconforming outdoor advertising structures;

(b) Are not intended to grant an express or implied right of light, air or view over a controlled-access freeway if such a right is not otherwise provided by law;

(c) Do not apply to an outdoor advertising structure whose visibility was obstructed on or before June 6, 2005, by an improvement project for noise abatement;

(d) Do not change the designation of an existing nonconforming outdoor advertising structure from nonconforming to conforming; and

(e) Do not authorize an increase in the number of nonconforming outdoor advertising structures.

6. As used in this section:

(a) “Controlled-access freeway” means every highway to or from which owners or occupants of abutting lands and other persons are prohibited from having direct private access, and where access is allowed only at interchanges; and

(b) “Outdoor advertising structure” means a billboard, subject to a permit issued by the Department of Transportation, that is designed,

intended or used to disseminate commercial and noncommercial messages that do not concern the premises upon which the billboard is located.

(Added to NRS by [2005, 980](#))

**NRS 278.0215 Nonconforming outdoor advertising structures: City or county to pay just compensation or authorize relocation if it requires removal or prohibits routine maintenance; exceptions; required removal of structure pursuant to amortization schedule prohibited; public hearing required in certain circumstances; appeal of amount of just compensation.**

1. If a city or county, through the adoption, operation or enforcement of any ordinance or code, requires the removal of a nonconforming outdoor advertising structure, the city or county shall:

(a) Pay just compensation for the loss of the nonconforming outdoor advertising structure to the owner of the nonconforming outdoor advertising structure and to the owner of the real property upon which the nonconforming outdoor advertising structure is located; or

(b) Authorize the owner of the nonconforming outdoor advertising structure to relocate that structure to a site which is determined to be a comparable site by the owner of the nonconforming outdoor advertising structure and which is approved by the city or county as an appropriate site for the structure.

2. If a city or county prohibits the owner of a nonconforming outdoor advertising structure from engaging in routine maintenance of the nonconforming outdoor advertising structure, the city or county shall provide just compensation or authorize a comparable alternative location for the nonconforming outdoor advertising structure in the same manner as if the city or county had required the removal of the nonconforming outdoor advertising structure pursuant to subsection 1.

3. A city or county shall not require the removal of a nonconforming outdoor advertising structure to occur pursuant to an amortization schedule, regardless of the length of the period set forth in the amortization schedule.

4. The requirements of subsection 1 do not apply to a nonconforming outdoor advertising structure that is:

(a) Required to be removed as a result of the owner of the real property upon which the nonconforming outdoor advertising structure is located terminating the lease that governs the placement of the nonconforming outdoor advertising structure on that property pursuant to the terms of that lease; or

(b) Destroyed or damaged in excess of 50 percent of its material structural value as a result of a natural disaster, including, without limitation, a fire, flood, earthquake, windstorm, rainstorm and snowstorm.

5. A city or county shall not require the removal of a nonconforming outdoor advertising structure as a condition to the development or redevelopment of the property upon which the nonconforming outdoor advertising structure is located without first holding a public hearing at which the owner of the nonconforming outdoor advertising structure has an opportunity to be heard. The requirements of subsection 1 do not apply if, after the public hearing required by this subsection, a city or county requires the removal of the nonconforming outdoor advertising structure.

6. If the owner of a nonconforming outdoor advertising structure or the owner of the real property upon which the nonconforming outdoor advertising structure is located disagrees with the amount of just compensation the city or county determines should be paid to the owner, the owner may appeal the determination to a court of competent jurisdiction. In determining the amount of just compensation that should be paid to an owner pursuant to subsection 1, the court shall consider:

(a) The uniqueness of the location of the property upon which the nonconforming outdoor advertising structure is erected;

(b) Whether the nonconforming outdoor advertising structure can be relocated to a comparable site;

(c) The amount of income generated by the nonconforming outdoor advertising structure; and

(d) The length of time remaining on any applicable term of a lease governing the nonconforming outdoor advertising structure.

7. As used in this section:

(a) "Amortization schedule" means an extended period over which a person is required to remove a nonconforming outdoor advertising structure.

(b) "Just compensation" means the most probable price that a nonconforming outdoor advertising structure would bring in a competitive and open market under the conditions of a fair sale, without the price being affected by undue stimulus.

(c) "Material structural value" means the cost of labor and materials necessary to erect an outdoor advertising structure. The term does not include any revenue or expenses related to the lease of real property upon which the outdoor advertising structure is located.

(d) "Nonconforming outdoor advertising structure" means an outdoor advertising structure which is constructed or erected in conformance with all applicable local ordinances and codes in effect on the date a building permit is issued for the outdoor advertising structure and which does not conform subsequently because of a change to the local ordinances or codes. The term does not include an outdoor advertising structure that is authorized by a special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land if, when the special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land was first approved, the special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land was limited by a specific condition which allowed or required the governing body of the city or county to conduct a review of the structure.

(e) "Outdoor advertising structure" means any sign, display, billboard or other device that is designed, intended or used to advertise or inform readers about services rendered or goods produced or sold on property other than the property upon which the sign, display, billboard or other device is erected.

(f) "Routine maintenance" means normal repair and upkeep of the structural integrity and appearance of a nonconforming outdoor advertising structure. The term does not include any increase in the size or height of the structure or any addition or enhancement to the structure that increases the visual effect of the structure or increases the impact on the use of the land in the area around the structure.

(Added to NRS by [2001, 2281](#))

**NRS 278.0217 Certain documents to be retained by governing body or other entity that causes notices of hearing to be provided.**

If a governing body or other entity causes notice of a hearing to be provided pursuant to [NRS 278.0215](#), [278.147](#), [278.260](#), [278.315](#), [278.4789](#) or [278.480](#), the governing body or other entity shall retain:

1. A copy of the notice;

2. A list of the persons or governmental entities to which the notice was addressed; and

3. A record of the date on which the notice was deposited in the United States mail, postage prepaid, or, if applicable, sent by electronic means.

(Added to NRS by [2003, 2337](#))

**NRS 278.022 Restriction of adult motion picture theaters and bookstores: Declaration of legislative intent.**

1. It is hereby declared a matter of legislative declaration and belief that the morals of the youth of the State of Nevada are threatened by the presence of adult motion picture theaters and adult bookstores which are appearing throughout some of the communities of our State. These establishments and the type and character of the merchandise and paraphernalia sold in them create an aura of mystery and enticement for Nevada's youngsters that is increased by the lascivious and suggestive advertising that is often employed to promulgate the availability of

these products and services. It is the intent of the Legislature to minimize the exposure of our youth to the influence of these establishments.

2. It is further the firm belief that the moral values of our youth and therefore the mores of our society are in great part influenced and determined by the family, but are affected by the presence of an exposure to these establishments; therefore, it is the firm belief of the Legislature that society has a vital duty and role in the protection of our moral fiber and standards for the well being of us all as a society.

3. The location of these establishments is of vital concern to society in regard to their location near areas where our youth may learn, play, pass by, or would be exposed to their advertising, window displays, or the general atmosphere encompassing their operation.

(Added to NRS by 1973, 321)

**NRS 278.0221 Restriction of adult motion picture theaters and bookstores: Definitions.**

1. "Adult motion picture theater" means a motion picture theater whose program, during the time of its operation, contains one or more motion pictures which are rated "X" by the Code Rating Administration of the Motion Picture Association of America, or are not rated, and whose program is intended to appeal to the prurient interests of the viewer.

2. "Adult bookstore," for the purposes of this chapter, means an establishment which merchandises printed material or movies which are intended to appeal to the prurient interests of the reader.

(Added to NRS by 1973, 321)

**NRS 278.0222 Restriction of adult motion picture theaters and bookstores: Authority of commission and governing body.** A commission may recommend or a governing body may adopt zoning regulations restricting the construction, reconstruction, alteration, repair or use of buildings, structures or land as adult bookstores or adult motion picture theaters to specific districts within the geographical jurisdiction of the commission and governing body.

(Added to NRS by 1973, 321)

**NRS 278.0226 Preparation of annual plan for capital improvements; contents of plan.** The governing body of each local government whose budget includes any expenditure for the acquisition or maintenance of a capital improvement shall annually prepare a plan for capital improvements which conforms with its master plan and which includes at least the 3 ensuing fiscal years but not more than 20 fiscal years. The plan for capital improvements must identify:

1. Costs that the local government expects to incur; and

2. Sources of revenue that the local government will use,

to acquire, maintain, operate and replace capital improvements.

(Added to NRS by 1989, 188; A 1989, 768; [1999, 2124](#))

**NRS 278.023 Enactment of separate zoning and planning ordinances for specific parts of territories.** Where parts of the territory of any county or city lie within the jurisdiction of different regional planning commissions or other planning authorities, the governing body of such county or city may enact a separate building, subdivision, zoning or similar ordinance for each such part of its territory.

(Added to NRS by 1969, 861)

**NRS 278.0231 Requirement to place street address or identifying number on exterior of certain buildings; notice of violation.**

1. Each governing body shall require by ordinance that the owner of every:

(a) Apartment complex place the number of its street address on the complex in such a manner that the police, fire department and other persons responding to an emergency can readily locate individual dwelling units within the complex.

(b) Commercial shopping center place on the back door of each business in the shopping center, in numerals at least 3 inches high, a number identifying that business.

(c) Building which is owned by or leased to the State or a political subdivision thereof and located within the jurisdiction of the governing body place the number of its street address on the front of the building in such a manner that the police, fire department and other persons responding to an emergency can readily locate the building.

(d) Building which is used for commercial purposes place the number of its street address on the front of the building in such a manner that the police, fire department and other persons responding to an emergency can readily locate the building.

2. If, during an inspection of a building, any member of a fire department becomes aware of a violation of an ordinance adopted pursuant to subsection 1, the chief officer of the fire department or an employee designated by the chief officer, shall give notice of the violation to the owner or occupant of the building.

3. As used in this section, "apartment complex" means a building or group of buildings, each building of which is arranged in several suites of connecting rooms, each suite designed for independent housekeeping.

(Added to NRS by 1987, 1488; A 1991, 998)

**NRS 278.02313 Maintenance, reconstruction and repair of sidewalks: Circumstances under which governing body may compel action by owner of property.**

1. Except as otherwise provided in subsection 2, a governing body shall not require an owner of property to maintain, reconstruct or repair a sidewalk in a public right-of-way that abuts his or her property.

2. The provisions of subsection 1 do not prohibit a governing body from:

(a) Imposing an assessment or other charge authorized by law for any reconstruction or repair of a sidewalk that the governing body causes to be performed within a public right-of-way;

(b) Requiring any reconstruction or repair of a sidewalk as a condition of approval for a change in the use of the land;

(c) Requiring an owner of property to maintain a sidewalk in a public right-of-way that abuts his or her property if the sidewalk was constructed pursuant to standards that exceed the general standards of the governing body for sidewalks; or

(d) Requiring, by ordinance, owners of property to be responsible for:

(1) The repair and reconstruction of a sidewalk in the public right-of-way that abuts the property of the owner if the owner caused the need for such repair or reconstruction.

(2) The general maintenance of a sidewalk in the public right-of-way that abuts the property of the owner, including, without limitation, sweeping, removal of snow, ice and weeds, and maintenance of any grass, shrubs or trees that encroach on the sidewalk.

(Added to NRS by [2003, 1738](#))

**NRS 278.02315 Inclusion of provisions for placement of recycling containers in plans for construction or major renovation of apartment complex or condominium.**

1. On and after October 1, 2009, a governing body or its designee shall not approve any plan or revised plan for the construction or major renovation of an apartment complex or condominium unless the plan or revised plan includes provisions for the placement of recycling containers on the premises of the apartment complex or condominium.

2. As used in this section:

- (a) "Apartment complex" has the meaning ascribed to it in [NRS 444A.0103](#).
  - (b) "Condominium" has the meaning ascribed to it in [NRS 117.010](#).
  - (c) "Major renovation" means the destruction or reconstruction of an apartment complex or condominium to an extent which exceeds 50 percent of the replacement value of the apartment complex or condominium.
- (Added to NRS by [2009, 834](#))

**NRS 278.02317 Governing body may not require dedication of real property as condition for issuance of building permit; exceptions.**

- 1. Except as otherwise provided in subsection 2, a governing body shall not require an owner of land to dedicate real property or any interest in real property as a condition for the issuance of a building permit.
  - 2. The provisions of subsection 1 do not prohibit:
    - (a) A governing body from requiring, before the issuance of a building permit, that an owner of land comply with any applicable conditions of a discretionary approval, including, without limitation, a special use permit, that has been granted previously; or
    - (b) The application of any requirements that a governing body imposes by ordinance with respect to a broad class of owners of land.
- (Added to NRS by [2003, 656](#))

**NRS 278.0232 Closure or conversion of mobile home park: Report required to be filed with planning commission or governing body.**

- 1. Before a mobile home park is closed or converted to any other use, the person proposing the closure or conversion shall file with the appropriate planning commission or governing body a report containing information concerning the closure or conversion of the park. The report must address the availability of comparable parks in the area and the cost of relocating a mobile home to another park.
  - 2. The planning commission or governing body shall make the report available for review by the general public.
- (Added to NRS by 1987, 932)

**NRS 278.02325 Conversion of existing mobile home park into individually owned lots: Restrictions governing body, commission or board may not impose as condition of approval.** A governing body, commission or board whose approval is necessary pursuant to [NRS 278.010](#) to [278.630](#), inclusive, for the conversion of an existing mobile home park into individually owned mobile home lots:

- 1. Except as otherwise provided in subsection 2, may not require any change to existing densities, uses, lot sizes, setbacks or other similar restrictions applicable to the mobile home park as a condition of the approval of the conversion.
  - 2. May impose reasonable restrictions related to health and safety as a condition of the approval of the conversion.
- (Added to NRS by [2003, 681](#))

**NRS 278.02327 Application for matter relating to land use planning required to be complete for acceptance by governing body; review for completeness; procedure for return of incomplete application.**

- 1. Any application submitted to a governing body or its designee that concerns any matter relating to land use planning pursuant to [NRS 278.010](#) to [278.630](#), inclusive, or any ordinance, resolution or regulation adopted pursuant thereto, may not be accepted by the governing body or its designee if the application is incomplete.
  - 2. The governing body or its designee shall, within 3 working days after receiving an application of the type described in subsection 1:
    - (a) Review the application for completeness;
    - (b) Accept the application if the governing body or its designee finds that the application is complete or return the application if the governing body or its designee finds that the application is incomplete; and
    - (c) If the governing body or its designee returns the application:
      - (1) Provide to the applicant a description of the additional information required; and
      - (2) If requested by the applicant, provide to the applicant a copy of the relevant provision of the ordinance, resolution or regulation which specifically requires the additional information or an explanation of why the additional information is necessary.
- (Added to NRS by [2007, 1538](#))

**NRS 278.0233 Actions against agency: Conditions and limitations.**

- 1. Any person who has any right, title or interest in real property, and who has filed with the appropriate state or local agency an application for a permit which is required by statute or an ordinance, resolution or regulation adopted pursuant to [NRS 278.010](#) to [278.630](#), inclusive, before that person may improve, convey or otherwise put that property to use, may bring an action against the agency to recover actual damages caused by:
    - (a) Any final action, decision or order of the agency which imposes requirements, limitations or conditions upon the use of the property in excess of those authorized by ordinances, resolutions or regulations adopted pursuant to [NRS 278.010](#) to [278.630](#), inclusive, in effect on the date the application was filed, and which:
      - (1) Is arbitrary or capricious; or
      - (2) Is unlawful or exceeds lawful authority.
    - (b) Any final action, decision or order of the agency imposing a tax, fee or other monetary charge that is not expressly authorized by statute or that is in excess of the amount expressly authorized by statute.
    - (c) The failure of the agency to act on that application within the time for that action as limited by statute, ordinance or regulation.
  - 2. An action must not be brought under subsection 1:
    - (a) Where the agency did not know, or reasonably could not have known, that its action, decision or order was unlawful or in excess of its authority.
    - (b) Based on the invalidation of an ordinance, resolution or regulation in effect on the date the application for the permit was filed.
    - (c) Where a lawful action, decision or order of the agency is taken or made to prevent a condition which would constitute a threat to the health, safety, morals or general welfare of the community.
    - (d) Where the applicant agrees in writing to extensions of time concerning his or her application.
    - (e) Where the applicant agrees in writing or orally on the record during a hearing to the requirements, limitations or conditions imposed by the action, decision or order, unless the applicant expressly states in writing or orally on the record during the hearing that a requirement, limitation or condition is agreed to under protest and specifies which paragraph of subsection 1 provides cause for the protest.
    - (f) For unintentional procedural or ministerial errors of the agency.
    - (g) Unless all administrative remedies have been exhausted.
    - (h) Against any individual member of the agency.
- (Added to NRS by 1983, 2099; A 1995, 1035)

**NRS 278.0235 Actions against agency: Commencement.** 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 governing body, commission or board authorized by [NRS 278.010](#) to [278.630](#), inclusive, 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, commission or board.

(Added to NRS by 1971, 1264; A 1991, 48)

**NRS 278.0237 Actions against agency: Defenses; attorney's fees, court costs and interest; remedy cumulative.**

1. It is a complete defense to any action brought under [NRS 278.0233](#) against a political subdivision of this State that the final action, decision or order complained of was required by federal or state law or by a regulation of a state agency which became effective after the date on which the application for a permit was filed.

2. The court may award reasonable attorney's fees, court costs and interest to the prevailing party in an action brought under [NRS 278.0233](#).

3. The remedy prescribed by [NRS 278.0233](#) is in addition to any other remedy provided by law.

(Added to NRS by 1983, 2100; A 1995, 1036)

## GROUP HOMES

**NRS 278.0238 Definitions.** As used in [NRS 278.0238](#) to [278.02388](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 278.02381](#) to [278.02385](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2007, 1129](#))

**NRS 278.02381 "Halfway house for recovering alcohol and drug abusers" defined.** "Halfway house for recovering alcohol and drug abusers" has the meaning ascribed to it in [NRS 449.008](#).

(Added to NRS by [2007, 1129](#))

**NRS 278.02382 "Health Division" defined.** "Health Division" means the Health Division of the Department of Health and Human Services.

(Added to NRS by [2007, 1129](#))

**NRS 278.02383 "Home for individual residential care" defined.** "Home for individual residential care" has the meaning ascribed to it in [NRS 449.0105](#).

(Added to NRS by [2007, 1129](#))

**NRS 278.02384 "Residential establishment" defined.** "Residential establishment" means a home for individual residential care in a county whose population is 100,000 or more, a halfway house for recovering alcohol and drug abusers or a residential facility for groups.

(Added to NRS by [2007, 1130](#))

**NRS 278.02385 "Residential facility for groups" defined.** "Residential facility for groups" has the meaning ascribed to it in [NRS 449.017](#).

(Added to NRS by [2007, 1130](#))

**NRS 278.02386 Certain homes and facilities required to be included in definition of "single-family residence" in city and county ordinances; exclusions; siting of residential establishments in certain larger counties; special use permits; restriction on application of section.**

1. In any ordinance adopted by a city or county, the definition of "single-family residence" must include a:

(a) Residential facility for groups in which 10 or fewer unrelated persons with disabilities reside with:

(1) House parents or guardians who need not be related to any of the persons with disabilities; and

(2) If applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or

affinity.

(b) Home for individual residential care.

(c) Halfway house for recovering alcohol and drug abusers.

2. The provisions of subsection 1 do not prohibit a definition of "single-family residence" which permits more persons to reside in a residential facility for groups, nor does it prohibit regulation of homes which are operated on a commercial basis. For the purposes of this subsection, a residential facility for groups, a halfway house for recovering alcohol and drug abusers or a home for individual residential care shall not be deemed to be a home that is operated on a commercial basis for any purposes relating to building codes or zoning.

3. The governing body of a county whose population is 100,000 or more or the governing body of a city in such a county or any department or agency of the city or county shall approve the first application submitted on or after July 1, 2000, to operate a residential establishment within a particular neighborhood in the jurisdiction of the governing body. If a subsequent application is submitted to operate an additional residential establishment at a location that is within the minimum distance established by the governing body pursuant to this subsection from an existing residential establishment, the governing body shall review the application based on applicable zoning ordinances. The requirements of this subsection do not require the relocation or displacement of any residential establishment which existed before July 1, 2001, from its location on that date. The provisions of this subsection do not create or impose a presumption that the location of more than one residential establishment within the minimum distance of each other established by the governing body pursuant to this subsection is inappropriate under all circumstances with respect to the enforcement of zoning ordinances and regulations. For purposes of this subsection, each governing body shall establish by ordinance a minimum distance between residential establishments that is at least 1,500 feet but not more than 2,500 feet.

4. Except as otherwise provided in [NRS 278.02388](#), the governing body of a county or city shall not refuse to issue a special use permit to a residential establishment that meets local public health and safety standards.

5. The provisions of this section must not be applied in any manner which would result in a loss of money from the Federal Government for programs relating to housing.

6. As used in this section, "person with a disability" means a person:

(a) With a physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) With a record of such an impairment; or

(c) Who is regarded as having such an impairment.

(Added to NRS by 1983, 220; A 1987, 1163; [1999, 3365](#); [2001, 241](#), [1907](#); [2003, 106](#), [107](#); [2007, 1131](#))—(Substituted in revision for NRS 278.021)

**NRS 278.02387 Registry of group homes: Transmission of information; compilation and maintenance by Health Division; contents; availability.**

1. Each county and city shall:
  - (a) Conduct a reasonable investigation or survey to determine, insofar as is practicable, the following information regarding each group home that is located within the territorial limits of the county or city:
    - (1) The name of the owner of the group home;
    - (2) If the group home is leased or rented, the name of the lessee or renter;
    - (3) The name of the administrator of the group home, if any;
    - (4) The address of the group home;
    - (5) The phone number of the group home;
    - (6) If the group home is licensed, the number of clients for which the home is licensed; and
    - (7) If known, any information that may be helpful to agencies of the State of Nevada or counties or cities providing police, fire-fighting, rescue or emergency medical services with respect to persons residing in the group home who may need special assistance in the event of a fire, medical crisis or other emergency; and
  - (b) As often as is reasonably necessary, but not less frequently than once each calendar quarter, transmit the information to the Health Division.
2. If a county or city is not able to obtain all of the information described in subsection 1, it shall transmit to the Health Division such information as it is able to obtain.
3. Using the information transmitted by counties and cities pursuant to subsection 1 and using any other resources at its disposal, the Health Division shall compile and maintain a registry of information relating to each group home that exists in this State. Insofar as the Health Division is able to obtain the relevant information, the registry compiled and maintained by the Health Division must include, with respect to each group home that exists in this State:
  - (a) Each item of information described in paragraph (a) of subsection 1; and
  - (b) An entry indicating whether the group home is or is not formally licensed or certified as a residential establishment.
4. The Health Division shall make the information contained in the registry available to:
  - (a) Any agency of the State of Nevada or a county or city that provides police, fire-fighting, rescue or emergency medical services;
  - (b) Upon request for the purposes set forth in [NRS 278.02388](#), the governing body of a county or city;
  - (c) Any agency of the Federal Government, the State of Nevada or a county or city that is involved in the investigation of acts of abuse, fraud or similar crimes; and
  - (d) Except as otherwise provided in this paragraph, the general public, through the use of the Internet website maintained by the Health Division. The Health Division shall not make available on its Internet website any personally identifying information relating to a resident of a group home.
5. Any department or agency of the State of Nevada or a county or city that becomes aware of the existence of a group home which is not included in the registry shall, within 30 days after obtaining such information, transmit the information to the Health Division as is necessary for inclusion in the registry.
6. As used in this section, "group home" means:
  - (a) A residential establishment; and
  - (b) Any other home, facility or residence, whether or not it is licensed, whether it is operated formally or informally and by whatever name it may be known, that provides to four or more unrelated persons services similar to those provided by a residential establishment.
 (Added to NRS by [2007, 1130](#))

**NRS 278.02388 Prerequisites to approval or issuance of rezoning, zone variance or special use permit necessary to operate residential establishment; conditional approval or issuance.**

1. As a prerequisite to the approval or issuance of any rezoning, zone variance or special use permit that is necessary to operate a residential establishment, the governing body of a county or city shall:
  - (a) Except as otherwise provided in subsection 2, ensure that the residential establishment or the owner or operator thereof has obtained any licenses or certifications that are required by federal, state or local authorities; and
  - (b) If the residential establishment is subject to the distance requirements set forth in subsection 3 of [NRS 278.02386](#), request and use the information contained in the registry compiled and maintained pursuant to [NRS 278.02387](#) to ensure that the residential establishment will be located and operated in accordance with the provisions of that subsection.
2. Pending a residential establishment or the owner or operator thereof obtaining the required licenses or certifications, the governing body of a county or city or another entity designated to act on behalf of the governing body may conditionally or provisionally approve or issue any rezoning, zone variance or special use permit that is necessary to operate the residential establishment.
 (Added to NRS by [2007, 1131](#))

**SPRING MOUNTAINS AND RED ROCK CANYON**

**NRS 278.0239 Supremacy of limits upon development established by certain special legislative acts.** In the region of this State for which the Spring Mountains National Recreation Area Act and the Red Rock Canyon Conservation Area and Adjacent Lands Act establish limits upon development, the powers conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to those limits.

(Added to NRS by [2003, 596](#); A [2009, 735](#))

**REGIONAL PLANNING AGENCIES**

**NRS 278.024 Powers of Nevada Tahoe Regional Planning Agency. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]**

1. In the region of this State for which there has been created by [NRS 278.780](#) to [278.828](#), inclusive, a regional planning agency, the powers conferred by [NRS 278.010](#) to [278.630](#), inclusive, upon any other authority are subordinate to the powers of such regional planning agency, and may be exercised only to the extent that their exercise does not conflict with any ordinance or plan adopted by such regional planning agency. The powers conferred by [NRS 278.010](#) to [278.630](#), inclusive, shall be exercised whenever appropriate in furtherance of a plan adopted by the regional planning agency.
2. Upon the adoption by a regional planning agency created by [NRS 278.780](#) to [278.828](#), inclusive, of any regional plan, any plan adopted pursuant to [NRS 278.010](#) to [278.630](#), inclusive, shall cease to be effective as to the territory embraced in such regional plan. Each planning commission and governing body whose previously adopted plan is so affected shall, within 90 days after the effective date of the regional

plan, initiate any necessary procedure to revise its plan and any related zoning ordinances which affect adjacent territory.

(Added to NRS by 1969, 50; A 1979, 1127, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers)

**NRS 278.025 Powers of regional planning agency created by interstate compact.**

1. In any region of this State for which there has been created by interstate compact a regional planning agency, the powers conferred by [NRS 278.010](#) to [278.630](#), inclusive, are subordinate to the powers of such regional planning agency, and may be exercised only to the extent that their exercise does not conflict with any ordinance or plan adopted by such regional planning agency. The powers conferred by [NRS 278.010](#) to [278.630](#), inclusive, shall be exercised whenever appropriate in furtherance of a plan adopted by the regional planning agency.

2. Upon the adoption by a regional planning agency created by interstate compact of any regional plan or interim plan, any plan adopted pursuant to [NRS 278.010](#) to [278.630](#), inclusive, shall cease to be effective as to the territory embraced in such regional or interim plan. Each planning commission and governing body whose previously adopted plan is so affected shall, within 90 days after the effective date of the regional or interim plan, initiate any necessary procedure to revise its plan and any related zoning ordinances which affect adjacent territory.

(Added to NRS by 1968, 14)

**REGIONAL PLANNING IN COUNTIES WHOSE POPULATION IS 400,000 OR MORE**

**General Provisions**

**NRS 278.02507 Applicability.** The provisions of [NRS 278.02507](#) to [278.02598](#), inclusive, apply only to counties whose population is 400,000 or more and cities located within those counties.

(Added to NRS by [1999, 3364](#); A [2009, 2261](#))

**NRS 278.02514 Regional planning coalition: Establishment.** In a county whose population is 400,000 or more, the board of county commissioners and the city council of each of at least the three largest cities in the county shall establish a regional planning coalition by cooperative agreement pursuant to [chapter 277](#) of NRS.

(Added to NRS by [1999, 1973](#); A [1999, 3374](#))

**Comprehensive Regional Policy Planning**

**NRS 278.02521 Legislative intent.**

1. The Legislature recognizes the need for innovative strategies of planning and development that:

(a) Address the anticipated needs and demands of continued urbanization and the corresponding need to protect environmentally sensitive areas; and

(b) Will allow the development of less populous regions of this State if such regions:

(1) Seek increased economic development; and

(2) Have sufficient resources of land and water to accommodate development in a manner that is environmentally sound.

2. The Legislature further recognizes that innovative strategies of planning and development may be superior to conventional strategies of planning and development with respect to:

(a) Protecting environmentally sensitive areas;

(b) Maintaining the economic viability of agricultural and other predominantly rural land uses; and

(c) Providing cost-effective public facilities and services.

3. It is the intent of the Legislature that each comprehensive regional policy plan adopted or amended pursuant to this chapter should set forth a process of planning which:

(a) Allows for:

(1) The efficient use of land within existing urban areas; and

(2) The conversion of rural lands to other uses, if such other uses are appropriate and consistent with the provisions of this chapter and the master plan of each affected city and county.

(b) Uses innovative and flexible strategies of planning and development and creative techniques of land use planning which promote sustainable growth, including, without limitation, establishment of new towns, the maintenance of open space and mixed-use development.

4. It is the further intent of the Legislature that when the governing body of a local government adopts a master plan or zoning regulation, the plan or regulation should promote a strategy of maximizing the use of existing facilities and services through redevelopment, interspersion of new housing and businesses in established neighborhoods and other mechanisms for urban revitalization.

5. It is the further intent of the Legislature that the construction of public facilities and the provision of services necessary to support development should be coordinated with activities of development to ensure that demand for such facilities and services can be met at the time the demand is created. In carrying out this intent, local and regional governmental entities are encouraged to construct public facilities, including, without limitation, buildings that are certified in accordance with the Leadership in Energy and Environmental Design Green Building System or its equivalent, provide services or carry out development in phases. Public facilities constructed and services provided to accommodate new development should be consistent with plans for capital improvements prepared pursuant to [NRS 278.0226](#).

(Added to NRS by [1999, 1926](#); A [2005, 1583](#))

**NRS 278.02528 Comprehensive regional policy plan: Development by regional planning coalition; contents; prerequisites to adoption and amendment.**

1. The regional planning coalition shall develop a comprehensive regional policy plan for the balanced economic, social, physical, environmental and fiscal development and orderly management of the growth of the region for a period of at least 20 years. The comprehensive regional policy plan must contain recommendations of policy to carry out each part of the plan.

2. In developing the plan, the coalition:

(a) May consult with other entities that are interested or involved in regional planning within the county.

(b) Shall ensure that the comprehensive regional policy plan includes goals, policies, maps and other documents relating to:

(1) Conservation, including, without limitation, policies relating to the use and protection of natural resources.

(2) Population, including, without limitation, standardized projections for population growth in the region.

(3) Land use and development, including, without limitation, a map of land use plans that have been adopted by local governmental entities within the region, and that the plan addresses, if applicable:

(I) Mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts; and

(II) The coordination and compatibility of land uses with each military installation in the region, taking into account the location,

purpose and stated mission of the military installation.

- (4) Transportation.
  - (5) The efficient provision of public facilities and services, including, without limitation, roads, water and sewer service, police and fire protection, mass transit, libraries and parks.
  - (6) Air quality.
  - (7) Strategies to promote and encourage:
    - (I) The interspersing of new housing and businesses in established neighborhoods;
    - (II) The preservation of historic neighborhoods; and
    - (III) Development in areas in which public services are available.
3. The regional planning coalition shall not adopt or amend the comprehensive regional policy plan unless the adoption or amendment is by resolution of the regional planning coalition:
- (a) Carried by the affirmative votes of not less than two-thirds of its total membership; and
  - (b) Ratified by the board of county commissioners of the county and the city council of each city that jointly established the regional planning coalition pursuant to [NRS 278.02514](#).
- (Added to NRS by [1999, 1928](#); A [1999, 3370](#); [2005, 1584](#); [2007, 340](#); [2009, 2758](#))

**NRS 278.02535 Regional planning coalition: Study and development of incentives for certain types of development.**

1. The regional planning coalition shall study and develop methods to provide incentives for:
    - (a) The interspersing of new housing and businesses in established neighborhoods, including, without limitation, the:
      - (1) Creation of an expedited process for granting necessary permits for a development that features such interspersing; and
      - (2) Imposition of a fee for the extension of infrastructure to encourage such interspersing.
    - (b) Mixed-use development, transit-oriented development, the development of a brownfield site and development which minimizes the negative impact on the environment. As used in this paragraph, "brownfield site" has the meaning ascribed to it in 42 U.S.C. § 9601.
    - (c) Large commercial development which provides employee parking at a site other than the commercial development. Such incentives may be developed in cooperation with the regional transportation commission and other governmental entities.
  2. As used in this section, "infrastructure" means publicly owned or publicly supported facilities that are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, libraries, community centers, police and fire protection, sanitary sewers, facilities for mass transit and facilities for the conveyance of water and the treatment of wastewater.
- (Added to NRS by [1999, 1928](#); A [1999, 3371](#); [2005, 1585](#))

**NRS 278.02542 Regional planning coalition: Powers; establishment of definition for term "project of regional significance."**

1. The regional planning coalition may:
  - (a) Coordinate sources of information.
  - (b) Recommend measures to increase the efficiency of governmental entities and services.
  - (c) Make recommendations regarding the disposal of federal land.
  - (d) Establish methods for resolving issues related to annexation, boundaries and other matters that arise between jurisdictions.
  - (e) At least every 5 years, review:
    - (1) Master plans, facilities plans and other similar plans, and amendments thereto, adopted by a governing body, regional agency, state agency or public utility that is located in whole or in part within the region; and
    - (2) The annual plan for capital improvements that is prepared by each local government in the region pursuant to [NRS 278.0226](#).
  - (f) Develop and recommend, to the extent practicable, standardized classifications for land use for the region.
  - (g) Consider and take necessary action with respect to any issue that the regional planning coalition determines will have a significant impact on the region, including, without limitation, projects of regional significance.
  - (h) Review, consider and make recommendations regarding applications submitted to agencies of the Federal Government and applications for federal assistance for federally assisted programs or projects.
  - (i) Designate allowable future land uses for each part of the county, including, without limitation, the identification of each category of land use in which the construction and operation of a public school is permissible. The identification of a category of land use in which the construction and operation of a public school is permissible must be carried out in consultation with the county school district and include a determination of whether there is sufficient land in the proximity of a residential development to meet projected needs for public schools.
2. The regional planning coalition shall establish a definition for the term "project of regional significance." In establishing the definition, the regional planning coalition shall consider:
  - (a) Existing definitions of the term within the Nevada Revised Statutes; and
  - (b) That a project may have regional significance for several reasons, including, without limitation, the potential impact that the project may have on historic, archaeological, paleontological, cultural, scenic and natural resources, public facilities, including, without limitation, schools, and public services within the region.

(Added to NRS by [1999, 1929](#); A [1999, 3371](#); [2001, 2116](#); [2005, 1585](#); [2009, 377](#))

**NRS 278.02549 Certain public entities to submit plans to regional planning coalition for review; certain public entities to ensure consistency of land use plans and decisions with comprehensive regional policy plan and certified plans.**

1. Each governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall, at least every 5 years, submit to the regional planning coalition for its review all master plans, facilities plans and other similar plans of the governing body, regional agency, state agency or public utility.
2. Each regional agency and state agency that is located in whole or in part within the region shall, to the extent practicable, ensure that all its master plans, facilities plans and other similar plans and decisions pertaining to the use of land are consistent with:
  - (a) The comprehensive regional policy plan developed and adopted by the regional planning coalition pursuant to [NRS 278.02528](#); and
  - (b) The master plans, facilities plans and other similar plans of a city or county which have been certified by the regional planning coalition pursuant to subsection 4 of [NRS 278.02577](#) as being in substantial conformance with the comprehensive regional policy plan.

(Added to NRS by [1999, 1929](#); A [1999, 3372](#); [2001, 2117](#))

**NRS 278.02556 Certain public entities prohibited from adopting or amending certain plans after March 1, 2001, unless regional planning coalition afforded opportunity to make recommendations; exception.** Except as otherwise provided in this section, a governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall not adopt a master plan, facilities plan or other similar plan, or an amendment thereto, after March 1, 2001, unless the regional planning coalition has been afforded an opportunity to make recommendations regarding the plan or amendment. A governing body, regional agency, state agency or public utility may adopt an amendment to a land use plan described in paragraph (g) of subsection 1 of [NRS 278.160](#) without affording the regional planning coalition the opportunity to make recommendations regarding the amendment.

(Added to NRS by [1999, 1929](#); A [2009, 2759](#))

**NRS 278.02563 Regional planning coalition to annually prepare, adopt and submit budget to local governments in region.** The regional planning coalition shall, on or before July 1 of each year, prepare and adopt a budget for the immediately succeeding fiscal year and shall submit that budget to each of the local governments within the region as a recommendation for funding.

(Added to NRS by [1999, 1930](#))

**NRS 278.0257 Regional planning coalition authorized to employ persons and contract for services to carry out certain duties.** The regional planning coalition may employ persons or contract for services necessary to carry out:

1. The provisions of [NRS 278.02528](#) to [278.02577](#), inclusive; and
2. Other responsibilities set forth in the cooperative agreement pursuant to which the regional planning coalition was established pursuant to [NRS 278.02514](#).

(Added to NRS by [1999, 1930](#); A [1999, 3372](#))

**NRS 278.02577 Regional planning coalition to review plans of public entities for conformance with comprehensive regional policy plan; procedure upon determination of nonconformance or conformance; grants to city or county.**

1. At least every 5 years, the regional planning coalition shall review the master plans, facilities plans and other similar plans that it receives pursuant to [NRS 278.02549](#), and determine whether those plans are in substantial conformance with the comprehensive regional policy plan.

2. If the regional planning coalition determines that a plan reviewed pursuant to subsection 1 is not in substantial conformance with the comprehensive regional policy plan, the regional planning coalition shall return the plan to the submitting entity accompanied by recommendations regarding the manner in which the submitting entity may bring the plan into substantial conformance with the comprehensive regional policy plan.

3. Within 90 days after the date on which a submitting entity receives the plan and recommendations from the regional planning coalition pursuant to subsection 2, the submitting entity shall provide to the regional planning coalition a written response setting forth the:

(a) Manner in which the submitting entity changed the plan to be in substantial conformance with the comprehensive regional policy plan; or

(b) Reasons of the submitting entity for not bringing the plan into substantial conformance.

4. If the regional planning coalition determines that all the plans that a city or county is required to submit pursuant to [NRS 278.02549](#) are in substantial conformance with the comprehensive regional policy plan, the regional planning coalition shall issue to the city or county a certificate or other indicia of that determination. Upon receipt of such a certificate or other indicia, the city or county, until the next time the regional planning coalition reviews the plans of the city or county pursuant to subsection 1, is entitled to establish its own policies and procedures with respect to regional planning, to the extent that those policies and procedures do not conflict with federal or state law.

5. The regional planning coalition may, within the limits of legislative appropriations and other available money, provide grants to a city or county if the regional planning coalition has issued to the city or county a certificate or other indicia pursuant to subsection 4 of the determination of the regional planning coalition that all the plans that the city or county is required to submit pursuant to [NRS 278.02549](#) are in substantial conformance with the comprehensive regional policy plan. Grants provided to a city or county pursuant to this subsection must be expended by the city or county only to pay the costs of establishing, maintaining and carrying out programs related to land use planning.

(Added to NRS by [1999, 1930](#); A [1999, 3372](#); [2001, 2117](#))

#### Planning for Land Use, Transportation and Air Quality

**NRS 278.02584 Regional planning coalition to cooperate with local air pollution control board and regional transportation commission for consistency of action and to carry out program of integrated, long-range planning; public hearings; preparation and submission of report.**

1. The regional planning coalition shall cooperate with the local air pollution control board and the regional transportation commission in the county in which it is located to:

(a) Ensure that the plans, policies and programs adopted by each of them are consistent to the greatest extent practicable.

(b) In addition to the comprehensive regional policy plan required by [NRS 278.02528](#), establish and carry out a program of integrated, long-range planning that conserves the economic, financial and natural resources of the region and supports a common vision of desired future conditions.

2. Before adopting or amending a plan, policy or program, the regional planning coalition shall:

(a) Consult with the local air pollution control board and the regional transportation commission; and

(b) Conduct hearings to solicit public comment on the consistency of the plan, policy or program with:

(1) The plans, policies and programs adopted or proposed to be adopted by the local air pollution control board and the regional transportation commission; and

(2) Plans for capital improvements that have been prepared pursuant to [NRS 278.0226](#).

3. If the program for control of air pollution established and administered by the local air pollution control board includes measures for the control of traffic or transportation, the regional planning coalition shall consider recommending the use of alternative land use designations, densities and design standards to meet local and regional needs with respect to transportation.

4. Not more than once every 2 years, the regional planning coalition shall:

(a) Prepare a report that summarizes the policies related to land use, transportation and air quality which it has adopted and which the local air pollution control board and the regional transportation commission have adopted; and

(b) Submit a copy of the report to the:

(1) County clerk of the appropriate county;

(2) Division of Environmental Protection of the State Department of Conservation and Natural Resources;

(3) Division of State Lands of the State Department of Conservation and Natural Resources; and

(4) Department of Transportation.

5. As used in this section:

(a) "Local air pollution control board" means a board that establishes a program for the control of air pollution pursuant to [NRS 445B.500](#).

(b) "Regional transportation commission" means a regional transportation commission created and organized in accordance with [chapter 277A](#) of NRS.

(Added to NRS by [1999, 1974](#); A [1999, 3375](#); [2009, 851](#))

**NRS 278.02587 Bus turnouts: Designation of locations for and funding of construction by regional transportation commission;**

**construction pursuant to interlocal or cooperative agreement.**

1. Not later than December 31, 2009:
  - (a) Except as otherwise provided in subsection 5, the commission shall designate 10 locations in the county that are owned by the State or by local governments and at which a bus turnout must be constructed pursuant to this section; and
  - (b) For each location designated pursuant to paragraph (a), the commission and the State or the local government that owns the location shall execute an interlocal or cooperative agreement that authorizes the construction of a bus turnout at the location.
2. For each location designated pursuant to subsection 1, the commission and the State or the local government that owns the location shall ensure that a bus turnout is constructed not later than December 31, 2012.
3. The commission shall fund the construction of a bus turnout built pursuant to this section.
4. When determining the locations to be designated pursuant to subsection 1, the commission shall consider, without limitation:
  - (a) The amount of traffic congestion at the location during hours of peak traffic;
  - (b) The extent of improvements to the location that would need to be completed before the bus turnout could be constructed;
  - (c) The proximity of the location to an intersection;
  - (d) The frequency with which buses receive and discharge passengers at the location;
  - (e) The number of bus passengers regularly using the bus stop at the location;
  - (f) The general need for a bus turnout at the location; and
  - (g) Any obstacle that may prevent the completion of the construction of a bus turnout by the date set forth in subsection 2.
5. The commission shall not designate more than three locations pursuant to subsection 1 that are owned by the State or by the same local government.
6. As used in this section:
  - (a) "Bus" has the meaning ascribed to it in [NRS 484A.030](#).
  - (b) "Bus turnout" means a fixed area that is:
    - (1) Adjacent or appurtenant to, or within reasonable proximity of, a public highway; and
    - (2) To be occupied exclusively by buses in receiving or discharging passengers.
  - (c) "Commission" means the regional transportation commission created and organized pursuant to [chapter 277A](#) of NRS in a county whose population is 400,000 or more.
  - (d) "Local government" means any political subdivision of the State, including, without limitation, any county, city, town, board, airport authority, fire protection district, irrigation district, school district, hospital district or other special district which performs a governmental function and which is located within the jurisdiction of the commission.
  - (e) "Location" means a parcel of real property which:
    - (1) Is owned by the State or by a local government;
    - (2) Is adjacent to a public highway; and
    - (3) Contains a bench, shelter or transit stop for passengers of public transportation.
  - (f) "Public highway" means any street, road, alley, thoroughfare, way or place of any kind used by the public or open to the use of the public as a matter of right for the purpose of vehicular traffic.  
(Added to NRS by [2009, 2260](#))

**Extension of Infrastructure to Undeveloped Areas****NRS 278.02591 Analysis by governing body of cost to construct infrastructure in undeveloped area: Establishment; contents; approval; provision to regional planning coalition.**

1. A governing body may establish, independently or in conjunction with another governing body, an analysis of the cost to construct infrastructure in an area which is relatively undeveloped and which is likely to become developed.
2. The analysis of the cost to construct infrastructure in an area that is relatively undeveloped must include, without limitation:
  - (a) A precise description of the area, either in the form of a legal description or by reference to roadways, lakes and waterways, railroads or similar landmarks, and township, county or city boundaries;
  - (b) An estimate of the expected total population of the area when the land becomes fully developed;
  - (c) An assessment of the infrastructure that will be necessary to support the area when it becomes fully developed according to the master plan adopted by the governing body pursuant to [NRS 278.220](#); and
  - (d) A plan for the development of the infrastructure which includes, without limitation:
    - (1) Any minimum requirements for the development of infrastructure that have been determined by the regional planning coalition;
    - (2) A plan to meet the anticipated needs of the area for police and fire protection, parks, roads, regional transportation and flood control facilities when the land becomes fully developed;
    - (3) An estimate of the date on which each phase of the development will occur;
    - (4) The manner in which the plan for the development of the infrastructure will be implemented; and
    - (5) An economic analysis of the cost to plan and develop fully the infrastructure for the area.
3. The governing body may, if it finds that the analysis of the projected need for infrastructure is consistent with the master plan, approve the analysis by ordinance.
4. The governing body shall provide the necessary copies of the analysis to the regional planning coalition for review and information.  
(Added to NRS by [1999, 3364](#))

**NRS 278.02598 Governing body authorized to negotiate master development agreements to carry out plan for infrastructure.**

1. A governing body may carry out the plan for infrastructure by negotiating master development agreements, independently or in conjunction with an interlocal agreement for the area.
2. As used in this section, "master development agreement" means a written agreement:
  - (a) Between a governing body and a person who has a legal or equitable interest in land that is entered into upon the application of the person who wishes to develop that land;
  - (b) To enable the governing body to distribute equitably the costs to develop infrastructure for an area of land that is largely undeveloped; and
  - (c) That is based on an analysis of the need for infrastructure that is prepared pursuant to [NRS 278.02591](#).  
(Added to NRS by [1999, 3365](#))

**REGIONAL PLANNING IN COUNTIES WHOSE POPULATION IS 100,000 OR MORE BUT LESS THAN 400,000****NRS 278.026 Definitions.** As used in [NRS 278.026](#) to [278.029](#), inclusive, unless the context otherwise requires:

1. "Affected entity" means a public utility, franchise holder, local or regional agency, or any other entity having responsibility for planning

or providing public facilities relating to transportation, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality or public education. The term does not include:

- (a) A state agency; or
  - (b) A public utility which is subject to regulation by the Public Utilities Commission of Nevada.
2. "Facilities plan" means a plan for the development of public facilities which will have a regional impact or which will aid in accomplishing regional goals relating to transportation, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality or public education. The term does not include a plan for the development of a specific site or regulations adopted by an affected entity to implement the comprehensive regional plan.
3. "Governing board" means the governing board for regional planning created pursuant to [NRS 278.0264](#).
4. "Joint planning area" means an area that is the subject of common study and planning by the governing body of a county and one or more cities.
5. "Project of regional significance," with respect to a project proposed by any person other than a public utility, means a project which:
- (a) Has been identified in the guidelines of the regional planning commission as a project which will result in the loss or significant degradation of a designated historic, archeological, paleontological, cultural or scenic resource;
  - (b) Has been identified in the guidelines of the regional planning commission as a project which will result in the creation of significant new geothermal or mining operations;
  - (c) Has been identified in the guidelines of the regional planning commission as a project which will have a significant effect on the natural resources, public services, public facilities, including, without limitation, schools, or the adopted regional form of the region; or
  - (d) Will require a change in zoning, a special use permit, an amendment to a master plan, a tentative map or other approval for the use of land which, if approved, will have an effect on the region of increasing:
    - (1) Employment by not less than 938 employees;
    - (2) Housing by not less than 625 units;
    - (3) Hotel accommodations by not less than 625 rooms;
    - (4) Sewage by not less than 187,500 gallons per day;
    - (5) Water usage by not less than 625 acre feet per year; or
    - (6) Traffic by not less than an average of 6,250 trips daily.

È The term does not include any project for which a request for an amendment to a master plan, a change in zoning, a tentative map or a special use permit has been approved by the local planning commission before June 17, 1989.

6. "Project of regional significance," with respect to a project proposed by a utility, includes:
- (a) An electric substation;
  - (b) A transmission line that carries 60 kilovolts or more;
  - (c) A facility that generates electricity greater than 5 megawatts;
  - (d) Natural gas storage and peak shaving facilities; and
  - (e) Gas regulator stations and mains that operate over 100 pounds per square inch.
7. "Sphere of influence" means an area into which a city plans to expand as designated in the comprehensive regional plan within the time designated in the comprehensive regional plan.  
(Added to NRS by 1989, 759; A 1991, 1733; 1995, 2662; 1997, 1981; [1999, 2124](#); [2005, 1586](#); [2009, 378](#))

**NRS 278.0261 Legislative findings and declaration.** The Legislature hereby finds and declares that:

1. The process of regional planning in a county whose population is 100,000 or more but less than 400,000, as set forth in [NRS 278.026](#) to [278.029](#), inclusive, ensures that comprehensive planning will be carried out with respect to population, conservation, land use and transportation, public facilities and services, annexation and intergovernmental coordination.
2. The process of regional planning set forth in [NRS 278.026](#) to [278.029](#), inclusive, does not specifically limit the premature expansion of development into undeveloped areas or address the unique needs and opportunities that are characteristic of older neighborhoods in a county whose population is 100,000 or more but less than 400,000.
3. The problem of the premature expansion of development into undeveloped areas and the unique needs and opportunities that are characteristic of older neighborhoods may be addressed through:
  - (a) Cooperative efforts to preserve and revitalize urban areas and older neighborhoods; and
  - (b) Review of the master plans, facilities plans and other similar plans of local governments and other affected entities.
4. It is the intent of the Legislature with respect to [NRS 278.026](#) to [278.029](#), inclusive, that each local government and affected entity shall exercise its powers and duties in a manner that is in harmony with the powers and duties exercised by other local governments and affected entities to enhance the long-term health and welfare of the county and all its residents.  
(Added to NRS by [1999, 2123](#))

**NRS 278.0262 Regional planning commission: Creation; membership; chair; compensation; training.**

1. There is hereby created in each county whose population is 100,000 or more but less than 400,000, a regional planning commission consisting of:
  - (a) Three members from the local planning commission of each city in the county whose population is 60,000 or more, appointed by the respective governing bodies of those cities;
  - (b) One member from the local planning commission of each city in the county whose population is less than 60,000, appointed by the respective governing bodies of those cities; and
  - (c) Three members from the local planning commission of the county, appointed by the governing body of the county, at least two of whom must reside in unincorporated areas of the county.
2. Except for the terms of the initial members of the commission, the term of each member is 3 years and until the selection and qualification of his or her successor. A member may be reappointed. A member who ceases to be a member of the local planning commission of the jurisdiction from which he or she is appointed automatically ceases to be a member of the commission. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.
3. The commission shall elect its chair from among its members. The term of the chair is 1 year. The member elected chair must have been appointed by the governing body of the county or a city whose population is 60,000 or more, as determined pursuant to a schedule adopted by the commission and made a part of its bylaws which provides for the annual rotation of the chair among each of those governing bodies.
4. A member of the commission must be compensated at the rate of \$80 per meeting or \$400 per month, whichever is less.
5. Each member of the commission must successfully complete the course of training prescribed by the governing body pursuant to subsection 2 of [NRS 278.0265](#) within 1 year after the date on which his or her term of appointment commences. A member who fails to complete successfully the course of training as required pursuant to this subsection forfeits his or her appointment 1 year after the date on which his or her term of appointment commenced.  
(Added to NRS by 1989, 759; A [1999, 2125](#); [2001, 1965](#))

**NRS 278.0263 Regional planning commission: Request for assistance.** The regional planning commission shall request assistance from the governing body of a county, the governing body of a city, a state agency or an affected entity as required to perform its duties.  
(Added to NRS by 1991, 1732)

**NRS 278.02632 Regional planning commission: Study and development of incentives for certain types of development.** The regional planning commission shall continue to study and develop methods to provide incentives for:

1. Mixed-use development, transit-oriented development, the development of a brownfield site and development which minimizes the negative impact on the environment. As used in this subsection, "brownfield site" has the meaning ascribed to it in 42 U.S.C. § 9601.

2. Large commercial development which provides employee parking at a site other than the commercial development. Such incentives may be developed in cooperation with the regional transportation commission and other local governmental entities.

(Added to NRS by [2005, 1583](#))

**NRS 278.0264 Governing board for regional planning: Creation; membership; chair; compensation; operational needs; capacity to sue and be sued; budget.**

1. There is hereby created in each county whose population is 100,000 or more but less than 400,000, a governing board for regional planning consisting of:

(a) Three representatives appointed by the board of county commissioners, at least two of whom must represent or reside within unincorporated areas of the county. If the representative is:

(1) A county commissioner, his or her district must be one of the two districts in the county with the highest percentage of unincorporated area.

(2) Not a county commissioner, he or she must reside within an unincorporated area of the county.

(b) Four representatives appointed by the governing body of the largest incorporated city in the county.

(c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is 60,000 or more.

(d) One representative appointed by the governing body of each incorporated city in the county whose population is less than 60,000.

2. Except for the terms of the initial members of the governing board, the term of each member is 3 years and until the selection and qualification of his or her successor. A member may be reappointed. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board. The governing body may also appoint alternative representatives who may act in the respective absences of the principal appointees.

4. The governing board shall elect its chair from among its members. The term of the chair is 1 year. The member elected chair must have been appointed by the governing body of the county or a city whose population is more than 60,000, as determined pursuant to a schedule adopted by the governing board and made a part of its bylaws which provides for the annual rotation of the chair among each of those governing bodies.

5. A member of the governing board who is also a member of the governing body which appointed him or her shall serve without additional compensation. All other members must be compensated at the rate of \$40 per meeting or \$200 per month, whichever is less.

6. The governing board may appoint such employees as it deems necessary for its work and may contract with city planners, engineers, architects and other consultants for such services as it requires.

7. The local governments represented on the governing board shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the governing board to carry out its functions. The local governments shall enter into an agreement whereby those costs are shared by the local governments in proportion to the number of members that each appoints to the governing board. The agreement must also contain a provision specifying the responsibility of each local government, respectively, of paying for legal services needed by the governing board or by the regional planning commission.

8. The governing board may sue or be sued in any court of competent jurisdiction.

9. The governing board shall prepare and adopt an annual budget and transmit it as a recommendation for funding to each of the local governments.

(Added to NRS by 1989, 760; A 1991, 1734; [2001, 1966](#))

**NRS 278.0265 Governing board for regional planning: Adoption of regulations; prescription of training for members of regional planning commission; fees for services provided; entry into cooperative agreements and interlocal agreements.** The governing board:

1. Shall adopt such regulations as are necessary to carry out its specific powers and duties.

2. Shall prescribe an appropriate course of at least 12 hours of training in land use planning for the members of the regional planning commission. The course of training must include, without limitation, training relating to:

(a) State statutes and regulations and local ordinances, resolutions and regulations concerning land use planning; and

(b) The provisions of [chapter 241](#) of NRS.

3. May establish and collect reasonable fees for the provision of any service that is authorized pursuant to the provisions of [NRS 278.026](#) to [278.029](#), inclusive.

4. May enter into an agreement pursuant to [NRS 277.045](#) or [277.080](#) to [277.180](#), inclusive, for a purpose that is consistent with the provisions of [NRS 278.026](#) to [278.029](#), inclusive.

(Added to NRS by 1991, 1732; A 1993, 572; [1999, 2126](#); [2001, 756](#); [2005, 1587](#))

**NRS 278.0266 Director of regional planning: Appointment; qualifications; powers and duties.** There is hereby created the position of director of regional planning. The director:

1. Is appointed by the governing board from a list of three names submitted by the regional planning commission, and serves at the pleasure of the governing board;

2. Must be selected on the basis of his or her training, experience, capability and interest in planning;

3. Must have the demonstrated ability to administer a major program relating to planning;

4. Shall devote his or her entire time and attention to the business of that office and shall not pursue any other business or occupation or hold any other office of profit;

5. Shall not hold any other position relating to planning with a regional or local entity in the county or be on leave of absence from any other regional or local entity in the county while holding the position of director;

6. Is responsible for administration of the regional planning program;

7. Shall appoint a professional assistant experienced in planning to assist in administration of the program; and

8. May:

- (a) Appoint professional, technical or clerical staff to, and dismiss them from, positions which are approved by the governing board;
  - (b) Execute contracts for services and interlocal agreements which are approved by the governing board;
  - (c) Direct the activities of all other persons employed by the governing board; and
  - (d) Prepare an annual budget.
- (Added to NRS by 1989, 761)

**NRS 278.0268 Appointment of subcommittees and advisory committees.**

1. The governing board and the regional planning commission may, jointly or separately, appoint subcommittees for any purpose that is consistent with [NRS 278.026](#) to [278.029](#), inclusive. A subcommittee appointed pursuant to this subsection must be composed only of:

- (a) Members of the governing board or regional planning commission, as appropriate, if the subcommittee is appointed separately; or
- (b) Members from both the governing board and the regional planning commission, if the subcommittee is appointed jointly.

2. To assist in the formulation and the implementation of the comprehensive regional plan, the governing board and the regional planning commission may, jointly or separately, appoint advisory committees to advise and report to the governing board, regional planning commission, director of regional planning or a combination of such entities.

3. The governing board and the regional planning commission may, jointly or separately, appoint advisory committees to examine issues that affect the county in which the governing board and regional planning commission are located. The governing board and regional planning commission may appoint persons from outside the county in which the governing board and regional planning commission are located and from outside this State to serve on an advisory committee appointed pursuant to this section. An advisory committee appointed pursuant to this subsection may:

- (a) Identify, examine and discuss regional issues that affect the county in which the governing board and regional planning commission are located, including, without limitation, issues relating to land use, fiscal matters, air quality and infrastructure; and
- (b) Make recommendations to the governing board, regional planning commission, or both, concerning regional issues.

(Added to NRS by 1989, 763; A [2001, 757](#))

**NRS 278.0272 Development, review and amendment of regional plan; public hearings required.**

1. The regional planning commission shall develop a comprehensive regional plan for the physical development and orderly management of the growth of the region for the next 20 years.

2. The plan must consist of written text, appropriate maps and such goals and policies, including those addressing current and future problems, as may, in the opinion of the commission, affect the region as a whole and are proper for inclusion in the regional plan.

3. In developing the plan, the commission shall:

(a) Review and consider each existing regional plan and master plan that has been adopted pursuant to the provisions of this chapter and that applies to any area in the region, and any similar plan of a local government, and may seek and consider the advice of each local planning commission and any other affected entity; and

(b) Coordinate the elements of the plan and make them consistent with each other.

4. Before approving the plan, the commission must hold a public hearing on the proposed plan in each of the cities within the region and in the unincorporated area of the county.

5. Before amending the plan, the commission must hold at least one public hearing on the proposed amendment at a location in the region.

6. The approval of the plan or any amendment to it must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of its total membership.

7. The regional planning commission shall review the plan annually, update it not less than every 5 years, and forward its recommendations regarding proposed amendments to the plan to the governing board for adoption. Amendments to the comprehensive regional plan may be proposed only by the regional planning commission, the governing board or a local governing body. Except as otherwise provided in subsection 8, all requests for amendments to the plan must be studied and considered at public hearings held annually by the commission.

8. The commission may consider a proposed amendment and determine whether it is necessary to the health and welfare of the community or substantially benefits the community in general. If the commission determines that the amendment is necessary, it may schedule a public hearing on the amendment at any time. Any person may appeal the determination of the commission to the governing board.

9. Except as otherwise provided in this subsection, notice of the time and place of each hearing required by the provisions of this section must be given by publication in a newspaper of general circulation in the region at least 10 days before the day of the hearing. If there is more than one newspaper of general circulation in the region, notice must be given by publication in at least two such newspapers. Notice of the time and place of the initial meeting of the regional planning commission and the hearing at which the commission receives testimony concerning final approval of the comprehensive regional plan must be given by publication at least 30 days before the day of the meeting or hearing. Notice given pursuant to this subsection must be a display advertisement of not less than 3 inches by 5 inches.

(Added to NRS by 1989, 761)

**NRS 278.0274 Contents of regional plan.** The comprehensive regional plan must include goals, policies, maps and other documents relating to:

1. Population, including a projection of population growth in the region and the resources that will be necessary to support that population.

2. Conservation, including policies relating to the use and protection of air, land, water and other natural resources, ambient air quality, natural recharge areas, floodplains and wetlands, and a map showing the areas that are best suited for development based on those policies.

3. The limitation of the premature expansion of development into undeveloped areas, preservation of neighborhoods, including, without limitation, historic neighborhoods, and revitalization of urban areas, including, without limitation, policies that relate to the interspersing of new housing and businesses in established neighborhoods and set forth principles by which growth will be directed to older urban areas.

4. Land use and transportation, including the classification of future land uses by density or intensity of development based upon the projected necessity and availability of public facilities, including, without limitation, schools, and services and natural resources, and the compatibility of development in one area with that of other areas in the region. This portion of the plan must:

(a) Address, if applicable:

(1) Mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts; and

(2) The coordination and compatibility of land uses with each military installation in the region, taking into account the location, purpose and stated mission of the military installation;

(b) Allow for a variety of uses;

(c) Describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses; and

(d) Be based upon the policies and map relating to conservation that are developed pursuant to subsection 2, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the area.

5. Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and groundwater aquifer recharge which are correlated with principles and guidelines for future land uses, and which specify ways to satisfy the requirements created by those future uses. This portion of the plan must:

(a) Describe the problems and needs of the area relating to public facilities and services and the general facilities that will be required for their solution and satisfaction;

(b) Identify the providers of public services within the region and the area within which each must serve, including service territories set by the Public Utilities Commission of Nevada for public utilities;

(c) Establish the time within which those public facilities and services necessary to support the development relating to land use and transportation must be made available to satisfy the requirements created by that development; and

(d) Contain a summary prepared by the regional planning commission regarding the plans for capital improvements that:

(1) Are required to be prepared by each local government in the region pursuant to [NRS 278.0226](#); and

(2) May be prepared by the water planning commission of the county, the regional transportation commission and the county school district.

6. Annexation, including the identification of spheres of influence for each unit of local government, improvement district or other service district and specifying standards and policies for changing the boundaries of a sphere of influence and procedures for the review of development within each sphere of influence. As used in this subsection, "sphere of influence" means an area into which a political subdivision may expand in the foreseeable future.

7. Intergovernmental coordination, including the establishment of guidelines for determining whether local master plans and facilities plans conform with the comprehensive regional plan.

8. Any utility project required to be reported pursuant to [NRS 278.145](#).

(Added to NRS by 1989, 762; A 1991, 953; 1997, 1982; [1999, 2126](#); [2005, 1587](#); [2007, 340](#); [2009, 2759](#))

**NRS 278.0276 Adoption of regional plan.** The governing board shall adopt the plan approved by the regional planning commission with any amendments it deems necessary. Before adopting the plan with any amendments the board shall submit each proposed amendment to the regional planning commission for its review and comment. The commission shall complete its review and return the plan to the governing board within 30 days or as specified by the board. Within 30 days after its receipt of the commission's comments, the governing board shall consider those comments and adopt the plan with or without amendment. The adoption of the plan or any amendment must be by resolution of the governing board carried by a simple majority of its total membership. Before the adoption of the plan or any amendment, the governing board must hold a public hearing, notice of the time and place of which must be given by publication in a newspaper of general circulation in the region not later than 10 days before the day of the hearing.

(Added to NRS by 1989, 763)

**NRS 278.0277 Project of regional significance: Adoption of guidelines and procedures for review of proposal.** The regional planning commission shall adopt guidelines and procedures for the review of whether a proposal for the use of land submitted to a county or city located in the region is a project of regional significance. The county or city shall use the guidelines and procedures adopted by the regional planning commission to determine if a proposal for the use of land is a project of regional significance.

(Added to NRS by 1991, 1731)

**NRS 278.0278 Project of regional significance: Finding of conformance with adopted regional plan required before final approval and commencement of construction; appeal of determination to governing board.**

1. Before a project of regional significance is approved finally by the county or city and before construction on a project of regional significance may begin, the regional planning commission must make a finding that the project is in conformance with the adopted regional plan. In making its determination, the commission shall limit its review to the substance and content of the adopted comprehensive regional plan and shall not consider the merits or deficiencies of a project in a manner other than is necessary to enable it to make that determination.

2. If the commission fails to make any finding regarding a project of regional significance within 60 days after the project is submitted to it, it shall be deemed that the commission has made a finding that the project conforms with the regional plan.

3. If the commission determines that the project is not in conformance with the regional plan, the determination may be appealed to the governing board within 45 days after the determination is made. The governing board shall consider the appeal and may reverse the determination of the commission or recommend that the county or city take actions to make the proposal consistent with the comprehensive regional plan. The county or city shall, within 45 days after receipt, consider any such recommendations and direct such changes in the project as are necessary to assure the consistency of the proposal with the adopted regional plan.

4. The limits on time imposed in subsection 2 of [NRS 278.315](#), subsection 5 of [NRS 278.330](#) and subsection 2 of [NRS 278.349](#) are extended by 60 days or such period as may be necessary to complete the review and any appeal provided for in this section.

(Added to NRS by 1989, 764; A 1991, 1735)

**NRS 278.02784 Joint planning area: Designation in regional plan; master plan required for area.**

1. The regional planning commission may designate one or more joint planning areas in the comprehensive regional plan.

2. If an area is designated a joint planning area, the county and the affected cities shall jointly adopt a master plan for the area.

3. The master plan for a joint planning area must:

(a) Be consistent with the comprehensive regional plan;

(b) Designate the portion of the area, if any, that is included within the sphere of influence of a city;

(c) Designate the portion of the area, if any, that is subject to the jurisdiction of the county for planning and zoning and development decisions; and

(d) Be submitted to the regional planning commission for review pursuant to [NRS 278.028](#).

(Added to NRS by 1991, 1731)

**NRS 278.02786 Joint planning area: Procedure for recommendation and adoption of master plan.**

1. Before recommending the master plan for a joint planning area, each affected local planning commission shall jointly hold at least one public hearing thereon. Notice of the time and place of the hearing must be given by at least one publication in a newspaper of general circulation in the county at least 10 days before the day of the hearing.

2. The recommendation of the master plan for a joint planning area must be by resolution of each affected local planning commission in the joint planning area carried by the affirmative votes of not less than two-thirds of the total membership of each commission. The resolution must refer expressly to the maps, descriptive matter and other matter intended by the county planning commission and the planning commission of each city in the joint planning area to constitute the recommended master plan for the joint planning area.

3. The master plan for the joint planning area that is recommended by the affected local planning commissions must be considered for adoption by each affected local governing body.

4. The affected local governing bodies may adopt such parts thereof as may practicably be applied to the development of the joint planning area. The master plan for the joint planning area becomes effective upon the approval by a majority of the membership of each affected local governing body.

5. Before adopting the master plan for the joint planning area, or part thereof, the affected local governing bodies shall jointly hold at least one public hearing thereon. Notice of the time and place of the hearing must be published at least once in a newspaper of general circulation in the county at least 10 days before the day of the public hearing.

(Added to NRS by 1991, 1732)

**NRS 278.02788 Adoption of master plan for sphere of influence; appeal of decision concerning use of land within sphere of influence.**

1. If a city has a sphere of influence that is designated in the comprehensive regional plan, the city shall adopt a master plan concerning the territory within the sphere of influence. The master plan and any ordinance required by the master plan must be consistent with the comprehensive regional plan. After adoption and certification of a master plan concerning the territory within the sphere of influence and after adopting the ordinances required by the master plan, if any, the city may exercise any power conferred pursuant to [NRS 278.010](#) to [278.630](#), inclusive, within its sphere of influence.

2. If the comprehensive regional plan designates that all or part of the sphere of influence of a city is a joint planning area, the master plan and any ordinance adopted by the city pursuant to subsection 1 must be consistent with the master plan that is adopted for the joint planning area.

3. Before certification of the master plan for the sphere of influence pursuant to [NRS 278.028](#), any action taken by the county pursuant to [NRS 278.010](#) to [278.630](#), inclusive, within the sphere of influence of a city must be consistent with the comprehensive regional plan.

4. A person, county or city that is represented on the governing board and is aggrieved by a final determination of the county or, after the certification of the master plan for a sphere of influence, is aggrieved by a final determination of the city, concerning zoning, a subdivision map, a parcel map or the use of land within the sphere of influence may appeal the decision to the regional planning commission within 30 days after the determination. A person, county or city that is aggrieved by the determination of the regional planning commission may appeal the decision to the governing board within 30 days after the determination. A person, county or city that is aggrieved by the determination of the governing board may seek judicial review of the decision within 25 days after the determination.

(Added to NRS by 1991, 1731)

**NRS 278.028 Review and amendment of existing master plan, facilities plan or other similar plan; objection filed with regional planning commission; appeal of final determination to board.**

1. Following the initial adoption of the comprehensive regional plan or any portion of it, each local planning commission, and any other affected entity shall review its respective master plan, facilities plan and other similar plans, amend them to conform with the provisions of the comprehensive regional plan, and submit them, within 60 days after the adoption of the comprehensive plan, to the regional planning commission. The regional planning commission shall review the plans at one or more public hearings held within 180 days after their submission and determine whether they conform with the comprehensive regional plan. The regional planning commission shall specify which parts of the plan, if any, are not in conformance and why they fail to conform.

2. If the regional planning commission fails to make a determination within 180 days after the submission of a plan pursuant to this section, the plan shall be deemed to be in conformance with the comprehensive regional plan.

3. An affected entity or local governing body that has submitted a plan and disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity or local governing body shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

4. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision. If the board affirms the determination of the commission, the affected entity or local governing body shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with the proposed revisions to the commission for review in accordance with this section.

(Added to NRS by 1989, 765)

**NRS 278.0282 Review of proposed adoption or amendment of master plan, facilities plan or other similar plan; objection filed with regional planning commission; appeal of final determination to board.**

1. Before the adoption or amendment of any master plan, facilities plan or other similar plan, each governing body and any other affected entity shall submit the proposed plan or amendment to the regional planning commission, which shall review the plan or amendment at one or more public hearings held within 60 days after its receipt of that plan or amendment and determine whether the proposed plan or amendment conforms with the comprehensive regional plan. The commission shall specify those parts of the plan or amendment, if any, that are not in conformance and why they fail to conform.

2. Before the adoption or amendment of any master plan, facilities plan or other similar plan by a state agency or a public utility whose plan must be approved by the Public Utilities Commission of Nevada, the agency or utility shall submit the proposed plan or amendment to the regional planning commission, which shall, within 60 days after its receipt, review the plan or amendment and offer suggestions to the agency or utility regarding the conformance of the plan with the comprehensive regional plan.

3. Except as otherwise provided in [NRS 278.028](#), a local governing body or any other affected entity shall not adopt a master plan, facilities plan or other similar plan, or any amendment to any of those plans, unless the regional planning commission has determined that the plan or amendment is in conformance with the comprehensive regional plan. A proposed plan is in conformance with the comprehensive regional plan if it is not in conflict with the comprehensive regional plan and it promotes the goals and policies of the comprehensive regional plan.

4. If the regional planning commission fails to make a determination within 60 days after its receipt from an affected entity or local governing body of a proposed plan or amendment pursuant to this section, the plan or amendment shall be deemed to be in conformance with the comprehensive regional plan.

5. An affected entity or a local governing body which has submitted a proposed plan and which disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section, may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity or local governing body shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

6. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision, which must be made

by the affirmative votes of a simple majority of its total membership. If the board affirms the determination of the commission, the affected entity or local governing body shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with those proposed revisions to the commission for review in accordance with the provisions of this section.

7. Any determination of conformance made by the commission pursuant to this section must be made by the affirmative votes of not less than two-thirds of its total membership.

(Added to NRS by 1989, 764; A 1997, 1983)

**NRS 278.0284 Conformity of local ordinances and regulations to master plan.** Any action of a local government relating to development, zoning, the subdivision of land or capital improvements must conform to the master plan of the local government. In adopting any ordinance or regulation relating to development, zoning, the subdivision of land or capital improvements, the local government shall make a specific finding that the ordinance conforms to the master plan. Within 1 year after its adoption of any portion of a master plan, the local government shall review and, if necessary, amend its existing ordinances to ensure their conformity with the provisions of the master plan. If any provision of the master plan is inconsistent with any regulation relating to land development, the provision of the master plan governs any action taken in regard to an application for development.

(Added to NRS by 1989, 766)

**NRS 278.0286 Annual report by local planning commission; local government to file information relating to proposed actions concerning regional plan.**

1. Each local planning commission responsible for the preparation of a city or county master plan and each affected entity shall prepare and submit to the regional planning commission and the governing board a complete report by April 1 of each year indicating any action taken within the previous calendar year which furthers or assists in carrying out the policies or programs contained in the comprehensive regional plan, and any work relating to the comprehensive regional plan that is proposed for the next fiscal year.

2. Before submitting a recommendation for proposed legislation or beginning any program or project relating to the mandatory provisions of the comprehensive regional plan, a unit of local government or an affected entity shall file all relevant information relating to that request, program or project with the governing board.

(Added to NRS by 1989, 766)

**NRS 278.0288 Exempted region.** The region defined in [NRS 278.790](#) is exempt from the provisions of [NRS 278.026](#) to [278.029](#), inclusive, and [278.145](#).

(Added to NRS by 1989, 766; A 1991, 954)

**NRS 278.029 Facilities plan not required.** Nothing contained in the provisions of [NRS 278.026](#) to [278.029](#), inclusive, requires any entity that has not already adopted a facilities plan to do so.

(Added to NRS by 1989, 766)

## PLANNING COMMISSIONS

**NRS 278.030 Creation by cities and counties; number of members.**

1. The governing body of each city whose population is 25,000 or more and of each county whose population is 40,000 or more shall create by ordinance a planning commission to consist of seven members.

2. Cities whose population is less than 25,000 and counties whose population is less than 40,000 may create by ordinance a planning commission to consist of seven members. If the governing body of any city whose population is less than 25,000 or of any county whose population is less than 40,000 deems the creation of a planning commission unnecessary or inadvisable, the governing body may, in lieu of creating a planning commission as provided in this subsection, perform all the functions and have all of the powers which would otherwise be granted to and be performed by the planning commission.

[Part 3:110:1941; A 1947, 834; 1943 NCL § 5063.02]—(NRS A 1973, 914; 1989, 1917; [2001, 1967](#))

**NRS 278.040 Members: Appointment; qualifications; compensation and expenses; terms; removal; vacancies.**

1. The members of the planning commission are appointed by the chief executive officer of the city, or in the case of a county by the chair of the board of county commissioners, with the approval of the governing body. The members must not be members of the governing body of the city or county. The majority of the members of the county planning commission in any county whose population is 400,000 or more must reside within the unincorporated area of the county.

2. In Carson City, the members of the planning commission established as provided in [NRS 278.030](#) are appointed by the Mayor from the city at large, with the approval of the Board of Supervisors.

3. The governing body may provide for compensation to its planning commission in an amount of not more than \$80 per meeting of the commission, with a total of not more than \$400 per month, and may provide travel expenses and subsistence allowances for the members in the same amounts as are allowed for other officers and employees of the county or city.

4. Except as otherwise provided in this subsection, the term of each member is 4 years, or until his or her successor takes office. If applicable, the term of each member of a county or city planning commission in any county whose population is 400,000 or more is coterminous with the term of the member of the governing body who recommended the appointment to the appointing authority. If the recommending member resigns his or her office before the expiration of his or her term, the corresponding member of the planning commission may continue to serve until the office is next filled by election. If the office of the recommending member becomes vacant before the expiration of the term for any other reason, the corresponding member of the planning commission may continue to serve for the duration of the original term.

5. Except as otherwise provided in this subsection, members of a county or city planning commission may be removed, after public hearing, by a majority vote of the governing body for just cause. In a county whose population is 400,000 or more, members of a county or city planning commission serve at the pleasure of their appointing authority.

6. Vacancies occurring otherwise than through the expiration of term must be filled for the unexpired term.

[Part 3:110:1941; A 1947, 834; 1943 NCL § 5063.02]—(NRS A 1959, 13; 1969, 328; 1971, 1115; 1973, 914; 1979, 529, 1385, 1386; 1983, 1246; 1985, 22; 1989, 1917; 1991, 248; 1995, 198; [2001, 2804](#); [2003, 1733](#))

**NRS 278.050 Meetings; rules; records; continuances.**

1. The commission shall hold at least one regular meeting in each month.

2. The commission shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record is a public record.

3. Except as otherwise provided in subsection 4, in a county whose population is 400,000 or more, the commission shall not grant to an

applicant or authorized representative thereof more than two continuances requested by the applicant or authorized representative on the same matter, unless the commission determines, upon good cause shown, that the granting of additional continuances is warranted. If the commission grants a continuance pursuant to this subsection for good cause shown, the person on whose behalf the continuance was granted must make a good faith effort to resolve the issues concerning which the continuance was requested.

4. An applicant or authorized representative thereof may request a continuance on a matter on behalf of an officer or employee of a city or county, a member of the commission or any owner of property that may be directly affected by the matter. If the commission grants the continuance, the continuance must not be counted toward the limitation on the granting of continuances set forth in subsection 3 relating to that matter.

5. As used in this section:

(a) "Applicant" means the person who owns the property to which the application pending before the commission pertains.

(b) "Good cause" includes, without limitation:

(1) The desire by the applicant or authorized representative thereof to:

(I) Revise plans, drawings or other documents relating to the matter;

(II) Engage in negotiations concerning the matter with any person or governmental entity; or

(III) Retain counsel to represent him or her in the matter.

(2) Circumstances relating to the matter that are beyond the control of the applicant or authorized representative thereof.

[Part 6:110:1941; 1931 NCL § 5063.05]—(NRS A [2003, 1734](#); [2005, 529](#))

**NRS 278.060 Chair; Election; term.** The commission shall elect its chair from among the appointed members. The term of chair shall be 1 year, with eligibility for reelection.

[Part 6:110:1941; 1931 NCL § 5063.05]

**NRS 278.070 Additional officers; employees; consultants.**

1. In addition to electing its chair, the commission shall create and fill such other of its offices as it may determine.

2. The commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the municipality.

3. The commission may also contract with city planners, engineers, architects and other consultants for such services as it may require.

[Part 6:110:1941; 1931 NCL § 5063.05] + [Part 7:110:1941; 1931 NCL § 5063.06]

**NRS 278.080 Expenditures; operational needs.** The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the governing body, which shall provide the funds, equipment and accommodations necessary for the commission's work.

[Part 7:110:1941; 1931 NCL § 5063.06]

**NRS 278.090 Regional planning commission: Creation; selection of representatives.**

1. Except in a county in which a regional planning commission is created pursuant to the provisions of [NRS 278.026](#) to [278.029](#), inclusive, the board of county commissioners of any county alone or in collaboration with the governing body of the incorporated cities in the county or any of them or in collaboration with the board or boards of county commissioners of any adjacent county or counties, or the governing bodies of adjacent cities may establish a regional planning commission to consist of representatives of the county or counties or cities or region within the county or counties where the local government bodies participate in the formation of the regional planning commission.

2. The commission may also contain representatives of the municipalities to be selected in a manner to be determined by ordinance adopted by the governing bodies of the municipalities, or municipalities and the county or counties concerned.

[Part 4:110:1941; A 1947, 834; 1943 NCL § 5063.03]—(NRS A 1989, 767)

**NRS 278.100 Regional planning commission: Members; terms; membership on city or county planning commission not public office; compensation; removal; vacancies.**

1. The ordinance must specify the membership of the commission, which must consist of not less than six members or more than 12 members.

2. The ordinance must provide that the term of each member is 4 years, or until his or her successor takes office, except that the terms of two of the members first appointed are 3 years, and the respective terms of two members first appointed are 1 and 2 years. No more than one-third of the members may hold any other public office. For the purposes of this subsection, membership on the planning commission of a county or city must not be considered holding a public office.

3. The governing body creating the commission shall, by resolution, provide what compensation, if any, each of the members shall receive for his or her services as a member, not to exceed \$40 per meeting or a total of \$200 per month.

4. Members may be removed, after public hearing, by a majority vote of the governing body, for inefficiency, neglect of duty or malfeasance of office.

5. All appointments to fill vacancies must be for the unexpired term.

[Part 4:110:1941; A 1947, 834; 1943 NCL § 5063.03]—(NRS A 1959, 14; 1979, 1386; 1987, 987)

**NRS 278.110 Regional planning commission: Chair; employees.**

1. Annually, each county or regional planning commission shall elect a chair from its own members.

2. It shall have power to employ experts, clerks and a secretary, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the annual appropriation that may be made by the county or counties or municipalities for the commission, together with such other funds as may be made available through grant, gift or other means.

[Part 4:110:1941; A 1947, 834; 1943 NCL § 5063.03]—(NRS A 1959, 84)

**NRS 278.120 Regional planning commission: Appropriation of money for expenses.**

1. The governing body of each municipality and of each county included within a regional planning district is authorized independently or in collaboration with other governing bodies, in their discretion, to appropriate from the funds received by the county or municipality from general taxation or other source money for the expenses of the regional or county planning commission.

2. The county or counties or municipal corporations shall not be chargeable with any expense incurred by the planning commission except pursuant to such an appropriation.

[Part 4:110:1941; A 1947, 834; 1943 NCL § 5063.03]

**NRS 278.130 Regional planning commission: Performance of duties and functions of city or county planning commission;**

**regional or intergovernmental decisions.**

1. If the governing body of a city or county collaborates in the creation of a regional planning commission and does not create a separate city or county planning commission, the regional planning commission shall perform for the city or county all the duties and functions delegated to a city or county planning commission by the terms of [NRS 278.010](#) to [278.630](#), inclusive.

2. If a regional planning commission has duties and functions pursuant to [NRS 278.010](#) to [278.630](#), inclusive, which parallel the duties and functions of a city or county planning commission, the city or county planning commission has the responsibility for making decisions pertaining to planning which have a local effect, and the regional planning commission has the responsibility for making decisions pertaining to planning which have a regional or intergovernmental effect.

[Part 5:110:1941; A 1947, 834; 1943 NCL § 5063.04]—(NRS A 1987, 988)

**NRS 278.140 Regional planning districts: Formation and functions.**

1. The formation of regional planning districts is authorized and a regional planning commission may be created, in accordance with the provisions of [NRS 278.010](#) to [278.630](#), inclusive, in lieu of separate city or county planning commissions as may be required or authorized by [NRS 278.010](#) to [278.630](#), inclusive.

2. Regional planning districts shall consist of a portion of a political subdivision, two or more contiguous political subdivisions or contiguous portions of two or more political subdivisions.

3. All territory embraced within a regional planning district shall be contiguous, except where the regional district is composed of two or more municipalities such territories need not be contiguous.

4. In a regional planning district, a regional planning commission shall function in all respects in accordance with the provisions of [NRS 278.010](#) to [278.630](#), inclusive, except that the plans of the regional planning commission shall coordinate the plans of any city or county planning commission within the region.

5. Reports required by [NRS 278.010](#) to [278.630](#), inclusive, to be made to a governing body of a city or a county shall be made to the governing body of each city or county within the region, and the procedure set forth in [NRS 278.010](#) to [278.630](#), inclusive, for action with respect to maps or subdivisions shall not be followed by the regional planning commission for subdivisions which lie within any territory in which there exists a functioning county or city planning commission.

[Part 5:110:1941; A 1947, 834; 1943 NCL § 5063.04]

**NRS 278.145 Report of location of utility project.**

1. Each public utility which owns an interest in or is engaged in the construction or operation of a utility project, or on whose behalf the utility project is constructed, which is located in a region or county whose population is 100,000 or more shall, within 60 days after the utility project has been approved for construction, report the location of the utility project to the planning commission of each city, county or region in which it is located.

2. The planning commission of each city, county or region shall maintain a record of each report it receives from a public utility pursuant to subsection 1.

(Added to NRS by 1991, 952)

**NRS 278.147 Facilities for use, manufacture, processing, transfer or storage of explosives or certain other substances: Conditional use permit required; application for and issuance of conditional use permit.**

1. No person may commence operation in this State of a facility where an explosive, a highly hazardous substance designated pursuant to [NRS 459.3816](#) if present in a quantity equal to or greater than the amount designated pursuant to [NRS 459.3816](#), or a hazardous substance listed in the regulations adopted pursuant to [NRS 459.3833](#) will be used, manufactured, processed, transferred or stored without first obtaining a conditional use permit therefor from the governing body of the city or county in which the facility is to be located. Each governing body shall establish by local ordinance, in accordance with the provisions of this section, the procedures for obtaining such a permit.

2. An application for a conditional use permit must be filed with the planning commission of the city, county or region in which the facility is to be located. The planning commission shall, within 90 days after the filing of an application, hold a public hearing to consider the application. The planning commission shall, at least 30 days before the date of the hearing, cause notice of the time, date, place and purpose of the hearing to be:

(a) Sent by mail or, if requested by a party to whom notice must be provided pursuant to this paragraph, by electronic means if receipt of such an electronic notice can be verified, to:

(1) The applicant;

(2) Each owner or tenant of real property located within 1,000 feet of the property in question;

(3) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (2);

(4) If a mobile home park or multiple-unit residence is located within 1,000 feet of the property in question, each tenant of that mobile home park or multiple-unit residence;

(5) If a military installation is located within 3,000 feet of the property in question, the commander of that military installation;

(6) Any advisory board that has been established for the affected area by the governing body;

(7) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources;

(8) The State Fire Marshal; and

(9) The Administrator of the Division of Industrial Relations of the Department of Business and Industry; and

(b) Published in a newspaper of general circulation within the city or county in which the property in question is located.

3. The notice required by subsection 2 must:

(a) Be written in language that is easy to understand; and

(b) Include a physical description or map of the property in question and a description of all explosives, and all substances described in subsection 1, that will be located at the facility.

4. In considering the application, the planning commission shall:

(a) Consult with:

(1) Local emergency planning committees;

(2) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources;

(3) The State Fire Marshal;

(4) The Administrator of the Division of Industrial Relations of the Department of Business and Industry;

(5) The commander of any other military installation that may be affected by the operation of the facility; and

(6) The governing body of any other city or county that may be affected by the operation of the facility; and

(b) Consider fully the effect the facility will have on:

(1) The health and safety of the residents of the city, county or region.

(2) The safety and security of any military installation in the city, county or region.

5. The planning commission shall, within a reasonable time after the public hearing, submit to the governing body its recommendations for any actions to be taken on the application. If the planning commission recommends that a conditional use permit be granted to the applicant, the planning commission shall include in its recommendations such terms and conditions for the operation of the facility as it deems necessary for the protection of:

- (a) The health and safety of the residents of the city, county or region.
- (b) The safety and security of any military installation in the city, county or region.

6. The governing body shall, within 30 days after the receipt of the recommendations of the planning commission, hold a public hearing to consider the application. The governing body shall:

- (a) Cause notice of the hearing to be given in the manner prescribed by subsection 2; and
- (b) Grant or deny the conditional use permit within 30 days after the public hearing.

7. Notwithstanding any provision of this section to the contrary, the provisions of this section do not apply to the mining industry.

8. As used in this section, "explosive" means a material subject to regulation as an explosive pursuant to [NRS 459.3816](#).

(Added to NRS by [1999, 1135](#); A [2001, 1444](#); [2003, 1611](#); [2007, 342](#))

**NRS 278.150 Master plan: Preparation and adoption by planning commission; adoption by governing body of city or county.**

1. The planning commission shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city, county or region which in the commission's judgment bears relation to the planning thereof.

2. The plan must be known as the master plan, and must be so prepared that all or portions thereof, except as otherwise provided in subsections 3 and 4, may be adopted by the governing body, as provided in [NRS 278.010](#) to [278.630](#), inclusive, as a basis for the development of the city, county or region for such reasonable period of time next ensuing after the adoption thereof as may practically be covered thereby.

3. In counties whose population is 100,000 or more but less than 400,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion a conservation plan, a housing plan and a population plan as provided in [NRS 278.160](#).

4. In counties whose population is 400,000 or more, the governing body of the city or county shall adopt a master plan for all of the city or county that must address each of the subjects set forth in subsection 1 of [NRS 278.160](#).

[Part 8:110:1941; A 1947, 834; 1943 NCL § 5063.07]—(NRS A 1973, 1241; 1979, 530; 1995, 2225; [2001, 1679](#))

**NRS 278.160 Subject matter of master plan.**

1. Except as otherwise provided in subsection 4 of [NRS 278.150](#) and subsection 3 of [NRS 278.170](#), the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may 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, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must 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 through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

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

(d) Historic neighborhood preservation plan. The plan:

(1) Must include, without limitation:

(I) A plan to inventory historic neighborhoods.

(II) A statement of goals and methods to encourage the preservation of historic neighborhoods.

(2) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

(e) Historical properties preservation plan. An inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(f) Housing plan. The housing plan must include, without limitation:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing to individuals and families in the community, regardless of income level.

(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(3) An analysis of projected growth and the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

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

(1) Must address, if applicable:

(I) Mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts; and

(II) The coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

(2) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to [NRS 321.7355](#).

(h) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(i) 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.

(j) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to [NRS 278.145](#).

(k) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(l) Rural neighborhoods preservation plan. In any county whose population is 400,000 or more, showing general plans to preserve the character and density of rural neighborhoods.

(m) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

(n) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

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

(p) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

(q) 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 naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(r) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(s) Transportation plan. Showing a comprehensive transportation system, including, without limitation, 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, prohibits the preparation and adoption of any such subject as a part of the master plan.

[Part 8:110:1941; A 1947, 834; 1943 NCL § 5063.07]—(NRS A 1973, 141, 1242, 1825; 1989, 149; 1991, 954, 1402; 1995, 2226; 1997, 3249; [1999, 2471, 3367](#); [2001, 742, 1680](#); [2005, 1589, 1820](#); [2007, 343, 1518](#); [2009, 379, 2761](#))

#### **NRS 278.170 Coordination of master plans; adoption of all or parts.**

1. Except as otherwise provided in subsections 2 and 3, the commission may prepare and adopt all or any part of the master plan or any subject thereof for all or any part of the city, county or region. Master regional plans must be coordinated with similar plans of adjoining regions, and master county and city plans within each region must be coordinated so as to fit properly into the master plan for the region.

2. In counties whose population is 100,000 or more but less than 400,000, if the commission prepares and adopts less than all subjects of the master plan, as outlined in [NRS 278.160](#), it shall include, in its preparation and adoption, the conservation, housing and population plans described in that section.

3. In counties whose population is 400,000 or more, the commission shall prepare and adopt a master plan for all of the city or county that must address each of the subjects set forth in subsection 1 of [NRS 278.160](#).

[Part 8:110:1941; A 1947, 834; 1943 NCL § 5063.07]—(NRS A 1973, 1243; 1979, 530; 1995, 2228; [2001, 1682](#))

**NRS 278.180 School sites: Commission to notify school boards of preparation of plans for community and public buildings.** The county and city planning commission shall, during the formulation of plans for community design and public buildings, notify the governing boards of school districts having jurisdiction of the areas considered of the preparation of such plans to the end that adequate and properly located school sites may be provided for.

[Part 8:110:1941; A 1947, 834; 1943 NCL § 5063.07]

**NRS 278.185 Notice of plan for future construction of school.** When the board of trustees of a school district develops a plan for the future construction of one or more schools, it shall notify each city, county or regional planning commission any part of whose territory will be served by a proposed school. The notice must include the grades to be taught, the number of pupils to be accommodated, and the area to be served. The board shall notify each commission of any change in or abandonment of its plan.

(Added to NRS by 1977, 1498; A 1979, 705; 1981, 1707; 1987, 659; 1989, 499; 1993, 2564)—(Substituted in revision for part of NRS 278.349)

#### **NRS 278.190 Promotion of plans and regulations; consultations and advice; entry upon land; general powers.**

1. The commission shall endeavor to promote public interest in and understanding of the master plan and of official plans and regulations relating thereto. As a means of furthering the purpose of a master plan, the commission shall annually make recommendations to the governing body for the implementation of the plan.

2. It also shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and with citizens generally with relation to the carrying out of such plans.

3. The commission, and its members, officers and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon.

4. In general, the commission shall have such power as may be necessary to enable it to fulfill its functions and carry out the provisions of [NRS 278.010](#) to [278.630](#), inclusive.

[Part 8:110:1941; A 1947, 834; 1943 NCL § 5063.07]—(NRS A 1973, 1826)

**NRS 278.200 Form of master plan.** The master plan shall be a map, together with such charts, drawings, diagrams, schedules, reports, ordinances, or other printed or published material, or any one or a combination of any of the foregoing as may be considered essential to the purposes of [NRS 278.010](#) to [278.630](#), inclusive.

[9:110:1941; 1931 NCL § 5063.08]—(NRS A 1973, 1827)

**NRS 278.210 Adoption of master plan and amendments by commission: Notice; hearing; neighborhood meeting; resolution; frequency of certain amendments; attested copies; certification by electronic means.**

1. Before adopting the master plan or any part of it in accordance with [NRS 278.170](#), or any substantial amendment thereof, the

commission shall hold at least one public hearing thereon, notice of the time and place of which must be given at least by one publication in a newspaper of general circulation in the city or county, or in the case of a regional planning commission, by one publication in a newspaper in each county within the regional district, at least 10 days before the day of the hearing.

2. Before a public hearing may be held pursuant to subsection 1 in a county whose population is 100,000 or more on an amendment to a master plan, including, without limitation, a gaming enterprise district, if applicable, the person who requested the proposed amendment must hold a neighborhood meeting to provide an explanation of the proposed amendment. Notice of such a meeting must be given by the person requesting the proposed amendment to:

(a) Each owner, as listed on the county assessor's records, of real property located within a radius of 750 feet of the area to which the proposed amendment pertains;

(b) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest to the area to which the proposed amendment pertains, to the extent this notice does not duplicate the notice given pursuant to paragraph (a);

(c) Each tenant of a mobile home park if that park is located within a radius of 750 feet of the area to which the proposed amendment pertains; and

(d) If a military installation is located within 3,000 feet of the area to which the proposed amendment pertains, the commander of the military installation.

È The notice must be sent by mail at least 10 days before the neighborhood meeting and include the date, time, place and purpose of the neighborhood meeting.

3. Except as otherwise provided in [NRS 278.225](#), the adoption of the master plan, or of any amendment, extension or addition thereof, must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission. The resolution must refer expressly to the maps, descriptive matter and other matter intended by the commission to constitute the plan or any amendment, addition or extension thereof, and the action taken must be recorded on the map and plan and descriptive matter by the identifying signatures of the secretary and chair of the commission.

4. Except as otherwise provided in [NRS 278.225](#), no plan or map, hereafter, may have indicated thereon that it is a part of the master plan until it has been adopted as part of the master plan by the commission as herein provided for the adoption thereof, whenever changed conditions or further studies by the commission require such amendments, extension or addition.

5. Except as otherwise provided in this subsection, the commission shall not amend the land use plan of the master plan set forth in paragraph (g) of subsection 1 of [NRS 278.160](#), or any portion of such a land use plan, more than four times in a calendar year. The provisions of this subsection do not apply to:

(a) A change in the land use designated for a particular area if the change does not affect more than 25 percent of the area; or

(b) A minor amendment adopted pursuant to [NRS 278.225](#).

6. An attested copy of any part, amendment, extension of or addition to the master plan adopted by the planning commission of any city, county or region in accordance with [NRS 278.170](#) must be certified to the governing body of the city, county or region. The governing body of the city, county or region may authorize such certification by electronic means.

7. An attested copy of any part, amendment, extension of or addition to the master plan adopted by any regional planning commission must be certified to the county planning commission and to the board of county commissioners of each county within the regional district. The county planning commission and board of county commissioners may authorize such certification by electronic means.

[10:110:1941; 1931 NCL § 5063.09]—(NRS A [2001, 1682, 2805, 2816; 2005, 185, 1591; 2007, 346; 2009, 2763](#))

**NRS 278.220 Adoption of master plan or part thereof by governing body; change to plan adopted by commission.** Except as otherwise provided in subsection 4 of [NRS 278.150](#) and [NRS 278.225](#):

1. Upon receipt of a certified copy of the master plan, or of any part thereof, as adopted by the planning commission, the governing body may adopt such parts thereof as may practicably be applied to the development of the city, county or region for a reasonable period of time next ensuing.

2. The parts must thereupon be endorsed and certified as master plans thus adopted for the territory covered, and are hereby declared to be established to conserve and promote the public health, safety and general welfare.

3. Before adopting any plan or part thereof, the governing body shall hold at least one public hearing thereon, notice of the time and place of which must be published at least once in a newspaper of general circulation in the city or counties at least 10 days before the day of hearing.

4. No change in or addition to the master plan or any part thereof, as adopted by the planning commission, may be made by the governing body in adopting the same until the proposed change or addition has been referred to the planning commission for a report thereon and an attested copy of the report has been filed with the governing body. Failure of the planning commission so to report within 40 days, or such longer period as may be designated by the governing body, after such reference shall be deemed to be approval of the proposed change or addition.

[Part 11:110:1941; A 1947, 834; 1943 NCL § 5063.10]—(NRS A [2001, 1683; 2005, 186](#))

**NRS 278.225 Governing body may establish by ordinance procedure for adopting minor amendments to master plan; public hearing and notice required before adoption of ordinance.**

1. A governing body may establish by ordinance a procedure by which the governing body may adopt minor amendments to the master plan, or any part thereof, without action by the planning commission.

2. Before adopting an ordinance or a minor amendment pursuant to subsection 1, the governing body shall hold a public hearing and give notice of the hearing in the manner required by subsection 3 of [NRS 278.220](#).

3. As used in this section, unless the context otherwise requires, "minor amendment" means:

(a) A change in a boundary that is based on a geographical feature, including, without limitation, topography, slopes, hydrographic features, wetland delineation and floodplains, when evidence is produced that the mapped location of the geographical feature is in error;

(b) A change made to reflect the alteration of the name of a jurisdiction, agency, department or district by the governing body, governing board or other governing authority of the jurisdiction, agency, department or district, as applicable, or by another entity authorized by law to make such an alteration; and

(c) An update of statistical information that is based on a new or revised study.

(Added to NRS by [2005, 185](#))

**NRS 278.230 Governing body to put adopted master plan into effect.**

1. Except as otherwise provided in subsection 4 of [NRS 278.150](#), whenever the governing body of any city or county has adopted a master plan or part thereof for the city or county, or for any major section or district thereof, the governing body shall, upon recommendation of the planning commission, determine upon reasonable and practical means for putting into effect the master plan or part thereof, in order that the same will serve as:

(a) A pattern and guide for that kind of orderly physical growth and development of the city or county which will cause the least amount of natural resource impairment and will conform to the adopted population plan, where required, and ensure an adequate supply of housing,

including affordable housing; and

(b) A basis for the efficient expenditure of funds thereof relating to the subjects of the master plan.

2. The governing body may adopt and use such procedure as may be necessary for this purpose.

[Part 11:110:1941; A 1947, 834; 1943 NCL § 5063.10]—(NRS A 1973, 1243; 1995, 2228; [2001, 1683](#))

**NRS 278.235 Adoption of measures to maintain and develop affordable housing to carry out housing plan required in master plan; annual reports.**

1. If the governing body of a city or county is required to include a housing plan in its master plan pursuant to [NRS 278.150](#), the governing body, in carrying out the plan for maintaining and developing affordable housing to meet the housing needs of the community, which is required to be included in the housing plan pursuant to subparagraph (8) of paragraph (f) of subsection 1 of [NRS 278.160](#), shall adopt at least six of the following measures:

(a) At the expense of the city or county, as applicable, subsidizing in whole or in part impact fees and fees for the issuance of building permits collected pursuant to [NRS 278.580](#).

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of affordable housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for affordable housing.

(d) Leasing land by the city or county to be used for affordable housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of affordable housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for affordable housing that must be used for the acquisition, construction or rehabilitation of affordable housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing.

(h) Providing money, support or density bonuses for affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented housing developments that would include an affordable housing component.

(j) Offering density bonuses or other incentives to encourage the development of affordable housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of affordable housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in affordable housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. On or before January 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing affordable housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for affordable housing within the city or county that exists at the end of the reporting period.

3. On or before February 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 2 and transmit the compilation to the Legislature, or the Legislative Commission if the Legislature is not in regular session.

(Added to NRS by [2007, 1517](#); A [2009, 2764](#))

**NRS 278.240 Approval required for certain dedications, closures, abandonments, construction or authorizations.** Whenever the governing body of a city, county or region has adopted a master plan, or one or more subject matters thereof, for the city, county or region, or for a major section or district thereof, no street, square, park, or other public way, ground, or open space may be acquired by dedication or otherwise, except by bequest, and no street or public way may be closed or abandoned, and no public building or structure may be constructed or authorized in the area for which the master plan or one or more subject matters thereof has been adopted by the governing body unless the dedication, closure, abandonment, construction or authorization is approved in a manner consistent with the requirements of the governing body, board or commission having jurisdiction over such a matter.

[12:110:1941; 1931 NCL § 5063.11]—(NRS A 1997, 2419)

**NRS 278.243 City or county authorized to represent own interests in certain matters if governing body has adopted master plan.**

A city or county whose governing body has adopted a master plan pursuant to [NRS 278.220](#) may represent its own interests with respect to land and appurtenant resources that are located within the city or county and are affected by policies and activities involving the use of federal land.

(Added to NRS by [1999, 1421](#))

**NRS 278.246 City or county authorized to enter into certain actions if governing body has adopted master plan.**

1. Except as otherwise provided in subsection 2, a city or county whose governing body has adopted a master plan pursuant to [NRS 278.220](#) may:

(a) On its own initiative bring and maintain an action in its own name and on its own behalf; or

(b) Intervene on behalf of or bring and maintain an action on the relation of, any person in any meritorious case,

È in any court or before any federal agency, if an action or proposed action by a federal agency or instrumentality with respect to the lands, appurtenant resources or streets that are located within the city or county impairs or tends to impair the traditional functions of the city or county or the carrying out of the master plan.

2. A city or county may not:

(a) Bring and maintain an action pursuant to subsection 1 that would request a court to grant relief that would violate a state statute;

(b) Participate in any proceeding of a federal agency pursuant to subsection 1 to request the federal agency to take any action that would violate a state statute; or

(c) Bring or maintain an action pursuant to subsection 1 on behalf of this State or as representative of the interests of this State or any of its agencies.

(Added to NRS by [1999, 1421](#))

**NRS 278.250 Zoning districts and regulations.**

1. For the purposes of [NRS 278.010](#) to [278.630](#), inclusive, the governing body may divide the city, county or region into zoning districts

of such number, shape and area as are best suited to carry out the purposes of [NRS 278.010](#) to [278.630](#), inclusive. Within the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:
  - (a) To preserve the quality of air and water resources.
  - (b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.
  - (c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.
  - (d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.
  - (e) To provide for recreational needs.
  - (f) To protect life and property in areas subject to floods, landslides and other natural disasters.
  - (g) To conform to the adopted population plan, if required by [NRS 278.170](#).
  - (h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.
  - (i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.
  - (j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.
  - (k) To promote health and the general welfare.
  - (l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.
  - (m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods and, in counties whose population is 400,000 or more, the protection of historic neighborhoods.
  - (n) To promote systems which use solar or wind energy.
  - (o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.

[13:110:1941; 1931 NCL § 5063.12]—(NRS A 1973, 1244, 1828; 1977, 1016; 1991, 2232; 1995, 2228; [1999, 2128, 3369](#); [2005, 1592, 1822](#); [2007, 347](#); [2009, 2766](#))

**NRS 278.260 Determination, establishment, enforcement and amendment of zoning regulations, restrictions and boundaries: Procedure and prerequisites; notice and hearing; signs; additional fee for certain applications.**

1. The governing body shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts are determined, established, enforced and amended.

2. A zoning regulation, restriction or boundary, or an amendment thereto, must not become effective until after transmittal of a copy of the relevant application to the town board, citizens' advisory council or town advisory board pursuant to subsection 5, if applicable, and after a public hearing at which parties in interest and other persons have an opportunity to be heard. The governing body shall cause notice of the time and place of the hearing to be:

(a) Published in an official newspaper, or a newspaper of general circulation, in the city, county or region;

(b) Mailed to each tenant of a mobile home park if that park is located within 300 feet of the property in question; and

(c) If a military installation is located within 3,000 feet of the property in question, mailed to the commander of that military installation,  $\hat{E}$  at least 10 days before the hearing.

3. If a proposed amendment involves a change in the boundary of a zoning district in a county whose population is less than 100,000, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice of the hearing to be sent at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner, as listed on the county assessor's records, of real property located within 300 feet of the portion of the boundary being changed;

(c) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b); and

(d) Any advisory board which has been established for the affected area by the governing body.

$\hat{E}$  The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and must be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description of or a map detailing the proposed change, must indicate the existing zoning designation and the proposed zoning designation of the property in question, and must contain a brief summary of the intent of the proposed change. If the proposed amendment involves a change in the boundary of the zoning district that would reduce the density or intensity with which a parcel of land may be used, the notice must include a section that an owner of property may complete and return to the governing body to indicate his or her approval of or opposition to the proposed amendment.

4. If a proposed amendment involves a change in the boundary of a zoning district in a county whose population is 100,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice of the hearing to be sent at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner, as listed on the county assessor's records, of real property located within 750 feet of the portion of the boundary being changed;

(c) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b);

(d) Each tenant of a mobile home park if that park is located within 750 feet of the property in question; and

(e) Any advisory board which has been established for the affected area by the governing body.

È The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (e), inclusive, by electronic means if receipt of such an electronic notice can be verified, and must be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description of or a map detailing the proposed change, must indicate the existing zoning designation and the proposed zoning designation of the property in question, and must contain a brief summary of the intent of the proposed change. If the proposed amendment involves a change in the boundary of the zoning district that would reduce the density or intensity with which a parcel of land may be used, the notice must include a section that an owner of property may complete and return to the governing body to indicate his or her approval of or opposition to the proposed amendment.

5. If an application is filed with the governing body and the application involves a change in the boundary of a zoning district within an unincorporated town that is located more than 10 miles from an incorporated city, the governing body shall, at least 10 days before the hearing on the application is held pursuant to subsection 2, transmit a copy of any information pertinent to the application to the town board, citizens' advisory council or town advisory board, whichever is applicable, of the unincorporated town. The town board, citizens' advisory council or town advisory board may make recommendations regarding the application and submit its recommendations before the hearing on the application is held pursuant to subsection 2. The governing body or other authorized person or entity conducting the hearing shall consider any recommendations submitted by the town board, citizens' advisory council or town advisory board regarding the application and, within 10 days after making its decision on the application, shall transmit a copy of its decision to the town board, citizens' advisory council or town advisory board.

6. In a county whose population is 400,000 or more, if a notice is required to be sent pursuant to subsection 4:

(a) The exterior of a notice sent by mail; or

(b) The cover sheet, heading or subject line of a notice sent by electronic means,

È must bear a statement, in at least 10-point bold type or font, in substantially the following form:

#### OFFICIAL NOTICE OF PUBLIC HEARING

7. In addition to sending the notice required pursuant to subsection 4, in a county whose population is 400,000 or more, the governing body shall, not later than 10 days before the hearing, erect or cause to be erected on the property at least one sign not less than 2 feet high and 2 feet wide. The sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:

(a) The existing zoning designation of the property in question;

(b) The proposed zoning designation of the property in question;

(c) The date, time and place of the public hearing;

(d) A telephone number which may be used by interested persons to obtain additional information; and

(e) A statement which indicates whether the proposed zoning designation of the property in question complies with the requirements of the master plan of the city or county in which the property is located.

8. A sign required pursuant to subsection 7 is for informational purposes only and must be erected regardless of any local ordinance regarding the size, placement or composition of signs to the contrary.

9. A governing body may charge an additional fee for each application to amend an existing zoning regulation, restriction or boundary to cover the actual costs resulting from the mailed notice required by this section and the erection of not more than one of the signs required by subsection 7, if any. The additional fee is not subject to the limitation imposed by [NRS 354.5989](#).

10. The governing body shall remove or cause to be removed any sign required by subsection 7 within 5 days after the final hearing for the application for which the sign was erected. There must be no additional charge to the applicant for such removal.

11. If a proposed amendment involves a change in the boundary of a zoning district in a county whose population is 400,000 or more that would reduce the density or intensity with which a parcel of land may be used and at least 20 percent of the property owners to whom notices were sent pursuant to subsection 4 indicate in their responses opposition to the proposed amendment, the governing body shall not approve the proposed amendment unless the governing body:

(a) Considers separately the merits of each aspect of the proposed amendment to which the owners expressed opposition; and

(b) Makes a written finding that the public interest and necessity will be promoted by approval of the proposed amendment.

12. The governing body of a county whose population is 400,000 or more shall not approve a zoning regulation, restriction or boundary, or an amendment thereof, that affects any unincorporated area of the county that is surrounded completely by the territory of an incorporated city without sending a notice to the governing body of the city. The governing body of the city, or its designee, must submit any recommendations to the governing body of the county within 15 days after receiving the notice. The governing body of the county shall consider any such recommendations. If the governing body of the county does not accept a recommendation, the governing body of the county, or its authorized agent, shall specify for the record the reasons for its action.

[14:110:1941; 1931 NCL § 5063.13]—(NRS A 1973, 1828; 1977, 1017; 1989, 962; 1991, 370; 1993, 2204; 1997, 2420; [1999, 785, 911, 2078, 2080; 2001, 1446, 1683; 2003, 70, 2338; 2007, 348](#))

**NRS 278.262 Hearing examiners: Power of governing body to appoint.** The governing body of any county or city may appoint as many full-time or part-time hearing examiners as are necessary or appropriate to assist the planning commission and the governing body in acting upon proposals for changes in zoning classification, zoning districts, special use permits, variances and other matters affecting zoning.

(Added to NRS by 1973, 337; A 1977, 1017; 1979, 371)

#### **NRS 278.263 Hearing examiners: Compensation; qualifications; removal.**

1. Hearing examiners appointed under the authority of [NRS 278.262](#) are entitled to receive such compensation as is considered necessary by the governing body and shall possess qualifications similar to those of a licensed architect, attorney, engineer or a member of the American Institute of Certified Planners.

2. Hearing examiners serve at the pleasure of the governing body in accordance with any appropriate personnel ordinance or regulation.

(Added to NRS by 1973, 337; A 1995, 453)

**NRS 278.264 Hearing examiners: Rules of procedure.** Upon the determination of any governing body that a hearing examiner is to be employed and before any hearings are conducted utilizing his or her services, an ordinance shall be enacted setting forth rules of procedure for the processing and hearing of applications which are to be considered by a hearing examiner.

(Added to NRS by 1973, 338)

**NRS 278.265 Hearing examiners: Notice and hearing; duties and powers; final action on certain matters; appeal of final action.**

1. Any ordinance enacted pursuant to the provisions of [NRS 278.264](#) must provide, in substance, the same notice of hearing and conduct of hearing safeguards required by [NRS 278.315](#) or [278.480](#), whichever is applicable.
  2. The governing body shall, by ordinance, set forth the duties and powers of the hearing examiner, including a statement of whether the hearing examiner may take final action on any matter assigned to the hearing examiner by the governing body.
  3. Except as otherwise provided in subsection 4, the governing body may authorize the hearing examiner to take final action on matters relating to a variance, vacation, abandonment, special use permit, conditional use permit and other special exception or application specified in the ordinance.
  4. The governing body shall not authorize the hearing examiner to take final action on:
    - (a) Matters relating to a zoning classification, zoning district or an amendment to a zoning boundary.
    - (b) An application for a conditional use permit that is filed pursuant to [NRS 278.147](#).
  5. An applicant or protestant may appeal any final action taken by the hearing examiner in accordance with the ordinance adopted pursuant to [NRS 278.3195](#).
- (Added to NRS by 1973, 338; A 1995, 453; 1997, 2422; [1999, 1137](#); [2001, 2805](#))

**ZONING BOARDS OF ADJUSTMENT**

**NRS 278.270 Creation.** The governing body of any county or of any city which enacts zoning regulations under the authority of [NRS 278.010](#) to [278.630](#), inclusive, may provide by ordinance for a board of adjustment.  
 [Part 15:110:1941; A 1955, 197]—(NRS A 1981, 164)

**NRS 278.280 Members: Appointment; compensation; terms; removal; vacancies.**

1. Any ordinance enacted under [NRS 278.270](#) may provide that the board:
    - (a) Be composed of the members of the governing body; or
    - (b) Be composed of not more than seven appointed members.
  2. Any ordinance providing for the appointment of members must prescribe:
    - (a) The manner of appointment and compensation of the members.
    - (b) The terms of the members, which must be arranged so that no more than two will expire each year.
  3. If the members of the board are appointed, no member may hold another public office except that one member may also be a member of the planning commission.
  4. Members who are appointed may be removed after a public hearing for inefficiency, neglect of duty or malfeasance of office.
  5. Vacancies must be filled for the unexpired term of any member appointed whose term becomes vacant.
- [Part 15:110:1941; A 1955, 197]—(NRS A 1969, 866; 1981, 165)

**NRS 278.290 Meetings, rules and records.**

1. Meetings of the board must be held at the call of the chair and at such other times as the board may determine. The chair, or in his or her absence the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the board must be open to the public.
  2. The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to [NRS 278.010](#) to [278.630](#), inclusive.
  3. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and audio recordings or transcripts of its proceedings, and shall keep records of its examinations and other official actions, all of which must be filed immediately in the office of the board and, except as otherwise provided in [NRS 241.035](#), are public records.
- [Part 15:110:1941; A 1955, 197]—(NRS A [2005, 1408](#))

**NRS 278.300 Powers.**

1. The board of adjustment shall have the following powers:
    - (a) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures.
    - (b) To hear and decide, in accordance with the provisions of any such regulation, requests for variances, or for interpretation of any map, or for decisions upon other special questions upon which the board is authorized by any such regulation to pass.
    - (c) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any regulation enacted under [NRS 278.010](#) to [278.630](#), inclusive, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, to authorize a variance from that strict application so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.
    - (d) To hear and decide requests for special use permits or other special exceptions, in such cases and under such conditions as the regulations may prescribe.
  2. The majority vote of the board of adjustment is necessary to reverse any order, requirement, decision or determination of any administrative official or agency, or to decide in favor of the appellant.
- [17:110:1941; 1931 NCL § 5063.16]—(NRS A 1969, 734; 1973, 1244; 1979, 372)

**NRS 278.310 Appeals: Persons entitled to appeal to board of adjustment; procedure; appeals from decisions of board of adjustment; alternative procedure if board of adjustment has not been created.**

1. Except as otherwise provided in subsection 4, appeals to the board of adjustment may be taken by:
  - (a) Any person aggrieved by his or her inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of any zoning regulation or any regulation relating to the location or soundness of structures.
  - (b) Any officer, department, board or bureau of the city or county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of any zoning regulations.
2. Except as otherwise provided in subsection 4, the time within which an appeal must be made, and the form of other procedure relating thereto, must be as specified in the general rules provided by the governing body to govern the procedure of the board of adjustment and in the supplemental rules of procedure adopted by the board of adjustment.

3. Each governing body which has created a board of adjustment pursuant to [NRS 278.270](#) shall adopt an ordinance providing that any person who is aggrieved by a decision of the board of adjustment regarding an appeal of an administrative decision may appeal the decision of the board of adjustment. An ordinance that a governing body is required to adopt pursuant to this subsection must either:

(a) Comply with subsection 2 of [NRS 278.3195](#), thereby requiring the aggrieved person first to appeal the decision of the board of adjustment to the governing body; or

(b) Set forth a separate procedure which allows the aggrieved person to appeal the decision of the board of adjustment directly to the district court of the proper county by filing a petition for judicial review within 25 days after the date of filing of notice of the decision with the clerk or secretary of the board of adjustment, as provided in [NRS 278.0235](#).

4. If the governing body has not created a board of adjustment pursuant to [NRS 278.270](#), any person aggrieved by the decision of an administrative officer or agency, as described in subsection 1, may appeal the decision in accordance with the ordinance adopted pursuant to [NRS 278.3195](#).

[16:110:1941; 1931 NCL § 5063.15]—(NRS A [2001, 2806](#))

### SPECIAL EXCEPTIONS

#### **NRS 278.315 Granting of variances, special and conditional use permits and other special exceptions by board of adjustment, planning commission or hearing examiner; appeal of decision.**

1. The governing body may provide by ordinance for the granting of variances, special use permits, conditional use permits or other special exceptions by the board of adjustment, the planning commission or a hearing examiner appointed pursuant to [NRS 278.262](#). The governing body may impose this duty entirely on the board, commission or examiner, respectively, or provide for the granting of enumerated categories of variances, special use permits, conditional use permits or special exceptions by the board, commission or examiner.

2. A hearing to consider an application for the granting of a variance, special use permit, conditional use permit or special exception must be held before the board of adjustment, planning commission or hearing examiner within 65 days after the filing of the application, unless a longer time or a different process of review is provided in an agreement entered into pursuant to [NRS 278.0201](#).

3. In a county whose population is less than 100,000, notice setting forth the time, place and purpose of the hearing must be sent at least 10 days before the hearing to:

- (a) The applicant;
- (b) Each owner of real property, as listed on the county assessor's records, located within 300 feet of the property in question;
- (c) If a mobile home park is located within 300 feet of the property in question, each tenant of that mobile home park;
- (d) Any advisory board which has been established for the affected area by the governing body; and
- (e) If a military installation is located within 3,000 feet of the property in question, the commander of that military installation.

4. Except as otherwise provided in subsection 7, in a county whose population is 100,000 or more, a notice setting forth the time, place and purpose of the hearing must be sent at least 10 days before the hearing to:

- (a) The applicant;
- (b) If the application is for a deviation of at least 10 percent but not more than 30 percent from a standard for development:
  - (1) Each owner, as listed on the county assessor's records, of real property located within 100 feet of the property in question; and
  - (2) Each tenant of a mobile home park located within 100 feet of the property in question;
- (c) If the application is for a special use permit or a deviation of more than 30 percent from a standard for development:
  - (1) Each owner, as listed on the county assessor's records, of real property located within 500 feet of the property in question;
  - (2) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (1); and
  - (3) Each tenant of a mobile home park located within 500 feet of the property in question;
- (d) If the application is for a project of regional significance, as that term is described in [NRS 278.02542](#):
  - (1) Each owner, as listed on the county assessor's records, of real property located within 750 feet of the property in question;
  - (2) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (1); and
  - (3) Each tenant of a mobile home park located within 750 feet of the property in question;
- (e) Any advisory board which has been established for the affected area by the governing body; and
- (f) If a military installation is located within 3,000 feet of the property in question, the commander of that military installation.

5. If an application is filed with the governing body for the issuance of a special use permit with regard to property situated within an unincorporated town that is located more than 10 miles from an incorporated city, the governing body shall, at least 10 days before the hearing on the application is held pursuant to subsection 2, transmit a copy of any information pertinent to the application to the town board, citizens' advisory council or town advisory board, whichever is applicable, of the unincorporated town. The town board, citizens' advisory council or town advisory board may make recommendations regarding the application and submit its recommendations before the hearing on the application is held pursuant to subsection 2. The governing body or other authorized person or entity conducting the hearing shall consider any recommendations submitted by the town board, citizens' advisory council or town advisory board regarding the application and, within 10 days after making its decision on the application, shall transmit a copy of its decision to the town board, citizens' advisory council or town advisory board.

6. An applicant or a protestant may appeal a decision of the board of adjustment, planning commission or hearing examiner in accordance with the ordinance adopted pursuant to [NRS 278.3195](#).

7. In a county whose population is 400,000 or more, if the application is for the issuance of a special use permit for an establishment which serves alcoholic beverages for consumption on or off of the premises as its primary business in a district which is not a gaming enterprise district as defined in [NRS 463.0158](#), the governing body shall, at least 10 days before the hearing:

- (a) Send a notice setting forth the time, place and purpose of the hearing to:
  - (1) The applicant;
  - (2) Each owner, as listed on the county assessor's records, of real property located within 1,500 feet of the property in question;
  - (3) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (2);
  - (4) Each tenant of a mobile home park located within 1,500 feet of the property in question;
  - (5) Any advisory board which has been established for the affected area by the governing body; and
  - (6) If a military installation is located within 3,000 feet of the property in question, the commander of that military installation; and
- (b) Erect or cause to be erected on the property, at least one sign not less than 2 feet high and 2 feet wide. The sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:
  - (1) The existing permitted use and zoning designation of the property in question;
  - (2) The proposed permitted use of the property in question;

- (3) The date, time and place of the public hearing; and
  - (4) A telephone number which may be used by interested persons to obtain additional information.
  - 8. A sign required pursuant to subsection 7 is for informational purposes only and must be erected regardless of any local ordinance regarding the size, placement or composition of signs to the contrary.
  - 9. A governing body may charge an additional fee for each application for a special use permit to cover the actual costs resulting from the erection of not more than one sign required by subsection 7, if any. The additional fee is not subject to the limitation imposed by [NRS 354.5989](#).
  - 10. The governing body shall remove or cause to be removed any sign required by subsection 7 within 5 days after the final hearing for the application for which the sign was erected. There must be no additional charge to the applicant for such removal.
  - 11. The notice required to be provided pursuant to subsections 3, 4 and 7 must be sent by mail or, if requested by a party to whom notice must be provided pursuant to those subsections, by electronic means if receipt of such an electronic notice can be verified, and must be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.
  - 12. The provisions of this section do not apply to an application for a conditional use permit filed pursuant to [NRS 278.147](#).
- (Added to NRS by 1969, 734; A 1983, 1247; 1987, 933; 1991, 371; 1993, 2205; 1997, 2422; [1999, 786](#), [1137](#); [2001, 1448](#), [1686](#), [2806](#), [2817](#), [2819](#), [2824](#); [2003, 2340](#); [2007, 351](#))

#### **NRS 278.319 Granting of minor deviations without hearing; appeal of decision.**

- 1. The governing body may adopt an ordinance that authorizes the director of planning or another person or agency to grant a deviation of less than 10 percent from requirements for land use established within a zoning district without conducting a hearing. The ordinance must require an applicant for such a deviation to obtain the written consent of the owner of any real property that would be affected by the deviation.
  - 2. If the director of planning or other authorized person or agency grants a deviation in accordance with its authority delegated pursuant to subsection 1, the director of planning or other authorized person or agency shall ensure that the deviation will not impair the purpose of the zoning district or any regulations adopted by the governing body pursuant to [NRS 278.250](#).
  - 3. An applicant or other aggrieved person may appeal the decision of the director of planning or other authorized person or agency in accordance with the ordinance adopted pursuant to [NRS 278.3195](#).
- (Added to NRS by 1997, 2418; A [2001, 1451](#), [2808](#), [2822](#))

### **APPEALS**

#### **NRS 278.3195 Governing body to adopt ordinance allowing appeal to governing body concerning certain decisions regarding use of land; required contents of ordinance; appeal of decision of governing body to district court.**

- 1. Except as otherwise provided in [NRS 278.310](#), each governing body shall adopt an ordinance providing that any person who is aggrieved by a decision of:
    - (a) The planning commission, if the governing body has created a planning commission pursuant to [NRS 278.030](#);
    - (b) The board of adjustment, if the governing body has created a board of adjustment pursuant to [NRS 278.270](#);
    - (c) A hearing examiner, if the governing body has appointed a hearing examiner pursuant to [NRS 278.262](#); or
    - (d) Any other person appointed or employed by the governing body who is authorized to make administrative decisions regarding the use of land,
 may appeal the decision to the governing body. In a county whose population is 400,000 or more, a person shall be deemed to be aggrieved under an ordinance adopted pursuant to this subsection if the person appeared, either in person, through an authorized representative or in writing, before a person or entity described in paragraphs (a) to (d), inclusive, on the matter which is the subject of the decision.
  - 2. Except as otherwise provided in [NRS 278.310](#), an ordinance adopted pursuant to subsection 1 must set forth, without limitation:
    - (a) The period within which an appeal must be filed with the governing body.
    - (b) The procedures pursuant to which the governing body will hear the appeal.
    - (c) That the governing body may affirm, modify or reverse a decision.
    - (d) The period within which the governing body must render its decision except that:
      - (1) In a county whose population is 400,000 or more, that period must not exceed 45 days.
      - (2) In a county whose population is less than 400,000, that period must not exceed 60 days.
    - (e) That the decision of the governing body is a final decision for the purpose of judicial review.
    - (f) That, in reviewing a decision, the governing body will be guided by the statement of purpose underlying the regulation of the improvement of land expressed in [NRS 278.020](#).
    - (g) That the governing body may charge the appellant a fee for the filing of an appeal.
  - 3. In addition to the requirements set forth in subsection 2, in a county whose population is 400,000 or more, an ordinance adopted pursuant to subsection 1 must:
    - (a) Set forth procedures for the consolidation of appeals; and
    - (b) Prohibit the governing body from granting to an aggrieved person more than two continuances on the same matter, unless the governing body determines, upon good cause shown, that the granting of additional continuances is warranted.
  - 4. Any person who:
    - (a) Has appealed a decision to the governing body in accordance with an ordinance adopted pursuant to subsection 1; and
    - (b) Is aggrieved by the decision of the governing body,
 may appeal that decision to the district court of the proper county by filing a petition for judicial review within 25 days after the date of filing of notice of the decision with the clerk or secretary of the governing body, as set forth in [NRS 278.0235](#).
  - 5. As used in this section, "person" includes the Armed Forces of the United States or an official component or representative thereof.
- (Added to NRS by [2001, 2803](#); A [2003, 1734](#); [2007, 354](#))

### **DIVISIONS OF LAND**

#### **Subdivision of Land: General Provisions**

#### **NRS 278.320 "Subdivision" defined; exemptions for certain land.**

- 1. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into five or more lots, parcels, sites, units or plots, for the purpose of any transfer or development, or any proposed transfer or development, unless exempted by one of the following provisions:
  - (a) The term "subdivision" does not apply to any division of land which is subject to the provisions of [NRS 278.471](#) to [278.4725](#),

inclusive.

(b) Any joint tenancy or tenancy in common shall be deemed a single interest in land.

(c) Unless a method of disposition is adopted for the purpose of evading this chapter or would have the effect of evading this chapter, the term "subdivision" does not apply to:

(1) Any division of land which is ordered by any court in this State or created by operation of law;

(2) A lien, mortgage, deed of trust or any other security instrument;

(3) A security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity;

(4) Cemetery lots; or

(5) An interest in oil, gas, minerals or building materials, which are now or hereafter severed from the surface ownership of real property.

2. A common-interest community consisting of five or more units shall be deemed to be a subdivision of land within the meaning of this section, but need only comply with [NRS 278.326](#) to [278.460](#), inclusive, and [278.473](#) to [278.490](#), inclusive.

3. The board of county commissioners of any county may exempt any parcel or parcels of land from the provisions of [NRS 278.010](#) to [278.630](#), inclusive, if:

(a) The land is owned by a railroad company or by a nonprofit corporation organized and existing pursuant to the provisions of [chapter 81](#) or [82](#) of NRS which is an immediate successor in title to a railroad company, and the land was in the past used in connection with any railroad operation; and

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

4. Except as otherwise provided in subsection 5, this chapter, including, without limitation, any requirements relating to the adjustment of boundary lines or the filing of a parcel map or record of survey, does not apply to the division, exchange or transfer of land for agricultural purposes if each parcel resulting from such a division, exchange or transfer:

(a) Is 10 acres or more in size, unless local zoning laws require a larger minimum parcel size, in which case each parcel resulting from the division, exchange or transfer must comply with the parcel size required by those local zoning laws;

(b) Has a zoning classification that is consistent with the designation in the master plan, if any, regarding land use for the parcel;

(c) Can be described by reference to the standard subdivisions used in the United States Public Land Survey System;

(d) Qualifies for agricultural use assessment under [NRS 361A.100](#) to [361A.160](#), inclusive, and any regulations adopted pursuant thereto; and

(e) Is accessible:

(1) By way of an existing street, road or highway;

(2) Through other adjacent lands owned by the same person; or

(3) By way of an easement for agricultural purposes that was granted in connection with the division, exchange or transfer.

5. The exemption from the provisions of this chapter, which exemption is set forth in subsection 4, does not apply with respect to any parcel resulting from the division, exchange or transfer of agricultural lands if:

(a) Such resulting parcel ceases to qualify for agricultural use assessment under [NRS 361A.100](#) to [361A.160](#), inclusive, and any regulations adopted pursuant thereto; or

(b) New commercial buildings or residential dwelling units are proposed to be constructed on the parcel after the date on which the division, exchange or transfer took place. The provisions of this paragraph do not prohibit the expansion, repair, reconstruction, renovation or replacement of preexisting buildings or dwelling units that are:

(1) Dilapidated;

(2) Dangerous;

(3) At risk of being declared a public nuisance;

(4) Damaged or destroyed by fire, flood, earthquake or any natural or human-caused disaster; or

(5) Otherwise in need of expansion, repair, reconstruction, renovation or replacement.

[18.1:110:1941; added 1947, 834; 1943 NCL § 5063.17a]—(NRS A 1971, 938; 1973, 1336; 1975, 6, 1178, 1563; 1977, 1495; 1979, 1498; 1991, 582, 1312, 1318; [2003, 974](#); [2007, 563](#))

### **NRS 278.325 Mapping for industrial or commercial development; restriction on sale of parcel for residential use; requirements for creating boundary by conveyance.**

1. If a subdivision is proposed on land which is zoned for industrial or commercial development, neither the tentative nor the final map need show any division of the land into lots or parcels, but the streets and any other required improvements are subject to the requirements of [NRS 278.010](#) to [278.630](#), inclusive.

2. No parcel of land may be sold for residential use from a subdivision whose final map does not show a division of the land into lots.

3. Except as otherwise provided in subsection 4, a boundary or line must not be created by a conveyance of a parcel from an industrial or commercial subdivision unless a professional land surveyor has surveyed the boundary or line and set the monuments. The surveyor shall file a record of the survey pursuant to the requirements set forth in [NRS 625.340](#). Any conveyance of such a parcel must contain a legal description of the parcel that is independent of the record of survey.

4. The provisions of subsection 3 do not apply to a boundary or line that is created entirely within an existing industrial or commercial building. A certificate prepared by a professional engineer or registered architect certifying compliance with the applicable law of this State in effect at the time of the preparation of the certificate and with the building code in effect at the time the building was constructed must be attached to any document which proposes to subdivide such a building.

5. A certificate prepared pursuant to subsection 4 for a building located in a county whose population is 400,000 or more must be reviewed, approved and signed by the building official having jurisdiction over the area within which the building is situated.

(Added to NRS by 1969, 723; A 1993, 2560; [2005, 2668](#); [2007, 2922](#))

### **NRS 278.326 Local ordinances governing improvements, mapping, accuracy, engineering and related subjects.**

1. Local subdivision ordinances shall be enacted by the governing body of every incorporated city and every county, prescribing regulations which, in addition to the provisions of [NRS 278.010](#) to [278.630](#), inclusive, 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. The subdivider shall comply with the provisions of the appropriate local ordinance before the final map is approved.

[23:110:1941; 1931 NCL § 5063.22]—(NRS A 1973, 1769; 1977, 1500)—(Substituted in revision for NRS 278.370)

**NRS 278.327 Approval of map does not preclude further division.** Approval of any map pursuant to the provisions of [NRS 278.010](#) to [278.630](#), inclusive, does not in itself prohibit the further division of the lots, parcels, sites, units or plots described, but any such further division shall conform to the applicable provisions of those sections.

(Added to NRS by 1975, 1562; A 1977, 1496)

**NRS 278.328 Final action by planning commission on tentative map and final map: Authorization; appeal.** The governing body may, by ordinance, authorize the planning commission to take final action on a tentative map and a final map. Any person aggrieved by the commission's action may appeal the commission's decision in accordance with the ordinance adopted pursuant to [NRS 278.3195](#).

(Added to NRS by 1987, 658; A 1997, 2424; [2001, 2808](#))

**NRS 278.329 Relief from requirement to dedicate certain easements.** A governing body or its authorized representative may relieve a person who proposes to divide land pursuant to [NRS 278.360](#) to [278.460](#), inclusive, or [278.471](#) to [278.4725](#), inclusive, from the requirement to dedicate easements to public utilities that provide gas, electric, telecommunications, water and sewer services and any video service providers pursuant to paragraph (d) or (e) of subsection 9 of [NRS 278.372](#) or paragraph (c) or (d) of subsection 4 of [NRS 278.472](#) if the person demonstrates to the public body or its authorized representative that there is not an essential nexus to the public purpose for the dedication and the dedication is not roughly proportional in nature and extent to the impact of the proposed development.

(Added to NRS by [2003, 2345](#); A [2007, 1379](#))

### Subdivision of Land: Tentative Maps

#### **NRS 278.330 Preparation of tentative map; filing and distribution of copies; action by planning commission.**

1. The initial action in connection with the making of any subdivision is the preparation of a tentative map.
2. The subdivider shall file copies of the map with the planning commission or its designated representative, or with the clerk of the governing body if there is no planning commission, together with a filing fee in an amount determined by the governing body.
3. The commission, its designated representative, the clerk or other designated representative of the governing body or, when authorized by the governing body, the subdivider or any other appropriate agency shall distribute copies of the map and any accompanying data to all state and local agencies and persons charged with reviewing the proposed subdivision.
4. 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.

5. Except as otherwise provided by subsection 6, if there is a planning commission, it shall:

- (a) In a county whose population is 400,000 or more, within 45 days; or
- (b) In a county whose population is less than 400,000, within 60 days,

Ê after accepting as a complete application a tentative map, recommend approval, conditional approval or disapproval of the map in a written report filed with the governing body.

6. If the governing body has authorized the planning commission to take final action on a tentative map, the planning commission shall:

- (a) In a county whose population is 400,000 or more, within 45 days; or
- (b) In a county whose population is less than 400,000, within 60 days,

Ê after accepting as a complete application a tentative map, approve, conditionally approve or disapprove the tentative map in the manner provided for in [NRS 278.349](#). The planning commission shall file its written decision with the governing body.

[21:110:1941; 1931 NCL § 5063.20]—(NRS A 1971, 1207; 1973, 1829; 1977, 647, 1496; 1979, 58; 1987, 658; 1993, 2561; 1997, 2424; [2001, 1967, 2808; 2003, 975](#))

#### **NRS 278.335 Review of tentative map by agencies of State; reviews and inspections by district board of health.**

1. A copy of the tentative map must be forwarded by the planning commission or its designated representative, or if there is no planning commission, the clerk or other designated representative of the governing body, for review to:

(a) The Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources;

(b) The district board of health acting for the Division of Environmental Protection pursuant to subsection 2; and

(c) If the subdivision is subject to the provisions of [NRS 704.6672](#), the Public Utilities Commission of Nevada.

2. In a county whose population is 100,000 or more, if the county and one or more incorporated cities in the county have established a district board of health, the authority of the Division of Environmental Protection to review and certify proposed subdivisions and to conduct construction or installation inspections must be exercised by the district board of health.

3. A district board of health which conducts reviews and inspections under this section shall consider all the requirements of the law concerning sewage disposal, water pollution, water quality and water supply facilities. At least four times annually, the district board of health shall notify the Division of Environmental Protection which subdivisions met these requirements of law and have been certified by the district board of health.

4. The State is not chargeable with any expense incurred by a district board of health acting pursuant to this section.

5. Each reviewing agency shall, within 15 days after the receipt of the tentative map, file its written comments with the planning commission or the governing body recommending approval, conditional approval or disapproval and stating the reasons therefor.

(Added to NRS by 1977, 1497; A 1979, 704; 1987, 520; 1993, 2561; 1997, 1984; [2005, 559, 692](#))

**NRS 278.340 Review by city of tentative map of subdivision proposed to be located within 1 mile of boundary of city.** Except as otherwise provided in a comprehensive regional plan adopted pursuant to [NRS 278.026](#) to [278.029](#), inclusive, whenever a subdivider proposes to subdivide any land within 1 mile of the boundary of a city, the planning commission of the county or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body of the county shall forward a copy of the tentative map to the planning commission of the city or, if there is no planning commission, the governing body of the city for review and comment.

[19:110:1941; 1931 NCL § 5063.18]—(NRS A 1959, 499; 1973, 1768; 1993, 2562)

**NRS 278.345 Review by county of tentative map of subdivision proposed to be located within 1 mile of boundary of unincorporated area of county.** Whenever a subdivider proposes to subdivide any land within an incorporated city in a county whose population is 100,000 or more, and the proposed subdivision is within 1 mile of the boundary of an unincorporated area of the county, the planning commission of the city or its designated representative, or, if there is no planning commission, the governing body of the city or its designated representative shall forward a copy of the subdivider's tentative map:

1. To the planning commission of the county for review and comment; or

2. If there is no planning commission of the county, to the clerk of the governing body of the county. The clerk shall submit the map to the governing body of the county at its next regular meeting for review and comment.

(Added to NRS by 1963, 102; A 1969, 1539; 1973, 1768; 1979, 530; 1989, 1917; 1993, 2563)

#### **NRS 278.346 Tentative map to be forwarded to school board; acquisition or disposal of school site.**

1. The planning commission or its designated representative or, if there is no planning commission, the clerk or other designated

representative of the governing body shall, not more than 10 days after the tentative map is filed pursuant to the provisions of subsection 2 of [NRS 278.330](#), forward a copy of the tentative map to the board of trustees of the school district within which the proposed subdivision is located. Within 15 days after receipt of the copy, the board of trustees or its designee shall, if a school site is needed within the area, notify the commission or governing body that a site is requested.

2. If the board of trustees requests a site:

(a) The subdivider shall, except as otherwise provided in subsection 8, set aside a site of the size which is determined by the board.

(b) The subdivider and the board of trustees shall, except as otherwise provided in subsections 7 and 8, negotiate for the price of the site, which must not exceed the fair market value of the land as determined by an independent appraisal paid for by the board.

3. If any land purchased by the school district pursuant to the provisions of subsection 2 has not been placed in use as a school site at the end of 10 years from the date of purchase, the land must be offered to the subdivider or the successor in interest of the subdivider at a sale price equal to the fair market value of the land at the time of the offer, as determined by an independent appraisal paid for by the board.

4. If the subdivider or the successor in interest of the subdivider does not accept an offer made pursuant to the provisions of subsection 3 or 9, then the board of trustees may:

(a) Sell or lease such property in the manner provided in [NRS 277.050](#) or [393.220](#) to [393.320](#), inclusive;

(b) Exchange such property in the manner provided in [NRS 277.050](#) or [393.326](#) to [393.3293](#), inclusive; or

(c) Retain such property, if such retention is determined to be in the best interests of the school district.

5. Except as otherwise provided in subsection 6, when any land dedicated to the use of the public school system or any land purchased and used as a school site becomes unsuitable, undesirable or impractical for any school uses or purposes, the board of trustees of the county school district in which the land is located shall dispose of the land as provided in subsection 4.

6. Land dedicated under the provisions of former [NRS 116.020](#), as it read before April 6, 1961, which the board of trustees determines is unsuitable, undesirable or impractical for school purposes may be reconveyed without cost to the dedicator or the successor or successors in interest of the dedicator.

7. Except as otherwise provided in subsection 8, in a county whose population is 100,000 or more but less than 400,000, the school district may purchase the site for a price negotiated between the subdivider and the board of trustees, which price must not exceed the lesser of:

(a) The fair market value of the land at the time the tentative map was approved, as determined by an independent appraisal paid for by the board, plus any costs paid by the subdivider with respect to that land between the date the tentative map was approved and the date of purchase; or

(b) The fair market value of the land on the date of purchase, as determined by an independent appraisal paid for by the board.

8. If, 5 years after the date on which the final map that contains the school site was approved, a school district has not purchased the site pursuant to the provisions of subsection 7, the subdivider need not continue to set aside the site pursuant to the provisions of subsection 2.

9. If, 10 years after the date on which the final map that contains the school site was approved, construction of a school at the school site has not yet begun, the land purchased by the school district pursuant to subsection 7 must be offered to the subdivider or the successor in interest of the subdivider at a sale price equal to the fair market value of the land at the time of the offer, as determined by an independent appraisal paid for by the board.

(Added to NRS by 1977, 1499; A 1993, 2563; [2009, 1234](#))

**NRS 278.347 Review of tentative map by general improvement district.** When any subdivider proposes to subdivide land, any part of which is located within the boundaries of any general improvement district organized or reorganized pursuant to [chapter 318](#) of NRS, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body shall file a copy of the subdivider's tentative map with the board of trustees of the district. The board of trustees may within 30 days review and comment in writing upon the map to the planning commission or governing body. The planning commission or governing body shall take any such comments into consideration before approving the tentative map.

(Added to NRS by 1977, 424; A 1993, 2564)

**NRS 278.348 Review of tentative map by irrigation district in county whose population is less than 100,000.** In any county whose population is less than 100,000, when any subdivider proposes to subdivide land, any part of which is located within the boundaries of any irrigation district organized pursuant to [chapter 539](#) of NRS, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body shall file a copy of the subdivider's tentative map with the board of directors of the district. The board of directors shall within 30 days review and comment in writing upon the map to the planning commission or governing body. The planning commission or governing body shall take those comments into consideration before approving the tentative map.

(Added to NRS by 1987, 1391; A 1993, 2564)

**NRS 278.3485 Review of tentative map for subdivision of land containing irrigation ditch located outside irrigation district in county whose population is less than 100,000.**

1. In any county whose population is less than 100,000, when any subdivider proposes to subdivide land which is located outside the boundaries of any irrigation district organized pursuant to [chapter 539](#) of NRS on which an irrigation ditch is located, the planning commission or its designated representative, or if there is no planning commission, the clerk or other designated representative of the governing body, shall forward a copy of the subdivider's tentative map, by certified or registered mail, to the last known address of the owner of record of any land to which the irrigation ditch is appurtenant that is on file in the office of the county assessor pursuant to this section. An owner of record who receives a copy of a subdivider's tentative map shall, within 30 days after receiving the map, review and comment in writing upon the map to the planning commission or governing body. The planning commission or governing body shall take those comments into consideration before approving the tentative map.

2. A subdivider whose tentative map is provided to an owner of record pursuant to this section is responsible for any costs incurred by the planning commission or its designated representative, or by the clerk or other designated representative of the governing body, in identifying the owner of record and providing a copy of the tentative map to the owner of record.

(Added to NRS by [2003, 974](#))

**NRS 278.349 Action on tentative map by governing body; considerations in determining action on tentative map; final disposition.**

1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to [NRS 278.330](#):

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

È after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

- (a) In a county whose population is 400,000 or more, within 45 days; or
- (b) In a county whose population is less than 400,000, within 60 days,

È after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

- (a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- (b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;
- (c) The availability and accessibility of utilities;
- (d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;
- (e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;
- (f) General conformity with the governing body's master plan of streets and highways;
- (g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
- (h) Physical characteristics of the land such as floodplain, slope and soil;
- (i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to [NRS 278.330](#) to [278.3485](#), inclusive;
- (j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands; and
- (k) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by [chapter 375](#) of NRS and for compliance with the disclosure and recording requirements of subsection 5 of [NRS 598.0923](#), if applicable, by the subdivider or any successor in interest.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. The governing body or planning commission shall not approve the tentative map unless the subdivider has submitted an affidavit stating that the subdivider will make provision for the payment of the tax imposed by [chapter 375](#) of NRS and for compliance with the disclosure and recording requirements of subsection 5 of [NRS 598.0923](#), if applicable, by the subdivider or any successor in interest. Any disapproval or conditional approval must include a statement of the reason for that action.

(Added to NRS by 1977, 1498; A 1979, 705; 1981, 1707; 1987, 659; 1989, 499; 1993, 2564; 1997, 2424; [2001, 1126](#), [1968](#), [2809](#); [2003, 976](#); [2009, 1113](#))

**NRS 278.350 Limitations on time for action on tentative or final map; effect of certain agreements extending time limits covering portion of approved tentative map.**

1. Unless a longer time is provided in an agreement entered into pursuant to [NRS 278.0201](#):

(a) The time limit for acting and reporting on a tentative or final map may be extended by mutual consent of the subdivider and the governing body or planning commission, as the case may be.

(b) If no action is taken within the time limits set forth in [NRS 278.010](#) to [278.630](#), inclusive, a tentative map as filed shall be deemed to be approved, and the clerk of the governing body, or the planning commission if it has been authorized to take final action, shall certify the map as approved.

(c) The time limits set forth in [NRS 278.010](#) to [278.630](#), inclusive, for tentative and final maps are suspended for a period, not to exceed 1 year, during which this State or the Federal Government takes any action to protect the environment or an endangered species which prohibits, stops or delays the processing of a tentative map or the development, processing or recordation of a final map.

2. If the subdivider enters into an agreement pursuant to paragraph (a) of subsection 1 covering a portion of an approved tentative map, no requirements other than those imposed on each of the final maps in a series of final maps may be placed on a map when the agreement is entered into unless the requirement is directly attributable to a change in applicable laws which affects the public health, safety or welfare.

[Part 22:110:1941; 1931 NCL § 5063.21]—(NRS A 1977, 1499; 1985, 2116; 1987, 660, 1304; 1991, 299; 1997, 2425; [2009, 164](#))

**NRS 278.353 Disclosure required when property offered for sale before final map recorded.** If any property in a subdivision is offered for sale before a final map is recorded for that subdivision, the seller or his or her agent shall disclose to any potential buyer that the final map has not been recorded.

(Added to NRS by 1979, 1361)

**Subdivision of Land: Final Maps**

**NRS 278.360 Requirements for presentation of final map or series of final maps; extensions of time. [Effective through June 30, 2013.]**

1. Unless a longer time is provided in an agreement entered into pursuant to [NRS 278.0201](#) or [278.350](#):

(a) Unless the time is extended, the subdivider shall present to the governing body, or the planning commission or the director of planning or other authorized person or agency if authorized to take final action by the governing body, within 4 years after the approval of a tentative map:

(1) A final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved; or

(2) The first of a series of final maps covering a portion of the approved tentative map. If the subdivider elects to present a successive map in a series of final maps, each covering a portion of the approved tentative map, the subdivider shall present to the governing body, or the planning commission or the director of planning or other authorized person or agency if authorized to take final action by the governing body, on or before the second anniversary of the date on which the subdivider recorded the first in the series of final maps:

(I) A final map, prepared in accordance with the tentative map, for the entire area for which the tentative map has been approved; or

(II) The next final map in the series of final maps covering a portion of the approved tentative map.

(b) If the subdivider fails to comply with the provisions of paragraph (a), all proceedings concerning the subdivision are terminated.

(c) The governing body or planning commission may grant an extension of not more than 2 years for the presentation of any final map after the 2-year period for presenting a successive final map has expired.

2. If the subdivider is presenting in a timely manner a series of final maps, each covering a portion of the approved tentative map, no requirements other than those imposed on each of the final maps in the series may be placed on the map when an extension of time is granted unless the requirement is directly attributable to a change in applicable laws which affect the public health, safety or welfare.

[Part 22:110:1941; 1931 NCL § 5063.21]—(NRS A 1973, 1768; 1977, 1500; 1981, 165, 1182; 1985, 564, 2116; 1987, 660, 1304; 1993, 2565; 1997, 2426; [2001, 2810](#); [2003, 2343](#); [2009, 165](#))

**NRS 278.360 Requirements for presentation of final map or series of final maps; extensions of time. [Effective July 1, 2013.]**

1. Unless a longer time is provided in an agreement entered into pursuant to [NRS 278.0201](#):

(a) Unless the time is extended, the subdivider shall present to the governing body, or the planning commission or the director of planning or other authorized person or agency if authorized to take final action by the governing body, within 2 years after the approval of a tentative map:

(1) A final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved; or

(2) The first of a series of final maps covering a portion of the approved tentative map. If the subdivider elects to present a successive map in a series of final maps, each covering a portion of the approved tentative map, the subdivider shall present to the governing body, or the planning commission or the director of planning or other authorized person or agency if authorized to take final action by the governing body, on or before the anniversary of the date on which the subdivider recorded the first in the series of final maps:

(I) A final map, prepared in accordance with the tentative map, for the entire area for which the tentative map has been approved; or

(II) The next final map in the series of final maps covering a portion of the approved tentative map.

(b) If the subdivider fails to comply with the provisions of paragraph (a), all proceedings concerning the subdivision are terminated.

(c) The governing body or planning commission may grant an extension of not more than 1 year for the presentation of any final map after the 1-year period for presenting a successive final map has expired.

2. If the subdivider is presenting in a timely manner a series of final maps, each covering a portion of the approved tentative map, no requirements other than those imposed on each of the final maps in the series may be placed on the map when an extension of time is granted unless the requirement is directly attributable to a change in applicable laws which affect the public health, safety or welfare.

[Part 22:110:1941; 1931 NCL § 5063.21]—(NRS A 1973, 1768; 1977, 1500; 1981, 165, 1182; 1985, 564, 2116; 1987, 660, 1304; 1993, 2565; 1997, 2426; [2001, 2810](#); [2003, 2343](#); [2009, 165](#), effective July 1, 2013)

**NRS 278.371 Survey, setting of monuments and preparation of final map; performance bond.**

1. The survey, setting of monuments and final map must be made by a professional land surveyor licensed in the State of Nevada.

2. The final monuments must be set before the recordation of the final map unless the subdivider furnishes a performance bond or other suitable assurance to the governing body or planning commission guaranteeing that the subdivider will provide a professional land surveyor to set the monuments on or before a day certain. The governing body or planning commission shall determine the amount of the performance bond, if any is required. If a surveyor other than the one signing the final plat accepts responsibility for the setting of monuments, a certificate of amendment must be filed and recorded.

3. The final monument must, except as otherwise provided in subsections 6 and 7, consist of a nonferrous tablet, disc or cap securely attached to the top of a metallic shaft solidly embedded in the ground, with a minimum diameter of 5/8 of an inch and a length sufficient to resist removal, and a mark for the exact point and stamped "PLS" followed by the number of the professional land surveyor's license.

4. Final monuments must be set at:

(a) Each corner of the boundary of the subdivision and at any point necessary to ensure that each monument on a given boundary can be seen from the next monument on that boundary.

(b) Intersections of centerlines of streets.

(c) Sufficient locations along the centerlines of streets so that the centerlines may be retraced. These locations may be at, or on an offset to, an angle to the centerline of a street, the center of a cul-de-sac, a point which defines a curve (the beginning or end of a curve or a point of intersection of a tangent) or an intersection with a boundary of the subdivision.

(d) A position for a corner of the system of rectangular surveys which is used as control in the survey required by this chapter to establish property lines and corners of the subdivision.

È The governing body shall, by ordinance, adopt any additional standards for the setting of final monuments which are reasonably necessary, including the establishment of Nevada state plane coordinates thereon pursuant to [chapter 327](#) of NRS.

5. A final monument required in subsection 4 which falls in a paved area must:

(a) Consist of a well with lid placed so that the top of the tablet, disc or cap of the monument is not less than 4 inches below the surface of the pavement; or

(b) Be of comparable construction as required by the governing body.

Ê The monument must be set flush with the top of the pavement with such references as are required by the governing body.

6. If a point designated in subsection 4 falls on solid bedrock or on a concrete or stone roadway, curb, gutter or walk, a durable nonferrous metal tablet, disc or cap must be securely anchored in the rock or concrete and marked as required in subsection 3.

7. If a monument required by subsection 3 cannot be set because of steep terrain, water, marsh or existing structures, or if it would be obliterated as a result of proposed construction, one or more reference monuments must be set. In addition to the physical requirements for a monument set forth in subsections 3 to 6, inclusive, the letters "RM" and "WC" must be stamped in the tablet, disc or cap. If only one reference monument is used, it must be set on the actual line or a prolongation thereof. Otherwise, at least two reference monuments must be set. These monuments shall be deemed final monuments.

8. A corner of a lot must be set by the land surveyor in the manner approved by the governing body.

(Added to NRS by 1977, 1501; A 1985, 564; 1987, 660; 1989, 790; 1993, 1196; 1997, 1063)

**NRS 278.372 Final map: Requirements and contents.**

1. The final map must be clearly and legibly drawn in permanent black 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. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the final map with permanent black ink.

2. The size of each sheet of the final map must be 24 by 32 inches. A marginal line must 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 final map must be large enough to show all details clearly. The final map must have a sufficient number of sheets to accomplish this end.

4. Each sheet of the final map must indicate its particular number, the total number of sheets in the final map and its relation to each adjoining sheet.

5. The final map must show all surveyed and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including the bearings and distances of straight lines, central angle, 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 must be numbered or lettered.

7. Each street must be named, and each block may be numbered or lettered.

8. The exterior boundary of the land included within the subdivision must be indicated by graphic border.

9. The final map must show:

(a) The definite location of the subdivision, particularly its relation to surrounding surveys.

(b) The area of each lot and the total area of the land in the subdivision in the following manner:

- (1) In acres, calculated to the nearest one-hundredth of an acre, if the area is 2 acres or more; or
  - (2) In square feet if the area is less than 2 acres.
  - (c) Any roads or easements of access which the owner intends to offer for dedication.
  - (d) Except as otherwise provided in [NRS 278.329](#), an easement for public utilities that provide gas, electric and telecommunications services and for any video service providers that are authorized pursuant to [chapter 711](#) of NRS to operate a video service network in that area.
  - (e) Except as otherwise provided in [NRS 278.329](#), an easement for public utilities that provide water and sewer services.
10. The final map for a condominium must also indicate, for the purpose of assessing taxes, whether any garage units, parking spaces or storage units may be conveyed separately from the units within the condominium or are parceled separately from those units. As used in this subsection, "condominium" has the meaning ascribed to it in [NRS 116.027](#).

11. The final map must also satisfy any additional survey and map requirements, including the delineation of Nevada state plane coordinates established pursuant to [chapter 327](#) of NRS, for any corner of the subdivision or any other point prescribed by the local ordinance. [Part 26:110:1941; 1931 NCL § 5063.25]—(NRS A 1960, 137; 1973, 1830; 1977, 1502; 1985, 896; 1991, 827; 1993, 1197, 2566; [2003, 2345](#); [2005, 2669](#); [2007, 1379](#))

**NRS 278.373 Certificates and acknowledgments to appear on final map.** The certificates and acknowledgments required by [NRS 116.2109](#) and [278.374](#) to [278.378](#), inclusive, must appear on a final map and may be combined where appropriate. (Added to NRS by 1977, 1502; A 1991, 583)

**NRS 278.374 Certificate of owner of land; report and guarantee of title company.**

1. Except as otherwise provided in subsection 2, a final map presented for filing must include a certificate signed and acknowledged, in the manner provided in [NRS 240.1665](#) or [240.167](#), by each person who is an owner of the land:

- (a) Consenting to the preparation and recordation of the final map.
- (b) Offering for dedication that part of the land which the person wishes to dedicate for public use, subject to any reservation contained therein.
- (c) Reserving any parcel from dedication.
- (d) Granting any permanent easement for utility or video service network installation or access, as designated on the final map, together with a statement approving such easement, signed by the public utility, video service provider or person in whose favor the easement is created or whose services are required.

2. If the map presented for filing is an amended map of a common-interest community, the certificate need only be signed and acknowledged by a person authorized to record the map under [chapter 116](#) of NRS.

3. A final map of a common-interest community presented for recording and, if required by local ordinance, a final map of any other subdivision presented for recording must include:

- (a) A report from a title company in which the title company certifies that it has issued a guarantee for the benefit of the local government which lists the names of:
  - (1) Each owner of record of the land to be divided; and
  - (2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

È The guarantee accompanying a final map of a common-interest community must also show that there are no liens of record against the common-interest community or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

- (1) The final map; or
- (2) A separate document that is filed with the final map and declares his or her consent to the division of land.

4. For the purpose of this section, the following shall be deemed not to be an interest in land:

- (a) A lien for taxes or special assessments.
- (b) A trust interest under a bond indenture.

5. As used in this section, "guarantee" means a guarantee of the type filed with the Commissioner of Insurance pursuant to paragraph (e) of subsection 1 of [NRS 692A.120](#).

(Added to NRS by 1977, 1502; A 1991, 583; 1993, 205, 2337, 2378, 2566; 1995, 710; [2003, 2346](#); [2007, 1380](#))

**NRS 278.375 Certificate of professional land surveyor.** A final map presented for filing must include a certificate of the surveyor responsible for the survey. The certificate must be in the following form:

Surveyor's Certificate

I, .....(Name of Surveyor), a Professional Land Surveyor licensed in the State of Nevada, certify that:

- 1. This plat represents the results of a survey conducted under my direct supervision at the instance of  
(Owner, Trustee, Etc.).
- 2. The lands surveyed lie within.....  
(Section, Township, Range, Meridian and, if required by the governing body, a description by metes and bounds for any subdivision which is divided into lots containing 5 acres in area or less),  
and the survey was completed on..... (date).
- 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 are of the character shown, occupy the positions indicated and are of sufficient number and durability.

(OR)

4. The monuments depicted on the plat will be of the character shown and occupy the positions indicated by ..... (a day certain) and an appropriate financial guarantee will be posted with the governing body before recordation to ensure the installation of the monuments.

..... License Number and Stamp:  
(Name of Surveyor)

(Added to NRS by 1977, 1503; A 1979, 440; 1981, 1159; 1989, 791; 1993, 2567; 1997, 1064)

**NRS 278.376 Certificate by county or city surveyor or by county or city engineer.**

1. A final map presented for filing must include a certificate by the county surveyor or county engineer if a subdivision lies within an unincorporated area, and if a subdivision lies within a city, a certificate by the city surveyor, city engineer or county surveyor when for that purpose appointed by the governing body of the city, stating:

(a) That he or she has examined the final map; and  
 (b) That the map is technically correct and that if the monuments have not been set, that a proper performance bond has been deposited guaranteeing their setting on or before a day certain.

2. The person certifying the information required by this section must be licensed as a professional land surveyor or civil engineer pursuant to [chapter 625](#) of NRS.

(Added to NRS by 1977, 1503; A 1989, 792; 1991, 1890; 1997, 1065)

**NRS 278.377 Certificates of certain governmental entities required; appeal from adverse decision of Division of Environmental Protection; copies of certain certificates to be furnished to subdivider and purchaser.**

1. A final map presented for filing must include a certificate by:

(a) The Division of Environmental Protection of the State Department of Conservation and Natural Resources or the district board of health acting pursuant to [NRS 278.335](#) indicating that the final map is approved concerning sewage disposal, water pollution, water quality and water supply facilities. The district board of health may not issue a certificate unless it has received:

(1) Written verification from the Division of Environmental Protection that the final map has been approved by the Division with regard to water pollution and sewage disposal in accordance with the Nevada Water Pollution Control Law; and

(2) If the final map pertains to a subdivision which is subject to the provisions of [NRS 704.6672](#), written verification from the Public Utilities Commission of Nevada that the final map has been approved by the Public Utilities Commission with regard to continuity and adequacy of water supply or sewer service, or both, as applicable.

(b) The Division of Water Resources of the State Department of Conservation and Natural Resources, showing that the final map is approved by the Division of Water Resources concerning water quantity. If the final map pertains to a subdivision which is subject to the provisions of [NRS 704.6672](#), the Division of Water Resources may not issue a certificate unless it has received written verification from the Public Utilities Commission of Nevada that the final map has been approved by the Public Utilities Commission with regard to continuity and adequacy of water supply or sewer service, or both, as applicable.

2. Any person aggrieved by the issuance or denial of approval with regard to water pollution and sewage disposal by the Division of Environmental Protection may appeal to the State Environmental Commission, which shall affirm, modify or reverse the action of the Division of Environmental Protection. The State Environmental Commission shall adopt regulations providing the time within which appeals must be taken and the manner of taking the appeal to the State Environmental Commission.

3. A copy of the certificate by the Division of Water Resources required by subsection 1 must be furnished to the subdivider who in turn shall provide a copy of the certificate to each purchaser of land before the time the sale is completed. Any statement of approval as required in subsection 1 is not a warranty or representation in favor of any person as to the safety or quantity of such water.

(Added to NRS by 1977, 1504; A 1979, 706, 1919, 1920; 1993, 2568; [2005, 560, 693](#))

**NRS 278.378 Certificate by clerk of governing body, planning commission or other authorized person or agency; clerk to present final map to county recorder for recording.**

1. A final map presented to the county recorder for recording must include a certificate by the clerk of the governing body or planning commission, or the director of planning or other authorized person or agency if authorized to take final action by the governing body, stating that the governing body, planning commission, director of planning or other authorized person or agency:

(a) Approved the map;

(b) Accepted or rejected on behalf of the public any parcel of land offered for dedication for public use in conformity with the terms of the offer of dedication; and

(c) If applicable, determined that a public street, easement or utility easement that will not remain in effect after a merger and resubdivision of parcels conducted pursuant to [NRS 278.4925](#), has been vacated or abandoned in accordance with [NRS 278.480](#).

2. The director of planning or, if there is no director of planning, the clerk of the governing body shall certify on the final map that it substantially complies with the tentative map and all conditions have been met.

3. The clerk of the governing body or planning commission shall cause the approved final map to be presented to the county recorder for recording.

(Added to NRS by 1977, 1504; A 1985, 566; 1987, 662; [1999, 788; 2001, 1759](#))

**NRS 278.380 Approval of final map: General requirements; acceptance of dedications; imposition and appeal of requirements for improvements and security.**

1. After receipt of the final map:

(a) The governing body or planning commission, at its next meeting; or

(b) If authorized by the governing body, the director of planning or other authorized person or agency, within 10 days after the map is accepted as a complete application by the governing body, planning commission, the director of planning or other authorized person or agency, shall approve the map if it conforms to all the requirements of [NRS 278.010](#) to [278.630](#), inclusive, and of any local ordinance applicable at the time of approval of the final map, or any rulings made thereunder.

2. The governing body, planning commission or director of planning or other authorized person or agency shall at that time also accept or reject all offers of dedication and may, as a condition precedent to the acceptance of streets or easements, require that the subdivider improve or agree to improve the streets or easements.

3. If an agreement for a required improvement is entered into, the governing body or planning commission may require that the agreement be secured by a good and sufficient bond or other security in the amount determined by the governing body, planning commission or director of planning or other authorized person or agency.

4. Any requirement imposed by the planning commission, director of planning or other authorized person or agency pursuant to this section may be appealed in accordance with the ordinance adopted pursuant to [NRS 278.3195](#). If such an appeal is filed, the limit on time to approve or disapprove a final map in subsection 1 is extended until 10 days after:

(a) The decision of the governing body on the appeal; or

(b) The decision of the district court, if the decision of the governing body is appealed to the district court.

[24:110:1941; 1931 NCL § 5063.23]—(NRS A 1977, 1500; 1981, 1183; 1985, 566; 1987, 662; 1997, 2426; [2001, 2811](#))

**NRS 278.385 Approval of final map: Submission of plans to install water meters.** The governing body, planning commission or

director of planning or other authorized person or agency shall not approve any final map for a subdivision served by a public water system which it receives after May 15, 1977, unless the subdivider has submitted plans which provide for the installation of water meters or other devices which will measure water delivered to each water user in the subdivision.

(Added to NRS by 1977, 1401; A 1987, 662; 1997, 2427)

**NRS 278.390 Title to dedicated property passes when final map recorded; offer of dedication may remain open.** Title to property dedicated or accepted for streets and easements passes when the final map is recorded. If at the time the final map is approved any streets are rejected, the offer of dedication shall be deemed to remain open and the governing body or planning commission may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use. Such an acceptance must be recorded in the office of the county recorder and be so noted by the recorder on the subdivision plat, if the county recorder does not maintain a cumulative index for such plats and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the acceptance or amendment.

[25:110:1941; 1931 NCL § 5063.24]—(NRS A 1977, 1501; 1987, 379, 662, 664; 1997, 2427)

**NRS 278.450 Fee for recording final map.** For the recordation of any final map, the county recorder shall collect a fee of \$50 for the first sheet of the map and \$10 for each additional sheet. The fee must be deposited in the general fund of the county where it is collected.

[32:110:1941; 1931 NCL § 5063.31]—(NRS A 1973, 1773; 1975, 1425; 1977, 1504; 1993, 1357; [2001, 3217](#))

**NRS 278.460 Requirements for recording final map; county recorder to provide copy of final map or access to digital final map to county assessor.**

1. A county recorder shall not record any final map unless the map:

(a) Contains or is accompanied by the report of a title company and all the certificates of approval, conveyance and consent required by the provisions of [NRS 278.374](#) to [278.378](#), inclusive, and by the provisions of any local ordinance; and

(b) Is accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid and that the full amount of any deferred property taxes for the conversion of the property from agricultural use has been paid pursuant to [NRS 361A.265](#).

2. The provisions of [NRS 278.010](#) to [278.630](#), inclusive, do not prevent the recording, pursuant to the provisions of [NRS 278.010](#) to [278.630](#), inclusive, and any applicable local ordinances, of a map of any land which is not a subdivision, nor do [NRS 278.010](#) to [278.630](#), inclusive, prohibit the recording of a map in accordance with the provisions of any statute requiring the recording of professional land surveyor's records of surveys.

3. A county recorder shall accept or refuse a final map for recordation within 10 days after its delivery to the county recorder.

4. A county recorder who records a final map pursuant to this section shall, within 7 working days after he or she records the final map, provide to the county assessor at no charge:

(a) A duplicate copy of the final map and any supporting documents; or

(b) Access to the digital final map and any digital supporting documents. The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

[18.2:110:1941; added 1947, 834; 1943 NCL § 5063.17b]—(NRS A 1973, 1773; 1977, 1504; 1989, 500; 1991, 1383; 1993, 2569; 1997, 1584; [2001, 1559, 1760; 2003, 2785; 2009, 834](#))

## Parcel Maps

**NRS 278.461 General requirements; exemptions.**

1. Except as otherwise provided in this section, a person who proposes to divide any land for transfer or development into four lots or less shall:

(a) Prepare a parcel map and file the number of copies, as required by local ordinance, of the parcel map with the planning commission or its designated representative or, if there is no planning commission, with the clerk of the governing body; and

(b) Pay a filing fee in an amount determined by the governing body,

È unless those requirements are waived or the provisions of [NRS 278.471](#) to [278.4725](#), inclusive, apply. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid, and by the affidavit of the person who proposes to divide the land stating that the person will make provision for the payment of the tax imposed by [chapter 375](#) of NRS and for compliance with the disclosure and recording requirements of subsection 5 of [NRS 598.0923](#), if applicable, by the person who proposes to divide the land or any successor in interest.

2. In addition to any other requirement set forth in this section, a person who is required to prepare a parcel map pursuant to subsection 1 shall provide a copy of the parcel map to the Division of Water Resources of the State Department of Conservation and Natural Resources and obtain a certificate from the Division indicating that the parcel map is approved as to the quantity of water available for use if:

(a) Any parcel included in the parcel map:

(1) Is within or partially within a basin designated by the State Engineer pursuant to [NRS 534.120](#) for which the State Engineer has issued an order requiring the approval of the parcel map by the State Engineer; and

(2) Will be served by a domestic well; and

(b) The dedication of a right to appropriate water to ensure a sufficient supply of water is not required by an applicable local ordinance.

3. If the parcel map is submitted to the clerk of the governing body, the clerk shall submit the parcel map to the governing body at its next regular meeting.

4. A common-interest community consisting of four units or less shall be deemed to be a division of land within the meaning of this section, but need only comply with this section and [NRS 278.371, 278.373 to 278.378](#), inclusive, [278.462, 278.464](#) and [278.466](#).

5. A parcel map is not required when the division is for the express purpose of:

(a) The creation or realignment of a public right-of-way by a public agency.

(b) The creation or realignment of an easement.

(c) An adjustment of the boundary line between two abutting parcels or the transfer of land between two owners of abutting parcels, which does not result in the creation of any additional parcels, if such an adjustment is approved pursuant to [NRS 278.5692](#) and is made in compliance with the provisions of [NRS 278.5693](#).

(d) The purchase, transfer or development of space within an apartment building or an industrial or commercial building.

(e) Carrying out an order of any court or dividing land as a result of an operation of law.

6. A parcel map is not required for any of the following transactions involving land:

(a) The creation of a lien, mortgage, deed of trust or any other security instrument.

(b) The creation of a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity.

(c) Conveying an interest in oil, gas, minerals or building materials, which is severed from the surface ownership of real property.

(d) Conveying an interest in land acquired by the Department of Transportation pursuant to [chapter 408](#) of NRS.

(e) Filing a certificate of amendment pursuant to [NRS 278.473](#).

7. When two or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this section and [NRS 278.468](#), [278.590](#) and [278.630](#). When the lots, parcels, sites, units or plots are resold or conveyed they are exempt from the provisions of [NRS 278.010](#) to [278.630](#), inclusive, until further divided.

8. Unless a method of dividing land is adopted for the purpose or would have the effect of evading this chapter, the provisions for the division of land by a parcel map do not apply to a transaction exempted by paragraph (c) of subsection 1 of [NRS 278.320](#).

9. As used in this section, "domestic well" has the meaning ascribed to it in [NRS 534.350](#). [27.1:110:1941; added 1947, 834; 1943 NCL § 5063.26a]—(NRS A 1973, 453, 1338; 1975, 1564; 1977, 1508; 1979, 1499; 1983, 251; 1985, 709; 1989, 501; 1991, 583, 1383, 1387; 1993, 2569; [2007, 849](#); [2009, 1114](#))

**NRS 278.462 Requirements which may be imposed by governing body.** The governing body or, if authorized by the governing body, the planning commission or other authorized person:

1. May require street grading, drainage provisions and lot designs as are reasonably necessary.

2. If it anticipates, based upon duly adopted ordinances and plans, that the parcels will be used for residential, commercial or industrial purposes, may require off-site access, street alignment, surfacing and width, water quality, water supply and sewerage provisions only as necessary and consistent with the existing use of any land zoned for similar use which is within 660 feet of the proposed parcel. If the proposed parcels are less than 1 acre, the governing body or, if authorized by the governing body, the planning commission or other authorized person may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed.

3. For a second or subsequent parcel map with respect to:

(a) A single parcel; or

(b) A contiguous tract of land under the same ownership,

it may require any reasonable improvement, but not more than would be required if the parcel were a subdivision.

(Added to NRS by 1977, 1509; A 1991, 624; 1993, 2570; 1995, 710; [2003, 656](#))

**NRS 278.4625 Minimum size of mobile home lot.** The governing body of a city or county may not require the minimum size of a mobile home lot that is individually owned to be larger than the minimum size of a mobile home lot that is leased to a tenant.

(Added to NRS by 1993, 1470)

**NRS 278.463 Survey required; exception.** Except as otherwise provided in this section, a parcel map must be based on a survey made for that purpose. The county surveyor, city surveyor or professional land surveyor appointed by the governing body, may pursuant to [NRS 278.464](#) waive the requirement of a survey if, in his or her judgment, a survey is not required to accomplish the purposes of [NRS 278.010](#) to [278.630](#), inclusive.

(Added to NRS by 1975, 1562; A 1993, 2571)

**NRS 278.464 Action on parcel map by planning commission, governing body or other authorized person or agency; waiver of requirement for map and survey; consideration of certain criteria authorized in determining approval of certain parcel maps; appeals; certificate of approval of parcel map.**

1. Except as otherwise provided in subsection 2, if there is a planning commission, it shall:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

it shall after accepting as a complete application a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.

2. If the governing body has authorized the planning commission to take final action on a parcel map, the planning commission shall:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

it shall after accepting as a complete application the parcel map, approve, conditionally approve or disapprove the map. The planning commission shall file its written decision with the governing body. Unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

3. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

it shall after acceptance of the parcel map as a complete application by the governing body pursuant to subsection 1 or pursuant to subsection 3 of [NRS 278.461](#), review and approve, conditionally approve or disapprove the parcel map. Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or agency fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

4. The planning commission and the governing body or director of planning or other authorized person or agency shall not approve the parcel map unless the person proposing to divide the land has submitted an affidavit stating that the person will make provision for the payment of the tax imposed by [chapter 375](#) of NRS and for compliance with the disclosure and recording requirements of subsection 5 of [NRS 598.0923](#), if applicable, by the person proposing to divide the land or any successor in interest.

5. Except as otherwise provided in [NRS 278.463](#), if unusual circumstances exist, a governing body or, if authorized by the governing body, the planning commission may waive the requirement for a parcel map. Before waiving the requirement for a parcel map, a determination must be made by the county surveyor, city surveyor or professional land surveyor appointed by the governing body that a survey is not required. Unless the time is extended by mutual agreement, a request for a waiver must be acted upon:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

it shall after the date of the request for the waiver or, in the absence of action, the waiver shall be deemed approved.

6. A governing body may consider or may, by ordinance, authorize the consideration of the criteria set forth in subsection 3 of [NRS 278.349](#) in determining whether to approve, conditionally approve or disapprove a second or subsequent parcel map for land that has been divided by a parcel map which was recorded within the 5 years immediately preceding the acceptance of the second or subsequent parcel map as a complete application.

7. An applicant or other person aggrieved by a decision of the governing body's authorized representative or by a final act of the planning

commission may appeal the decision in accordance with the ordinance adopted pursuant to [NRS 278.3195](#).

8. If a parcel map and the associated division of land are approved or deemed approved pursuant to this section, the approval must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chair of the planning commission. A certificate attached to a parcel map pursuant to this subsection must indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to [NRS 278.4925](#) has been vacated or abandoned in accordance with [NRS 278.480](#).

(Added to NRS by 1977, 1510; A 1989, 792; 1993, 2571; 1997, 2427; [1999, 788, 893](#); [2001, 64, 1969, 2811](#); [2007, 850](#); [2009, 1116](#))

**NRS 278.466 Form and contents of parcel map; reference to parcel number and recording.**

1. The parcel map must be legibly drawn in permanent black ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for that purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with permanent black ink. The size of each sheet must be 24 by 32 inches. A marginal line must 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.

2. A parcel map must indicate the owner of any adjoining land, or any right-of-way if owned by the person dividing the land.

3. A parcel map must show:

(a) The area of each parcel or lot and the total area of the land to be divided in the following manner:

- (1) In acres, calculated to the nearest one-hundredth of an acre, if the area is 2 acres or more; or
- (2) In square feet if the area is less than 2 acres.

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

(c) Bearing or witness monuments, the basis of bearings, bearing and length of lines and the scale of the map.

(d) The name and legal designation of the tract or grant in which the survey is located and any ties to adjoining tracts.

(e) Any easements granted or dedications made.

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

4. A parcel map must include:

(a) The memorandum of oaths described in [NRS 625.320](#).

(b) The certificate of the surveyor required pursuant to [NRS 278.375](#).

(c) The certificate of the Division of Water Resources of the State Department of Conservation and Natural Resources issued pursuant to [NRS 278.461](#), if any.

(d) The signature of each owner of the land to be divided.

5. A governing body may by local ordinance require a parcel map to include:

(a) A report from a title company which lists the names of:

- (1) Each owner of record of the land to be divided; and
- (2) Each holder of record of a security interest in the land to be divided,

if the security interest was created by a mortgage or a deed of trust.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a) to the preparation and recordation of the parcel map. A holder of record of a security interest may consent by signing:

(1) The parcel map; or

(2) A separate document that is recorded with the parcel map and declares his or her consent to the division of land, if the map contains a notation that a separate document has been recorded to this effect.

6. If the requirement for a parcel map is waived, the governing body may specify by local ordinance the type and extent of information or mapping necessary for the division of land.

7. Reference to the parcel number and recording data of a recorded parcel map is a complete legal description of the land contained in the parcel.

[Part 27.2:110:1941; added 1947, 834; 1943 NCL § 5063.26b]—(NRS A 1960, 138; 1973, 1338; 1975, 1566; 1977, 1510; 1985, 897; 1989, 793; 1993, 2572; 1995, 198; [2007, 852](#))

**NRS 278.467 Preparation, recordation and contents of document which may be required if parcel map waived; statement indicating that property taxes have been paid; county recorder to provide copy of document or access to digital document to county assessor.**

1. If the requirement for a parcel map is waived, the authority which granted the waiver may require the preparation and recordation of a document which contains:

(a) A legal description of all parts based on a system of rectangular surveys;

(b) A provision for the dedication or reservation of any road right-of-way or easement; and

(c) The approval of the authority which granted the waiver.

2. If a description by metes and bounds is necessary in describing the parcel division, it must be prepared by a professional land surveyor and bear his or her signature and stamp.

3. The person preparing the document may include the following statement:

This document was prepared from existing information (identifying it and stating where filed and recorded), and the undersigned assumes no responsibility for the existence of monuments or correctness of other information shown on or copied from any such prior documents.

4. A document recorded pursuant to this section must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

5. A county recorder who records a document pursuant to this section shall, within 7 working days after he or she records the document, provide to the county assessor at no charge:

(a) A duplicate copy of the document; or

(b) Access to the digital document. The document must be in a form that is acceptable to the county recorder and the county assessor.

(Added to NRS by 1977, 1511; A 1989, 501, 794; 1991, 1384; 1993, 2573; [2001, 1560](#); [2003, 2786](#))

**NRS 278.468 Duties of preparer of parcel map upon approval; duties of county recorder.**

1. If a parcel map is approved or deemed approved pursuant to [NRS 278.464](#), the preparer of the map shall:

(a) Cause the approved map to be recorded in the office of the county recorder within 1 year after the date the map was approved or deemed approved, unless the governing body establishes by ordinance a longer period, not to exceed 2 years, for recording the map. The map

must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

(b) Pay a fee of \$17 for the first sheet of the map plus \$10 for each additional sheet to the county recorder for filing and indexing.

2. Upon receipt of a parcel map, the county recorder shall file the map in a suitable place. The county recorder shall keep proper indexes of parcel maps by the name of grant, tract, subdivision or United States subdivision.

3. A county recorder who records a parcel map pursuant to this section shall, within 7 working days after he or she records the parcel map, provide to the county assessor at no charge:

(a) A duplicate copy of the parcel map and any supporting documents; or

(b) Access to the digital parcel map and any digital supporting documents. The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

[Part 27.2:110:1941; added 1947, 834; 1943 NCL § 5063.26b]—(NRS A 1969, 255; 1973, 1339; 1975, 757; 1981, 214; 1993, 1357, 2574; 1995, 710; 1997, 2428; [1999, 895](#); [2001, 1560](#), [3217](#); [2003, 2786](#))

**NRS 278.469 Map to indicate record of survey not in conflict with planning and zoning requirements.** If a record of survey contains two or more lots or parcels, the surveyor or a person 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 in conflict with the requirements of [NRS 278.010](#) to [278.630](#), inclusive, and the regulations of transactions pertaining thereto shall be complied with.

[Part 27.2:110:1941; added 1947, 834; 1943 NCL § 5063.26b]—(NRS A 1973, 1339; 1977, 1511)—(Substituted in revision for NRS 278.540)

### Division of Land Into Large Parcels

**NRS 278.471 Divisions of land subject to [NRS 278.471](#) to [278.4725](#), inclusive; exemption.**

1. Except as provided in subsections 2 and 3, a proposed division of land is subject to the provisions of [NRS 278.471](#) to [278.4725](#), inclusive, if each proposed lot is at least:

(a) One-sixteenth of a section as described by a government land office survey; or

(b) Forty acres in area, including roads and easements.

2. The governing body of a city, the board of county commissioners with respect to the unincorporated area, may by ordinance elect to make [NRS 278.471](#) to [278.4725](#), inclusive, apply to each proposed division of land where each proposed lot is at least:

(a) One-sixty-fourth of a section as described by a government land office survey; or

(b) Ten acres in area, including roads and easements.

3. A proposed division of land into lots or parcels, each of which contains not less than one section or 640 acres, is not subject to [NRS 278.471](#) to [278.4725](#), inclusive.

(Added to NRS by 1979, 1504)

**NRS 278.4713 Preparation, contents and filing of tentative map; affidavit required.**

1. Unless the filing of a tentative map is waived, a person who proposes to make a division of land pursuant to [NRS 278.471](#) to [278.4725](#), inclusive, must first:

(a) File a tentative map for the area in which the land is located with the planning commission or its designated representative or with the clerk of the governing body if there is no planning commission;

(b) Submit an affidavit stating that the person will make provision for the payment of the tax imposed by [chapter 375](#) of NRS and for compliance with the disclosure and recording requirements of subsection 5 of [NRS 598.0923](#), if applicable, by the person who proposes to make a division of land or any successor in interest; and

(c) Pay a filing fee of no more than \$750 set by the governing body.

2. This map must be:

(a) Entitled "Tentative Map of Division into Large Parcels"; and

(b) Prepared and certified by a professional land surveyor.

3. This map must show:

(a) The approximate, calculated or actual acreage of each lot and the total acreage of the land to be divided.

(b) Any roads or easements of access which exist, are proposed in the applicable master plan or are proposed by the person who intends to divide the land.

(c) Except as otherwise provided in [NRS 278.329](#), an easement for public utilities that provide gas, electric and telecommunications services and for any video service providers that are authorized pursuant to [chapter 711](#) of NRS to operate a video service network in that area.

(d) Except as otherwise provided in [NRS 278.329](#), an easement for public utilities that provide water and sewer services.

(e) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

(f) An indication of any existing road or easement which the owner does not intend to dedicate.

(g) The name and address of the owner of the land.

4. The planning commission and the governing body or its authorized representative shall not approve the tentative map unless the person proposing to divide the land has submitted an affidavit stating that the person will make provision for the payment of the tax imposed by [chapter 375](#) of NRS and for compliance with the disclosure and recording requirements of subsection 5 of [NRS 598.0923](#), if applicable, by the person proposing to divide the land or any successor in interest.

(Added to NRS by 1979, 1504; A 1989, 794; 1993, 2574; 1997, 2429; [1999, 895](#); [2003, 2347](#); [2007, 1381](#); [2009, 1117](#))

**NRS 278.4715 Waiver of requirement to file tentative map; designation of easements.**

1. The planning commission or, if there is no planning commission, the governing body or its authorized representative may waive the requirement of filing the tentative map.

2. If the tentative map is filed with the planning commission or with the governing body or its authorized representative, the planning commission or the governing body or its authorized representative may within 60 days after the filing of the tentative map designate the location and width of any easements for roads and public utilities as shown on the master plan if there is one applicable to the area to be divided, or designate the location and width of any easements for roads and public utilities which may be reasonably necessary to serve the area to be divided if there is no master plan.

3. The planning commission or the governing body or its authorized representative shall not designate an easement after the expiration of 60 days from the filing of the tentative map.

(Added to NRS by 1979, 1505; A 1997, 2429)

**NRS 278.472 Final map: Filing; form and contents.**

1. After the planning commission or the governing body or its authorized representative has approved the tentative map or waived the requirement of its filing, or 60 days after the date of its filing, whichever is earlier, the person who proposes to divide the land may file a final map of the division with the governing body or its authorized representative or, if authorized by the governing body, with the planning commission. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

2. This map must be:

- (a) Entitled "Map of Division into Large Parcels."
- (b) Filed with the governing body or its authorized representative or, if authorized by the governing body, with the planning commission not later than 1 year after the date that the tentative map was first filed with the planning commission or the governing body or its authorized representative or that the requirement of its filing was waived.
- (c) Prepared by a professional land surveyor.
- (d) Based upon an actual survey by the preparer and show the date of the survey and contain the certificate of the surveyor required pursuant to [NRS 278.375](#).

(e) Clearly and legibly drawn in permanent black ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for this purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with permanent black ink.

(f) Twenty-four by 32 inches in size with a marginal line 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.

(g) Of scale large enough to show clearly all details.

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

4. This map must show and define:

- (a) All subdivision lots by the number and actual acreage of each lot.
  - (b) Any roads or easements of access which exist and which the owner intends to offer for dedication, any roads or easements of access which are shown on the applicable master plan and any roads or easements of access which are specially required by the planning commission or the governing body or its authorized representative.
  - (c) Except as otherwise provided in [NRS 278.329](#), an easement for public utilities that provide gas, electric and telecommunications services and for any video service providers that are authorized pursuant to [chapter 711](#) of NRS to operate a video service network in that area.
  - (d) Except as otherwise provided in [NRS 278.329](#), an easement for public utilities that provide water and sewer services.
  - (e) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.
- (Added to NRS by 1979, 1505; A 1989, 502, 795; 1991, 280, 1384; 1993, 2575; 1997, 2430; [2003, 2348](#); [2007, 1382](#))

**NRS 278.4725 Final map: Action by planning commission or governing body; appeal; procedures in event of disapproval; conditions for approval; filing; contents; fee for recording; county recorder to provide copy of final map or access to digital final map to county assessor.**

1. Except as otherwise provided in this section, if the governing body has authorized the planning commission to take final action on a final map, the planning commission shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of [NRS 278.472](#):

- (a) In a county whose population is 400,000 or more, within 45 days; or
- (b) In a county whose population is less than 400,000, within 60 days,

È after accepting the final map as a complete application. The planning commission shall file its written decision with the governing body. Except as otherwise provided in subsection 5, or unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

2. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or its authorized representative shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of [NRS 278.472](#):

- (a) In a county whose population is 400,000 or more, within 45 days; or
- (b) In a county whose population is less than 400,000, within 60 days,

È after the final map is accepted as a complete application. Except as otherwise provided in subsection 5 or unless the time is extended by mutual agreement, if the governing body or its authorized representative fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

3. An applicant or other person aggrieved by a decision of the authorized representative of the governing body or by a final act of the planning commission may appeal the decision in accordance with the ordinance adopted pursuant to [NRS 278.3195](#).

4. If the map is disapproved, the governing body or its authorized representative or the planning commission shall return the map to the person who proposes to divide the land, with the reason for its action and a statement of the changes necessary to render the map acceptable.

5. If the final map divides the land into 16 lots or more, the governing body or its authorized representative or the planning commission shall not approve a map, and a map shall not be deemed approved, unless:

- (a) Each lot contains an access road that is suitable for use by emergency vehicles; and
- (b) The corners of each lot are set by a professional land surveyor.

6. If the final map divides the land into 15 lots or less, the governing body or its authorized representative or the planning commission may, if reasonably necessary, require the map to comply with the provisions of subsection 5.

7. Upon approval, the map must be filed with the county recorder. Filing with the county recorder operates as a continuing:

- (a) Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the governing body may accept in whole or in part at any time or from time to time.
- (b) Offer to grant the easements shown for public utilities, which any public utility may similarly accept without excluding any other public utility whose presence is physically compatible.

8. The map filed with the county recorder must include:

(a) A certificate signed and acknowledged by each owner of land to be divided consenting to the preparation of the map, the dedication of the roads and the granting of the easements.

(b) A certificate signed by the clerk of the governing body or authorized representative of the governing body or the secretary to the planning commission that the map was approved, or the affidavit of the person presenting the map for filing that the time limited by subsection 1 or 2 for action by the governing body or its authorized representative or the planning commission has expired and that the requirements of subsection 5 have been met. A certificate signed pursuant to this paragraph must also indicate, if applicable, that the governing body or

planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and subdivision of parcels conducted pursuant to [NRS 278.4925](#), has been vacated or abandoned in accordance with [NRS 278.480](#).

(c) A written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

9. A governing body may by local ordinance require a final map to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

(b) The signature of each owner of record of the land to be divided.

(c) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his or her consent to the division of land.

10. After a map has been filed with the county recorder, any lot shown thereon may be conveyed by reference to the map, without further description.

11. The county recorder shall charge and collect for recording the map a fee set by the board of county commissioners of not more than \$50 for the first sheet of the map plus \$10 for each additional sheet.

12. A county recorder who records a final map pursuant to this section shall, within 7 working days after he or she records the final map, provide to the county assessor at no charge:

(a) A duplicate copy of the final map and any supporting documents; or

(b) Access to the digital final map and any digital supporting documents. The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

(Added to NRS by 1979, 1506; A 1979, 1506; 1989, 503; 1991, 281, 1385; 1993, 1358, 2576; 1995, 199, 710; 1997, 2430; [1999, 790](#); [2001, 1561](#), [1970, 2813](#), [3218](#); [2003, 227](#), [2787](#))

### Amendment of Plats, Surveys and Maps

**NRS 278.473 Certificate of amendment to correct or amend recorded plat, survey or map if correction or amendment does not change location of survey monument, property line or boundary line: Request; preparation, contents and recordation.**

1. To correct an error or omission in or to amend any recorded subdivision plat, record of survey, parcel map, map of division into large parcels or reversionary map, if the correction or amendment does not change or purport to change the physical location of any survey monument, property line or boundary line, a certificate of amendment must be requested and recorded pursuant to this section.

2. A certificate of amendment may be requested by:

(a) The county surveyor to make a correction or amendment which affects land located within the boundaries of an unincorporated area or Carson City;

(b) The city surveyor or a professional land surveyor appointed by the governing body of the city to make a correction or amendment which affects land located within an incorporated city;

(c) The planning commission if authorized by local ordinance; or

(d) A professional land surveyor registered pursuant to [chapter 625](#) of NRS.

3. If a certificate of amendment is requested to correct or amend a record of survey, the surveyor who:

(a) Requests the certificate of amendment; or

(b) Is responsible for an error or omission which is to be corrected,

shall prepare and record the certificate of amendment within 90 days after the surveyor receives notification of the request made pursuant to subsection 2. If the surveyor is no longer professionally active, the county surveyor, city surveyor or a professional land surveyor appointed by the governing body shall prepare and file the certificate.

4. The certificate of amendment must:

(a) Be in the form of a letter addressed to the county surveyor, the city surveyor, a professional land surveyor appointed by the governing body of the city or, if authorized by local ordinance, the planning commission;

(b) Specify the title, legal description and recording date of the document being corrected or amended;

(c) Concisely state the data being changed and the correction or amendment;

(d) Be dated, signed and sealed by the surveyor preparing the certificate; and

(e) Contain the following statement, dated and signed by the county surveyor, city surveyor or a professional land surveyor appointed by the governing body:

I hereby certify that I have examined the certificate of amendment and that the changes to the original document specified therein are provided for in applicable sections of [NRS 278.010](#) to [278.630](#), inclusive, [625.340](#) to [625.380](#), inclusive, and local ordinances adopted pursuant thereto, and I am satisfied that this certificate of amendment so amends or corrects the document as to make it technically correct.

5. Upon the recording of a certificate of amendment, the county recorder shall cause a proper notation to be entered upon all recorded sheets of the original document being amended, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

(Added to NRS by 1977, 1505; A 1979, 1500; 1987, 380; 1989, 795; 1991, 1151; 1993, 2577; 1997, 2432)

**NRS 278.475 Amended plat, survey or map to correct or amend recorded plat, survey or map if correction or amendment changes location of survey monument, property line or boundary line: Request; preparation and recordation.**

1. To correct an error or omission in or to amend any recorded subdivision plat, record of survey, parcel map, map of division into large parcels or reversionary map, if the correction or amendment changes or purports to change the physical location of any survey monument, property line or boundary line, an amended plat, survey or map must be requested and recorded pursuant to this section.

2. An amended plat, survey or map may be requested by:

(a) The county surveyor to make a correction or amendment which affects land located within the boundaries of an unincorporated area or Carson City;

(b) The city surveyor or a professional land surveyor appointed by the governing body of the city to make a correction or amendment which affects land located within an incorporated city;

(c) The planning commission if authorized by local ordinance; or

(d) A professional land surveyor registered pursuant to [chapter 625](#) of NRS.

3. Except as otherwise provided in this subsection, a surveyor who:

- (a) Performed the survey; or
- (b) Is responsible for an error or omission which is to be corrected,

È shall prepare and record the amended plat, survey or map within 90 days after the surveyor receives notification of the request made pursuant to subsection 2. The time within which the surveyor must prepare and record the amended plat, survey or map may be extended by the county surveyor, the city surveyor or a professional land surveyor appointed by the governing body of the city or the planning commission. If the surveyor who performed the survey or is responsible for the error or omission is no longer professionally active, the county surveyor, city surveyor or a professional land surveyor appointed by the governing body shall prepare and file the amended plat, survey or map.

(Added to NRS by 1977, 1505; A 1979, 1501; 1991, 1152; 1993, 2578; 1997, 2434)

**NRS 278.477 Amendment of recorded plat, map or survey which changes location of survey monument, property line or boundary line: Procedures and requirements.**

1. In addition to the requirements of subsection 2, an amendment of a recorded subdivision plat, parcel map, map of division into large parcels or record of survey which changes or purports to change the physical location of any survey monument, property line or boundary line is subject to the following requirements:

(a) If the proposed amendment is to a parcel map, map of division into large parcels or record of survey, the same procedures and requirements as in the original filing.

(b) If the proposed amendment is to a subdivision plat, only those procedures for the approval and filing of a final map.

2. Any amended subdivision plat, parcel map, map of division into large parcels or record of survey required pursuant to subsection 1 must:

(a) Be identical in size and scale to the document being amended, drawn in the manner and on the material provided by law;

(b) Have the words "Amended Plat of" prominently displayed on each sheet above the title of the document amended;

(c) Have a legal description that describes only the property which is to be included in the amendment;

(d) Have a blank margin for the county recorder's index information;

(e) Have a 3-inch square adjacent to and on the left side of the existing square for the county recorder's information and stamp; and

(f) Contain a certificate of the professional land surveyor licensed pursuant to [chapter 625](#) of NRS who prepared the amendment stating that it complies with all pertinent sections of [NRS 278.010](#) to [278.630](#), inclusive, and [625.340](#) to [625.380](#), inclusive, and with any applicable local ordinance.

3. Any amended subdivision plat, parcel map, map of division into large parcels or record of survey that is recorded in support of an adjusted boundary must:

(a) Contain or be accompanied by the report of a title company and the certificate required by [NRS 278.374](#) or an order of the district court of the county in which the land is located that the amendment may be approved without all the necessary signatures if the order is based upon a finding that:

(1) A bona fide effort was made to notify the necessary persons;

(2) All persons who responded to the notice have consented to the amendment; and

(3) The amendment does not adversely affect the persons who did not respond; and

(b) Contain a certificate executed by the appropriate county surveyor, county engineer, city surveyor or city engineer, if he or she is registered as a professional land surveyor or civil engineer pursuant to [chapter 625](#) of NRS, stating that he or she has examined the document and that it is technically correct.

4. Upon recording the amended document, the county recorder shall cause a proper notation to be entered upon all recorded sheets of the document being amended, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

5. A county recorder who records a plat, map or record of survey pursuant to this section shall, within 7 working days after he or she records the plat, map or record of survey, provide to the county assessor at no charge:

(a) A duplicate copy of the plat, map or record of survey and any supporting documents; or

(b) Access to the digital plat, map or record of survey and any digital supporting documents. The plat, map or record of survey and the supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

(Added to NRS by 1977, 1505; A 1979, 1501; 1987, 380; 1989, 796; 1991, 1890; 1993, 2579; 1997, 1065, 2434; [2001, 1563](#); [2003, 2789](#))

**Maintenance of Certain Improvements**

**NRS 278.478 Definitions.** As used in [NRS 278.478](#) to [278.4789](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 278.4781](#), [278.4783](#) and [278.4785](#) have the meanings ascribed to them in those sections.

(Added to NRS by 1997, 3009)

**NRS 278.4781 "Landscaping" defined.**

1. "Landscaping" means trees, shrubs, grass and other ornamentation, whether or not natural or artificial, located:

(a) On the perimeter of a development or subdivision.

(b) On a median strip on the perimeter of a development or subdivision.

2. The term includes drainage necessary for the maintenance of the landscaping described in subsection 1.

(Added to NRS by 1997, 3009; A [2001, 744](#))

**NRS 278.4783 "Public lighting" defined.** "Public lighting" means works or improvements useful in lighting a street, sidewalk or other place used for a public purpose.

(Added to NRS by 1997, 3009)

**NRS 278.4785 "Security wall" defined.** "Security wall" has the meaning ascribed to it in [NRS 271.203](#).

(Added to NRS by 1997, 3009)

**NRS 278.4787 Assumption of maintenance by governing body.**

1. Except as otherwise provided in subsection 5, a person who proposes to divide land for transfer or development into four or more lots pursuant to [NRS 278.360](#) to [278.460](#), inclusive, or [chapter 278A](#) of NRS, may, in lieu of providing for the creation of an association for a common-interest community, request the governing body of the jurisdiction in which the land is located to assume the maintenance of one or more of the following improvements located on the land:

(a) Landscaping;  
 (b) Public lighting;  
 (c) Security walls; and  
 (d) Trails, parks and open space which provide a substantial public benefit or which are required by the governing body for the primary use of the public.

2. A governing body shall establish by ordinance a procedure pursuant to which a request may be submitted pursuant to subsection 1 in the form of a petition, which must be signed by a majority of the owners whose property will be assessed and which must set forth descriptions of all tracts of land or residential units that would be subject to such an assessment.

3. The governing body may by ordinance designate a person to approve or disapprove a petition submitted pursuant to this section. If the governing body adopts such an ordinance, the ordinance must provide, without limitation:

(a) Procedures pursuant to which the petition must be reviewed to determine whether it would be desirable for the governing body to assume the maintenance of the proposed improvements.

(b) Procedures for the establishment of a maintenance district or unit of assessment.

(c) A method for:

(1) Determining the relative proportions in which the assumption of the maintenance of the proposed improvements by the governing body will:

(I) Benefit the development or subdivision in which the improvements are located; and

(II) Benefit the public;

(2) Assessing the tracts of land or residential units in the development or subdivision to pay the costs that will be incurred by the governing body in assuming the maintenance of the proposed improvements, in the proportion that such maintenance will benefit the development or subdivision in which the improvements are located; and

(3) Allocating an amount of public money to pay the costs that will be incurred by the governing body in assuming the maintenance of the proposed improvements, in the proportion that such maintenance will benefit the public.

(d) Procedures for a petitioner or other aggrieved person to appeal to the governing body a decision of the person designated by the governing body by ordinance adopted pursuant to this subsection to approve or disapprove a petition.

4. If the governing body does not designate by an ordinance adopted pursuant to subsection 3 a person to approve or disapprove a petition, the governing body shall, after receipt of a complete petition submitted at least 120 days before the approval of the final map for the land, hold a public hearing at least 90 days before the approval of the final map for the land, unless otherwise waived by the governing body, to determine the desirability of assuming the maintenance of the proposed improvements. If the governing body determines that it would be undesirable for the governing body to assume the maintenance of the proposed improvements, the governing body shall specify for the record its reasons for that determination. If the governing body determines that it would be desirable for the governing body to assume the maintenance of the proposed improvements, the governing body shall by ordinance:

(a) Determine the relative proportions in which the assumption of the maintenance of the proposed improvements by the governing body will:

(1) Benefit the development or subdivision in which the improvements are located; and

(2) Benefit the public.

(b) Create a maintenance district or unit of assessment consisting of the tracts of land or residential units set forth in the petition or include the tracts of land or residential units set forth in the petition in an existing maintenance district or unit of assessment.

(c) Establish the method or, if the tracts or units are included within an existing maintenance district or unit of assessment, apply an existing method for determining:

(1) The amount of an assessment to pay the costs that will be incurred by the governing body in assuming the maintenance of the proposed improvements. The amount of the assessment must be determined in accordance with the proportion to which such maintenance will benefit the development or subdivision in which the improvements are located.

(2) The time and manner of payment of the assessment.

(d) Provide that the assessment constitutes a lien upon the tracts of land or residential units within the maintenance district or unit of assessment. The lien must be executed, and has the same priority, as a lien for property taxes.

(e) Prescribe the levels of maintenance to be provided.

(f) Allocate to the cost of providing the maintenance the appropriate amount of public money to pay for that part of the maintenance which creates the public benefit.

(g) Address any other matters that the governing body determines to be relevant to the maintenance of the improvements, including, without limitation, matters relating to the ownership of the improvements and the land on which the improvements are located and any exposure to liability associated with the maintenance of the improvements.

5. If the governing body requires an owner of land to dedicate a tract of land as a trail identified in the recreation plan of the governing body adopted pursuant to paragraph (k) of subsection 1 of [NRS 278.160](#), the governing body shall:

(a) Accept ownership of the tract; and

(b) Assume the maintenance of the tract and any other improvement located on the land that is authorized in subsection 1.

6. The governing body shall record, in the office of the county recorder for the county in which the tracts of land or residential units included in a petition approved pursuant to this section are located, a notice of the creation of the maintenance district or unit of assessment that is sufficient to advise the owners of the tracts of land or residential units that the tracts of land or residential units are subject to the assessment. The costs of recording the notice must be paid by the petitioner.

7. The provisions of this section apply retroactively to a development or subdivision with respect to which:

(a) An agreement or agreements between the owners of tracts of land within the development or subdivision and the developer allow for the provision of services in the manner set forth in this section; or

(b) The owners of affected tracts of land or residential units agree to dissolve the association for their common-interest community in accordance with the governing documents of the common-interest community upon approval by the governing body of a petition filed by the owners pursuant to this section.

(Added to NRS by 1997, 3009; A [2001, 744](#); [2009, 2767](#))

**NRS 278.4789 Provision through association for common-interest community; notice of failure to maintain; hearings; remedies of governing body.**

1. If a person who proposes to divide land for transfer or development into four or more lots pursuant to [NRS 278.360](#) to [278.460](#), inclusive, or [chapter 278A](#) of NRS, decides to provide for the maintenance of landscaping, public lighting or security walls, or any combination thereof, through an association for a common-interest community, the governing body of the jurisdiction in which the land is located may, as a condition of the approval of any final map related to the proposal for the transfer or development of the land, require the association to adopt a plan for the maintenance of the improvements located on the land. The plan must include the proposed level of maintenance to be provided.

2. If the association fails to maintain the improvements in the manner set forth in the plan, the governing body may serve written notice upon the association, setting forth the manner in which the association has failed to maintain the improvements. The notice must:

- (a) Include a demand that the deficiencies of maintenance be cured within 30 days after receipt of the notice; and
- (b) State the date, time and place of a hearing to be held regarding the deficiencies of maintenance. The hearing must be held within 14 days after the receipt of the notice.

È The governing body shall provide to each owner of an affected tract of land a copy of the notice served upon the association pursuant to this subsection.

3. At a hearing conducted pursuant to this section, the governing body may:

- (a) Modify the terms of the original notice served pursuant to subsection 2; and
- (b) Provide an extension of time within which the deficiencies of maintenance may be cured.

4. If the deficiencies in maintenance are not cured within 30 days after the receipt of the notice or any extension of time provided pursuant to subsection 3, the governing body or its authorized agent may:

- (a) Enter the land on which the improvements are located and maintain the improvements for a period of not more than 1 year; and
- (b) Assess the affected tracts of land to recover the cost of the maintenance.

5. Entry and maintenance authorized pursuant to subsection 4 does not authorize a member of the public to use the improvements unless the land on which the improvements are located has been dedicated to and accepted by the governing body.

6. Before the expiration of the period of maintenance required pursuant to subsection 4, the local government, on its own motion or upon request of the association, shall hold a public hearing at which the owners of the affected tracts of land and the association may show cause why the governing body or its authorized agent need not continue to maintain the improvements that are located on the affected tracts of land.

7. After a hearing conducted pursuant to subsection 6, the governing body shall determine whether the association is ready and able to maintain the improvements that are located on the affected tracts of land in the manner required by the plan. If the governing body determines that the association is ready and able to maintain the improvements, the governing body shall cease its maintenance of the affected tracts of land at the end of the period. If the governing body determines that the association is not ready and able to maintain the improvements, the governing body may continue the maintenance of the improvements located on the affected tracts of land during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

8. Any decision made by the governing body pursuant to this section constitutes a final decision for the purpose of judicial review.

(Added to NRS by 1997, 3010)

### **Vacation or Abandonment of Streets, Easements or Maps; Reversion of Divided Land**

**NRS 278.479 “Contiguous” defined.** As used in [NRS 278.479](#) to [278.4965](#), inclusive, unless the context otherwise requires, “contiguous” means either abutting directly on the boundary or separated by a street, alley, public right-of-way, creek, river or the right-of-way of a railroad or other public service corporation.

(Added to NRS by [1999, 784](#))

**NRS 278.480 Vacation or abandonment of street or easement: Procedures, prerequisites and effect; appeal; reservation of certain easements; sale of vacated portion.**

1. Except as otherwise provided in subsection 11, any abutting owner or local government desiring the vacation or abandonment of any street or easement owned by a city or a county, or any portion thereof, shall file a petition in writing with the planning commission or the governing body having jurisdiction.

2. The governing body may establish by ordinance a procedure by which, after compliance with the requirements for notification of public hearing set forth in this section, a vacation or abandonment of a street or an easement may be approved in conjunction with the approval of a tentative map pursuant to [NRS 278.349](#).

3. A government patent easement which is no longer required for a public purpose may be vacated by:

- (a) The governing body; or
- (b) The planning commission, hearing examiner or other designee, if authorized to take final action by the governing body,

È without conducting a hearing on the vacation if the applicant for the vacation obtains the written consent of each owner of property abutting the proposed vacation and any utility that is affected by the proposed vacation.

4. Except as otherwise provided in subsection 3, if any right-of-way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall, not less than 10 business days before the public hearing described in subsection 5:

(a) Notify each owner of property abutting the proposed abandonment. Such notice must be provided by mail pursuant to a method that provides confirmation of delivery and does not require the signature of the recipient.

(b) Cause a notice to be published at least once in a newspaper of general circulation in the city or county, setting forth the extent of the proposed abandonment and setting a date for public hearing.

5. Except as otherwise provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to [NRS 278.3195](#).

6. In addition to any other applicable requirements set forth in this section, before vacating or abandoning a street, the governing body of the local government having jurisdiction over the street, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall provide each public utility and video service provider serving the affected area with written notice that a petition has been filed requesting the vacation or abandonment of the street. After receiving the written notice, the public utility or video service provider, as applicable, shall respond in writing, indicating either that the public utility or video service provider, as applicable, does not require an easement or that the public utility or video service provider, as applicable, wishes to request the reservation of an easement. If a public utility or video service provider indicates in writing that it wishes to request the reservation of an easement, the governing body of the local government having jurisdiction over the street that is proposed to be vacated or abandoned, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall reserve and convey an easement in favor of the public utility or video service provider, as applicable, and shall ensure that such easement is recorded in the office of the county recorder.

7. The order must be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon the recordation, title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the governing body may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the city or county. If the governing body sells the

vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his or her property, but no action may be taken by the governing body to force the owner to purchase that portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

8. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the governing body may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the governing body determines to be reasonable. If the governing body determines that the vacation has a public benefit, it may apply the benefit as an offset against a determination of reasonable consideration which did not take into account the public benefit.

9. If an easement for light and air owned by a city or a county is adjacent to a street vacated pursuant to the provisions of this section, the easement is vacated upon the vacation of the street.

10. In any vacation or abandonment of any street owned by a city or a county, or any portion thereof, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may reserve and except therefrom all easements, rights or interests therein which the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, deems desirable for the use of the city or county.

11. The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of an easement for a public utility owned or controlled by the governing body.

12. As used in this section:

(a) "Government patent easement" means an easement for a public purpose owned by the governing body over land which was conveyed by a patent.

(b) "Public utility" has the meaning ascribed to it in [NRS 360.815](#).

(c) "Video service provider" has the meaning ascribed to it in [NRS 711.151](#).

[30:110:1941; 1931 NCL § 5063.29]—(NRS A 1967, 268, 696; 1969, 588; 1973, 1830; 1975, 164; 1977, 1506; 1979, 600; 1981, 165, 580; 1987, 663; 1993, 2580; 1997, 2436; [2001, 1451, 2815, 2822; 2007, 992](#))

### **NRS 278.490 Reversion of maps and reversion of division of land to acreage: Procedure and requirements; exemption from certain requirements.**

1. Except as otherwise provided in [NRS 278.4925](#), an owner or governing body desiring to revert any recorded subdivision map, parcel map, map of division into large parcels, or part thereof to acreage or to revert the map or portion thereof, or to revert more than one map if the parcels to be reverted are contiguous, shall submit a written application accompanied by a map of the proposed reversion which contains the same survey dimensions as the recorded map or maps to the governing body or, if authorized by local ordinance, to the planning commission or other authorized person. The application must describe the requested changes.

2. At its next meeting, or within a period of not more than 30 days after the filing of the map of reversion, whichever occurs later, the governing body or, if authorized by local ordinance, the planning commission or other authorized person shall review the map and approve, conditionally approve or disapprove it.

3. Except for the provisions of this section, [NRS 278.4955, 278.496](#) and [278.4965](#) and any provision or local ordinance relating to the payment of fees in conjunction with filing, recordation or checking of a map of the kind offered, no other provision of [NRS 278.010 to 278.630](#), inclusive, applies to a map made solely for the purpose of reversion of a former map or for reversion of any division of land to acreage.

4. Upon approval of the map of reversion, it must be recorded in the office of the county recorder. The county recorder shall make a written notation of the fact on each sheet of the previously recorded map affected by the later recording, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

5. A county recorder who records a map pursuant to this section shall, within 7 working days after he or she records the map, provide to the county assessor at no charge:

(a) A duplicate copy of the map and any supporting documents; or

(b) Access to the digital map and any digital supporting documents. The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

[31:110:1941; 1931 NCL § 5063.30]—(NRS A 1973, 1774; 1977, 1507; 1979, 1502; 1981, 1160; 1985, 1689; 1987, 381; 1991, 1152, 1891; 1993, 580, 2581; 1997, 2437; [1999, 792; 2001, 1564; 2003, 2790](#))

### **NRS 278.4925 Merger and resubdivision of land without reversion to acreage: Authority; procedure; delineation of remaining streets and easements; crediting of security.**

1. An owner or governing body that owns two or more contiguous parcels may merge and resubdivide the land into new parcels or lots without reverting the preexisting parcels to acreage pursuant to [NRS 278.490](#).

2. Parcels merged without reversion to acreage pursuant to this section must be resubdivided and recorded on a final map, parcel map or map of division into large parcels, as appropriate, in accordance with [NRS 278.320 to 278.4725](#), inclusive, and any applicable local ordinances. The recording of the resubdivided parcels or lots on a final map, parcel map or map of division into large parcels, as appropriate, constitutes the merging of the preexisting parcels into a single parcel and the simultaneous resubdivision of that single parcel into parcels or lots of a size and description set forth in the final map, parcel map or map of division into large parcels, as appropriate.

3. With respect to a merger and resubdivision of parcels pursuant to this section, the owner or governing body conducting the merger and resubdivision shall ensure that streets, easements and utility easements, whether public or private, that will remain in effect after the merger and resubdivision, are delineated clearly on the final map, parcel map or map of division into large parcels, as appropriate, on which the merger and resubdivision is recorded.

4. If a governing body required an owner or governing body to post security to secure the completion of improvements to two or more contiguous parcels and those improvements will not be completed because of a merger and resubdivision conducted pursuant to this section, the governing body shall credit on a pro rata basis the security posted by the owner or governing body toward the same purposes with respect to the parcels as merged and resubdivided.

(Added to NRS by [1999, 784](#))

### **NRS 278.4955 Requirements for submitting map of reversion.**

1. The map of reversion submitted pursuant to [NRS 278.490](#) must contain the appropriate certificates required by [NRS 278.376](#) and [278.377](#) for the original division of the land, any agreement entered into for a required improvement pursuant to [NRS 278.380](#) for the original division of the land, and the certificates required by [NRS 278.496](#) and [278.4965](#). If the map includes the reversion of any street or easement owned by a city, a county or the State, the provisions of [NRS 278.480](#) must be followed before approval of the map.

2. The final map of reversion must:

(a) Be prepared by a professional land surveyor licensed pursuant to [chapter 625](#) of NRS. The professional land surveyor shall state in his

or her certificate that the map has been prepared from information on a recorded map or maps that are being reverted. The professional land surveyor may state in the certificate that he or she assumes no responsibility for the existence of the monuments or for correctness of other information shown on or copied from the document. The professional land surveyor shall include in the certificate information which is sufficient to identify clearly the recorded map or maps being reverted.

(b) Be clearly and legibly drawn in black permanent ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with black permanent ink.

3. The size of each sheet of the final map must be 24 by 32 inches. A marginal line must 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.

4. The scale of the final map must be large enough to show all details clearly, and enough sheets must be used to accomplish this end.

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

6. Each future conveyance of the reverted property must contain a metes and bounds legal description of the property and must include the name and mailing address of the person who prepared the legal description.

(Added to NRS by 1993, 2558; A 1997, 1066, 2438; [2003, 2791](#))

#### **NRS 278.496 Requirements for presenting map of reversion for recording.**

1. A map of reversion presented for recording must include a certificate signed and acknowledged, pursuant to [NRS 240.166](#), [240.1665](#) or [240.167](#), by each person who is an owner of the land consenting to the preparation and recordation of the map for the purpose of reversion.

2. A governing body may by ordinance require a map of reversion presented for recording to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land; and

(2) Each holder of record of a security interest in the land, if the security interest was created by a mortgage or a deed of trust.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the map of reversion. A holder of record of a security interest may consent by signing:

(1) The map of reversion; or

(2) A separate document that is recorded with the map of reversion and declares his or her consent to the reversion, if the map contains a notation that a separate document has been recorded to this effect.

3. For the purpose of this section, the following shall be deemed not to be an interest in land:

(a) A lien for taxes or special assessments.

(b) A trust interest under a bond indenture.

(Added to NRS by 1993, 2559)

**NRS 278.4965 Map of reversion must include certificate of approval from appropriate person.** A map of reversion presented to the county recorder for recording must include a certificate by the clerk of the governing body or the planning commission or other authorized person stating that it approved the map.

(Added to NRS by 1993, 2559)

### **Parks and Playgrounds for Residential Developments**

**NRS 278.497 Definitions.** As used in [NRS 278.497](#) to [278.4987](#), inclusive, the words and terms defined in [NRS 278.4971](#) to [278.4977](#), inclusive, have the meanings ascribed to them in those sections, unless the context otherwise requires.

(Added to NRS by 1973, 1447; A 1975, 1564; 1977, 1508)

**NRS 278.4971 "Apartment house" defined.** "Apartment house" means a building arranged in several suites of connecting rooms, each suite designed for independent housekeeping, but with certain typical mechanical conveniences, such as air-conditioning, heat, light or elevator services shared in common by all families occupying the building.

(Added to NRS by 1973, 1447)

**NRS 278.4973 "Mobile home" defined.** "Mobile home" has the meaning ascribed to it in [NRS 461A.050](#).

(Added to NRS by 1973, 1447; A [1999, 1689](#))

**NRS 278.4975 "Mobile home lot" defined.** "Mobile home lot" means any area or tract of land designated, designed or used for the occupancy of a mobile home.

(Added to NRS by 1973, 1447)

**NRS 278.4977 "Residential dwelling unit" defined.** "Residential dwelling unit" means a building or a portion of a building, planned, designed or used as a residence for one family only, living independently of other families or persons, and having its own bathroom and housekeeping facilities included in the unit.

(Added to NRS by 1973, 1447)

**NRS 278.4979 Governing body may by ordinance require dedication of land for parks or playgrounds.** The governing body of a city or county may, by ordinance, require that a subdivider of land or a developer of land for mobile home lots or an apartment house dedicate such land areas, sites and locations for park and playground purposes as are reasonably necessary to serve the proposed subdivision or development and the future residents of the subdivision or development.

(Added to NRS by 1973, 1447)

#### **NRS 278.498 Ordinance requiring dedication: Conformity to or adoption of plan for recreation.**

1. The ordinance adopted pursuant to [NRS 278.4979](#) must, insofar as practicable, conform to the recreation plan incorporated in the applicable master plan.

2. If no recreation plan is incorporated in the master plan, the ordinance must, by means of accompanying maps, diagrams, charts, descriptive matter and reports, also adopt a recreation plan. The plan must provide for a comprehensive system of recreation areas, including natural reservations, parks, parkways, beaches, playgrounds and other recreation areas, as well as the location thereof, when practicable.

3. The recreation plan adopted pursuant to subsection 1 or 2 must discuss and outline the proposed method or methods of carrying out the acquisition, development, operation and maintenance of the recreation facilities for which it provides.

(Added to NRS by 1973, 1448; A 1983, 1548)

**NRS 278.4981 Ordinance requiring dedication: Contents.**

1. The ordinance adopted pursuant to [NRS 278.4979](#) must set forth the standards to be applied in determining the amount of land that is required to be dedicated. The ordinance must contain standards determining the amount, quality and location of land that is required to be dedicated which are based upon the number and type of dwelling units or structures, apartment houses or mobile home lots, or any combination thereof, included in each subdivision or development and give due consideration to the relative desirability and market value of the land that may be included within the area of any particular proposed subdivision or development.

2. The ordinance must, without limiting the general powers conferred in this chapter, include the following:

(a) Provisions for the creation, in accordance with the applicable master plan, of park districts or service areas which would serve neighborhoods or communities of interest within the city or county.

(b) A delegation of authority to designated departments or agencies of the city or county to select the location of the land areas to be dedicated for park and playground purposes. The land to be dedicated for park and playground purposes must be within the park district or service area created pursuant to paragraph (a) in which the subdivision, apartment house or mobile home lots are located.

(c) A provision limiting the amount of land required to be dedicated to an amount of land having a fair market value, determined by independent appraisal, which does not exceed the amount of any residential construction tax which would otherwise have been collected under [NRS 278.4983](#).

(d) A provision for the transfer of title to the dedicated land upon the issuance of building permits and the construction of the first unit of the subdivision or development from which the land was dedicated.

È The ordinance may also contain a provision allowing an increase in the number of dwelling units or structures, apartment houses or mobile home lots, or any combination of them, in the subdivision equal to the number which would otherwise have been allowed on the land dedicated for parks and playgrounds.

(Added to NRS by 1973, 1448; A 1979, 660; 1983, 1548)

**NRS 278.4982 Land dedicated for park or playground: Compensation of developer for excess; plan for development; time limited for development.**

1. If the land area dedicated by any subdivider or developer exceeds a proportionate contribution to the total park site, taking into consideration the total residents of the subdivision or development and residents of nearby areas reasonably expected to benefit therefrom, the subdivider or developer making the dedication shall be compensated at fair market value for the excess value contributed.

2. When 25 percent of the property is developed within the subdivision or development from which the land was dedicated, the local governing body or agency to which the dedicated land is conveyed shall provide for planning, public hearings and the adoption of a plan for development of the site, a schedule of that development and a plan for financing which includes operational and maintenance costs of the park or playground.

3. If a park or playground has not been developed on the land dedicated for that purpose within 3 years after the date on which 75 percent of the residential dwelling units authorized within that subdivision or development first become occupied, title to the land reverts to the owners of the lots in the subdivision at the time of the reversion on a pro rata basis.

(Added to NRS by 1973, 1448; A 1979, 660; 1983, 1548)

**NRS 278.4983 Residential construction tax.**

1. The city council of any city or the board of county commissioners of any county which has adopted a master plan and recreation plan, as provided in this chapter, which includes, as a part of the plan, future or present sites for neighborhood parks may, by ordinance, impose a residential construction tax pursuant to this section.

2. If imposed, the residential construction tax must be imposed on the privilege of constructing apartment houses and residential dwelling units and developing mobile home lots in the respective cities and counties. The rate of the tax must not exceed:

(a) With respect to the construction of apartment houses and residential dwelling units, 1 percent of the valuation of each building permit issued or \$1,000 per residential dwelling unit, whichever is less. For the purpose of the residential construction tax, the city council of the city or the board of county commissioners of the county shall adopt an ordinance basing the valuation of building permits on the actual costs of residential construction in the area.

(b) With respect to the development of mobile home lots, for each mobile home lot authorized by a lot development permit, 80 percent of the average residential construction tax paid per residential dwelling unit in the respective city or county during the calendar year next preceding the fiscal year in which the lot development permit is issued.

3. The purpose of the tax is to raise revenue to enable the cities and counties to provide neighborhood parks and facilities for parks which are required by the residents of those apartment houses, mobile homes and residences.

4. An ordinance enacted pursuant to subsection 1 must establish the procedures for collecting the tax, set its rate, and determine the purposes for which the tax is to be used, subject to the restrictions and standards provided in this chapter. The ordinance must, without limiting the general powers conferred in this chapter, also include:

(a) Provisions for the creation, in accordance with the applicable master plan, of park districts which would serve neighborhoods within the city or county.

(b) A provision for collecting the tax at the time of issuance of a building permit for the construction of any apartment houses or residential dwelling units, or a lot development permit for the development of mobile home lots.

5. All residential construction taxes collected pursuant to the provisions of this section and any ordinance enacted by a city council or board of county commissioners, and all interest accrued on the money, must be placed with the city treasurer or county treasurer in a special fund. Except as otherwise provided in subsection 6, the money in the fund may only be used for the acquisition, improvement and expansion of neighborhood parks or the installation of facilities in existing or neighborhood parks in the city or county. Money in the fund must be expended for the benefit of the neighborhood from which it was collected.

6. If a neighborhood park has not been developed or facilities have not been installed in an existing park in the park district created to serve the neighborhood in which the subdivision or development is located within 3 years after the date on which 75 percent of the residential dwelling units authorized within that subdivision or development first became occupied, all money paid by the subdivider or developer, together with interest at the rate at which the city or county has invested the money in the fund, must be refunded to the owners of the lots in the subdivision or development at the time of the reversion on a pro rata basis.

7. The limitation of time established pursuant to subsection 6 is suspended for any period, not to exceed 1 year, during which this State or the Federal Government takes any action to protect the environment or an endangered species which prohibits, stops or delays the development of a park or installation of facilities.

8. For the purposes of this section:

(a) "Facilities" means turf, trees, irrigation, playground apparatus, playing fields, areas to be used for organized amateur sports, play areas, picnic areas, horseshoe pits and other recreational equipment or appurtenances designed to serve the natural persons, families and small groups from the neighborhood from which the tax was collected.

(b) "Neighborhood park" means a site not exceeding 25 acres, designed to serve the recreational and outdoor needs of natural persons,

families and small groups.

(Added to NRS by 1973, 1449; A 1983, 1551; 1987, 1611; 1991, 299; [1999, 807, 1689](#))

**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)

**NRS 278.4987 Provisions for dedication and residential construction tax mutually exclusive; concurrent application prohibited.**

1. The requirement for dedication of land under [NRS 278.4979, 278.498](#) and [278.4981](#) and the imposition of the residential construction tax under [NRS 278.4983](#), are mutually exclusive as to any particular subdivision, apartment house, mobile home lot or residential dwelling unit which may be benefited or affected by any such requirement or imposition.

2. Any city council or board of county commissioners determining to provide park or playground facilities under the provisions of [NRS 278.497](#) to [278.4987](#), inclusive, shall elect, for any one period, to follow only one of the procedures provided in these sections.

(Added to NRS by 1973, 1450; A 1975, 1564)

**Deed Restrictions for Subdivisions in Unincorporated Areas of Certain Counties**

**NRS 278.563 “Construction committee” and “deed restriction” defined.** As used in [NRS 278.563](#) to [278.568](#), inclusive, unless a different meaning clearly appears in the context:

1. “Construction committee” means a committee, homeowners group or other similarly constituted body empowered by deed restrictions to determine whether any construction, reconstruction, alteration or use of a building or other structure on a lot subject to such restrictions complies with the requirements of such restrictions.

2. “Deed restriction” means any recorded deed restriction, restrictive covenant or negative servitude governing the construction, reconstruction, alteration or use of any building or other structure on a lot in a subdivision of land created pursuant to this chapter.

(Added to NRS by 1973, 1724)

**NRS 278.564 Construction committee: Establishment and operation pursuant to deed restrictions; officers of committee to file affidavit with building official on annual basis; required contents of affidavit.**

1. Any deed restrictions in the unincorporated area of a county whose population is 100,000 or more but less than 400,000, recorded after July 1, 1973, may provide for the establishment and operation, under appropriate rules and procedure, of a construction committee.

2. As soon as a construction committee has been established and organized pursuant to the provisions of subsection 1, and no later than January 1 of each year thereafter, the officers of the committee shall file an affidavit with the building official having jurisdiction over the area within which the subdivision is situated, identifying the committee as the constituted construction committee empowered pursuant to recorded deed restrictions to determine compliance with those restrictions on lots in the subdivision. The affidavit must also set forth the names of the officers of the committee, including the address of a particular officer designated as the authorized representative of the committee for the purposes of [NRS 278.563](#) to [278.568](#), inclusive.

(Added to NRS by 1973, 1724; A 1979, 531; 1989, 1918; [2001, 1246](#))

**NRS 278.565 Deed restrictions: Copy to be filed with tentative map and with building official and presented to prospective purchaser; recording of original copy.**

1. A copy of deed restrictions proposed for a subdivision in a county whose population is 100,000 or more but less than 400,000 must be filed with the planning commission or governing body with the tentative map.

2. Upon final approval of the subdivision, a copy of the restrictions must be:

(a) Filed with the building official having jurisdiction over the area within which the subdivision is situated.

(b) Presented to each prospective purchaser of real property within the subdivision.

3. The original copy of the restrictions may be recorded with the county recorder immediately following the recording of the final map.

(Added to NRS by 1973, 1724; A 1977, 1512; 1979, 531; 1985, 1690; 1989, 1918; [2001, 1246](#))

**NRS 278.566 Written report of construction committee required before building official may issue building permit; application for written report; exceptions.**

1. Except as provided in subsection 3, the building official in a county whose population is 100,000 or more but less than 400,000, shall not issue any building permit for the construction, reconstruction, alteration or use of any building or other structure on a lot subject to deed restrictions unless the building official has received a written report thereon from the construction committee.

2. An application for a written report must be made by certified mail addressed to the authorized representative of the construction committee. If the construction committee fails or refuses to submit its written report to the building official within 20 days from the date of its receipt of a written request therefor, the building official must proceed as provided by law in cases where there is no functioning construction committee.

3. This section does not apply if the cost of the construction, reconstruction, alteration or use specified in subsection 1 is \$500 or less.

(Added to NRS by 1973, 1725; A 1979, 531; 1989, 1918; [2001, 1247](#))

**NRS 278.567 Procedure when construction committee inoperative.** If the construction committee required by [NRS 278.564](#) fails to be organized, is dissolved or becomes inactive:

1. The building official may issue an otherwise proper building permit for an improvement on property subject to deed restrictions.

2. An owner or owners of real property within a subdivision may lawfully undertake to prevent, or seek damages by reason of, a violation of deed restrictions pertaining to such subdivision.

(Added to NRS by 1973, 1725; A [2001, 1247](#))

**NRS 278.568 Applicability to preexisting subdivisions.** [NRS 278.566](#) and [278.567](#) apply to any subdivision created prior to July 1, 1973, all or a portion of the parcels of which are subject to deed restrictions providing for the establishment and operation of a construction committee.

(Added to NRS by 1973, 1725)

### Miscellaneous Provisions

**NRS 278.569 Reservation in map of right-of-way for existing irrigation ditch.** Each governing body shall require by ordinance that each:

1. Tentative map of a subdivision indicate the location of irrigation ditches and rights-of-way and easements for irrigation ditches.
2. Final map of a subdivision, parcel map or final map of a division of land into large parcels reserve a right-of-way for any existing irrigation ditch and its maintenance.

(Added to NRS by 1981, 196; A 1987, 1392)

**NRS 278.5692 Approval of adjustments to boundary lines by governing body.** A governing body that approves a division of land pursuant to the provisions of [NRS 278.010](#) to [278.630](#), inclusive, may approve adjustments to boundary lines.

(Added to NRS by 1991, 1381)

**NRS 278.5693 Requirements for adjustment of boundary line or transfer of land involving adjacent property.**

1. For a boundary line to be adjusted or for land to be transferred pursuant to paragraph (c) of subsection 5 of [NRS 278.461](#), a professional land surveyor must have performed a field survey, set monuments and filed a record of survey pursuant to [NRS 625.340](#).

2. A record of survey filed pursuant to subsection 1 must contain:

(a) A certificate by the professional land surveyor who prepared the map stating that:

(1) He or she has performed a field survey sufficient to locate and identify properly the proposed boundary line adjustment;

(2) All corners and angle points of the adjusted boundary line have been defined by monuments or will be otherwise defined on a document of record as required by [NRS 625.340](#); and

(3) The map is not in conflict with the provisions of [NRS 278.010](#) to [278.630](#), inclusive.

(b) A certificate that is executed and acknowledged by each affected owner of the abutting parcels which states that:

(1) The owner has examined the plat and approves and authorizes the recordation thereof;

(2) The owner agrees to execute the required documents creating any easement which is shown;

(3) The owner agrees to execute the required documents abandoning any existing easement pursuant to the provisions of [NRS 278.010](#) to [278.630](#), inclusive;

(4) All property taxes on the land for the fiscal year have been paid; and

(5) Any lender with an impound account for the payment of taxes has been notified of the adjustment of the boundary line or the transfer of the land.

(c) A certificate by the governing body or its designated representative approving the adjustment of the boundary line.

(Added to NRS by 1991, 1381; A 1993, 1197, 2582; [2007, 853](#))

**NRS 278.5695 County recorder required to indicate on copy of plot, plat, map or survey that subsequent changes should be examined.** If a county recorder maintains a cumulative index, the county recorder shall indicate on any copy of a plot, plat, map or survey which the county recorder provides that subsequent changes to that document should be examined and may be determined by reference to the cumulative index.

(Added to NRS by 1987, 379)

### INSPECTION OF STRUCTURES AND ENFORCEMENT OF ZONING REGULATIONS

**NRS 278.570 Building official: Purpose; appointment; compensation; certification and continuing education; employees; expenditures.**

1. The governing body of any city or county may provide for the inspection of structures and the enforcement of the zoning regulations and building codes by means of the withholding of building permits. For the purpose of the inspection of structures and the enforcement of building codes by means of the withholding of building permits, the governing body may establish and fill a position of city or county building official, and may fix the compensation attached to the position, or may authorize an administrative official of the city or county to assume the functions of the position in addition to his or her customary functions. A building official must comply with the requirements for certification and continuing education established pursuant to [NRS 278.577](#).

2. The building official may appoint such employees as the building official may deem necessary for the fulfillment of the duties of his or her position. The appointment, promotion, demotion and removal of such employees shall be subject to the same provisions of law as govern other corresponding civil employees in the city or county. Except as otherwise provided in [NRS 278.577](#), any employee appointed pursuant to this subsection whose duties include the reviewing of plans or the inspection of any portion of a structure must comply with the requirements for certification and continuing education established pursuant to that section.

3. The expenditures of the building official shall be within the amounts appropriated for the purpose by the governing body which may provide the funds, equipment and accommodations necessary for the building official's work.

[Part 34:110:1941; 1931 NCL § 5063.33] + [35:110:1941; 1931 NCL § 5063.34]—(NRS A [2001, 1247](#))

**NRS 278.573 Statement of restrictions: Delivery to owner of residence who is issued permit for construction thereon; acknowledgment of receipt; text.**

1. A building official who issues a permit to the owner of a residence to construct, alter, repair, add to, subtract from, improve, move, wreck or demolish the residence shall, at the same time, deliver to the owner a statement. The owner of the residence shall acknowledge in writing receipt of the statement.

2. The statement delivered by the building official must include the following text:

State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor with certain restrictions although you do not have a license.

You must directly supervise the construction, on the job, yourself. The building or residence must be for your own use or occupancy. It may not be built or substantially improved for sale or lease. If you sell or lease a building you have built or substantially improved yourself within 1 year after the construction is complete, it is presumed that you built or substantially improved it for sale or

lease, which is a violation of this exemption and a violation of [chapter 624](#) of NRS.

You may not hire an unlicensed person to act as your contractor or to supervise people working on your building. It is your responsibility to make sure that people employed by you have the licenses required by state law and by county or municipal licensing ordinances. You may not delegate the responsibility for supervising work to a contractor unless the contractor is licensed to perform the work being done. Any person working on your building who is not licensed must work under your direct supervision and must be employed by you, which means that you must deduct FICA and withholding tax and provide industrial insurance and pay the required contribution for unemployment compensation for that employee, and comply with other state and federal laws relating to employment. Your construction must comply with all applicable laws, ordinances, building codes and zoning regulations.

(Added to NRS by 1997, 2697; A [2001, 1248](#))

**NRS 278.575 Program to allow independent contractors to review plans for and inspect buildings.** The governing body of a city or county which, pursuant to [NRS 278.570](#), appoints a building official may establish a program to allow independent contractors who comply with the requirements for certification and continuing education established pursuant to [NRS 278.577](#) to review plans for and inspect buildings on behalf of the building official.

(Added to NRS by 1995, 2062; A [2001, 1248](#))

**NRS 278.577 Certain cities and counties to require certification and continuing education for persons who act as building official, review plans or inspect structure or building or portion thereof; exception; application in smaller counties.**

1. Except as otherwise provided in subsection 2, in a county whose population is 100,000 or more, or in any city located within such a county, if the city or county provides for the inspection of structures and the enforcement of building codes pursuant to [NRS 278.570](#), [278.573](#) and [278.575](#), the city or county shall:

(a) Prepare a list of national and international organizations which certify persons who inspect a structure or a portion of a structure and which are approved by the city or county, as appropriate, for certifying persons pursuant to this subsection;

(b) Require a person who fills the position of building official, reviews plans or inspects a structure or building or a portion of a structure or building pursuant to [NRS 278.570](#) or [278.575](#) to be certified by an organization included on the list prepared pursuant to paragraph (a);

(c) Establish requirements for continuing education for a person who is required to be certified pursuant to this subsection; and

(d) Prohibit a person who is not certified or does not fulfill the requirements for continuing education pursuant to this subsection from filling the position of building official, reviewing plans or inspecting a structure or building or a portion of a structure or building pursuant to [NRS 278.570](#) or [278.575](#).

2. A city or county specified in subsection 1 may authorize an employee of the city or county to perform duties for which certification is required pursuant to that subsection if those duties are performed under the supervision of a person who is certified by an organization that is included on the list prepared by the city or county pursuant to paragraph (a) of that subsection. The city or county may authorize an employee to perform duties pursuant to this subsection for not more than 1 year.

3. The requirements for continuing education established pursuant to paragraph (c) of subsection 1 must:

(a) Include the completion of at least 45 hours of continuing education every 3 years; and

(b) Specify the manner in which a person may complete those hours.

4. In a county whose population is less than 100,000, or in any city located within such a county, if the city or county provides for the inspection of structures and the enforcement of building codes pursuant to [NRS 278.570](#), [278.573](#) and [278.575](#), the city or county shall, by resolution, establish the requirements for certifying and for continuing education for a person who, on a full-time basis, fills the position of building official, reviews plans or inspects a structure or building or a portion of a structure or building pursuant to [NRS 278.570](#) or [278.575](#).

(Added to NRS by [2001, 1245](#))

**NRS 278.580 Building codes: Adoption; fees for permits; applicability to State and Nevada System of Higher Education; authorization of use of materials and technologies that conserve resources in construction and use of solar or wind energy; adoption of seismic provisions and standards.**

1. Subject to the limitation set forth in [NRS 244.368](#), the governing body of any city or county may adopt a building code, specifying the design, soundness and materials of structures, and may adopt rules, ordinances and regulations for the enforcement of the building code.

2. The governing body may also fix a reasonable schedule of fees for the issuance of building permits. A schedule of fees so fixed does not apply to the State of Nevada or the Nevada System of Higher Education, except that such entities may enter into a contract with the governing body to pay such fees for the issuance of building permits, the review of plans and the inspection of construction. Except as it may agree to in such a contract, a governing body is not required to provide for the review of plans or the inspection of construction with respect to a structure of the State of Nevada or the Nevada System of Higher Education.

3. Notwithstanding any other provision of law, the State and its political subdivisions shall comply with all zoning regulations adopted pursuant to this chapter, except for the expansion of any activity existing on April 23, 1971.

4. A governing body shall amend its building codes and, if necessary, its zoning ordinances and regulations to permit the use of:

(a) Straw or other materials and technologies which conserve scarce natural resources or resources that are renewable in the construction of a structure; and

(b) Systems which use solar or wind energy to reduce the costs of energy for a structure if such systems and structures are otherwise in compliance with applicable building codes and zoning ordinances, including those relating to the design, location and soundness of such systems and structures,

to the extent the local climate allows for the use of such materials, technologies, resources and systems.

5. The amendments required by subsection 4 may address, without limitation:

(a) The inclusion of characteristics of land and structures that are most appropriate for the construction and use of systems using solar and wind energy.

(b) The recognition of any impediments to the development of systems using solar and wind energy.

(c) The preparation of design standards for the construction, conversion or rehabilitation of new and existing systems using solar and wind energy.

6. A governing body shall amend its building codes to include:

(a) The seismic provisions of the *International Building Code* published by the International Code Council; and

(b) Standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.

[Part 34:110:1941; 1931 NCL § 5063.33]—(NRS A 1959, 500; 1971, 957; 1975, 226; 1993, 2583; 1995, 710, 1925; [1999, 1064](#); [2003, 1895](#); [2005, 1823](#); [2007, 3098](#))

**NRS 278.581 Adoption, enforcement and application of construction and energy codes in county whose population is 100,000 or more.** In each county whose population is 100,000 or more:

1. If the governing body of the county or any city in the county has adopted a building code, each such governing body shall, as part of its building code, adopt construction codes and energy codes that regulate:
  - (a) The design of energy efficient residential, commercial and industrial structures; and
  - (b) The installation of energy efficient mechanical, lighting and power systems in such structures.
2. If the governing body of the county or any city in the county has not adopted a building code, each such governing body shall:
  - (a) By ordinance, adopt the codes described in subsection 1; and
  - (b) Provide for the enforcement of such codes by the officers or employees of the county or city or by the officers or employees of another local government pursuant to an interlocal agreement.
3. The codes described in subsection 1 must:
  - (a) Be adopted and become effective not later than January 1, 2002; and
  - (b) Be applied to each new residential, commercial and industrial structure on which construction begins on or after the date on which the codes become effective.
 (Added to NRS by [2001, 2531](#))

**NRS 278.582 Minimal standards for plumbing fixtures in certain structures.**

1. Each county and city shall include in its respective building code the requirements of this section. If a county or city has no building code, it shall adopt those requirements by ordinance and provide for their enforcement by its own officers or employees or through interlocal agreement by the officers or employees of another local government. Additionally, each county and city shall prohibit by ordinance the sale and installation of any plumbing fixture which does not meet the standards made applicable for the respective county or city pursuant to this section.
2. Except as otherwise provided in subsections 3 and 4, each residential, commercial or industrial structure on which construction begins on or after March 1, 1992, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1992, must incorporate the following minimal standards for plumbing fixtures:
  - (a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.
  - (b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.
  - (c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.
  - (d) A urinal which continually flows or flushes water must not be installed.
3. Except as otherwise provided in subsection 4, each residential, commercial or industrial structure on which construction begins on or after March 1, 1993, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:
  - (a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.
  - (b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.
  - (c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.
  - (d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.
  - (e) A urinal which continually flows or flushes water must not be installed.
  - (f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.
  - (g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.
4. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of an existing residential, commercial or industrial structure which is not being expanded or renovated.
 (Added to NRS by 1991, 1166)

**NRS 278.583 National Electrical Code: Applicability; approval; modification.**

1. After January 1, 1974, any construction, alteration or change in the use of a building or other structure in this State by any person, firm, association or corporation, whether public or private, must be in compliance with the technical provisions of the *National Electrical Code* of the National Fire Protection Association in the form most recently approved by the governing body of the city or county in which the building or other structure is located. The governing body of each city or county shall review each edition of the *National Electrical Code* that is published by the National Fire Protection Association after the 1996 edition to ensure its suitability for that city or county. Each new edition of the code shall be deemed approved by the governing body of each city or county unless the edition is disapproved by that governing body within 60 days after the date of publication by the National Fire Protection Association.
2. Any city or county within the State may adopt such modifications of the code as are deemed reasonably necessary, if such modifications do not reduce the standards established in the code.
 (Added to NRS by 1973, 1140; A 1975, 1196; 1985, 373; 1997, 2483)

- NRS 278.585 Compliance with appropriate city or county building code.** Except as otherwise provided in [NRS 393.110](#), all persons and political subdivisions shall comply with the appropriate city or county building code.
 (Added to NRS by 1973, 912; A 1985, 24; [2009, 511](#))

**NRS 278.587 Duty of city or county building official to notify State Board of Professional Engineers and Land Surveyors concerning submission of incomplete or rejected plans.** A city or county building official shall notify the State Board of Professional Engineers and Land Surveyors in writing if a licensed professional engineer or land surveyor:

1. Submits plans that are substantially incomplete; or
2. Submits plans for the same project that are rejected by the department at least three times.
 (Added to NRS by 1997, 155; A [2001, 1248](#))

**NRS 278.589 Duty of city or county building official to notify State Board of Architecture, Interior Design and Residential Design concerning submission of incomplete or rejected plans.** A city or county building official shall notify the State Board of Architecture, Interior Design and Residential Design in writing if a registered architect, interior designer or residential designer:

1. Submits plans for a project which are substantially incomplete; or
2. Submits plans for the same project which are rejected by the city or county building official at least three times.
 (Added to NRS by 1997, 1408; A [2001, 1248](#))

## UNLAWFUL ACTS AND PENALTIES

### **NRS 278.590 Unlawful sale or transfer of divided land; penalties; remedies.**

1. It is unlawful for any person to contract to sell, to sell or to transfer any subdivision or any part thereof, or land divided pursuant to a parcel map or map of division into large parcels, unless:

(a) The required map thereof, in full compliance with the appropriate provisions of [NRS 278.010](#) to [278.630](#), inclusive, and any local ordinance, has been recorded in the office of the recorder of each county in which the subdivision or land divided is located; or

(b) The person is contractually obligated to record the required map before title is transferred or possession is delivered, whichever is earlier, as provided in paragraph (a).

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and is liable for a civil penalty of not more than \$300 for each lot or parcel sold or transferred.

3. This section does not bar any legal, equitable or summary remedy to which any aggrieved municipality or other political subdivision, or any person, may otherwise be entitled, and any such municipality or other political subdivision or person may file suit in the district court of the county in which any property attempted to be divided or sold in violation of any provision of [NRS 278.010](#) to [278.630](#), inclusive, is located to restrain or enjoin any attempted or proposed division or transfer in violation of those sections.

[20:110:1941; A 1947, 834; 1943 NCL § 5063.19]—(NRS A 1967, 546; 1973, 1339; 1975, 1567; 1977, 1512; 1979, 1361, 1502, 1714; 1993, 2583; [1999, 1635](#); [2003, 976](#))

**NRS 278.600 Unlawful recording of map by recorder: Penalty.** Any county recorder who records a map contrary to the provisions of [NRS 278.010](#) to [278.630](#), inclusive, or of any local ordinance adopted pursuant thereto is guilty of a misdemeanor.

[33:110:1941; 1931 NCL § 5063.32]—(NRS A 1993, 2583; [2003, 977](#))

### **NRS 278.610 Unlawful to erect, construct, reconstruct, alter or change use of structure without building permit; requirements for obtaining permit.**

1. After a building official is appointed pursuant to [NRS 278.570](#), it is unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure within the territory covered by the building code or zoning regulations without obtaining a building permit from the building official.

2. The building official shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully:

(a) Conform to all building code and zoning regulations then in effect.

(b) If applicable, comply with the provisions of [NRS 393.110](#).

3. A building official shall not issue a building permit to a person acting for another unless the applicant proves to the satisfaction of the building official that he or she is licensed as a contractor for that work pursuant to the provisions of [chapter 624](#) of NRS.

[Part 34:110:1941; 1931 NCL § 5063.33]—(NRS A 1993, 2412; 1997, 2698; [1999, 2853, 2967](#); [2001, 213, 1249](#))

### **NRS 278.630 Violation of provisions concerning maps: County assessor to determine and report discrepancies and not place on tax roll or maps any land for which discrepancy exists; investigation; prosecution.**

1. When there is no final map, parcel map or map of division into large parcels as required by the provisions of [NRS 278.010](#) to [278.630](#), inclusive, then the county assessor shall:

(a) Determine any apparent discrepancies with respect to the provisions of [NRS 278.010](#) to [278.630](#), inclusive;

(b) Report his or her determinations to the governing body of the county or city in which such apparent violation occurs in writing, including, without limitation, by noting such determinations in the appropriate parcel record of the county assessor; and

(c) Not place on the tax roll or maps of the county assessor any land for which the county assessor has determined that a discrepancy exists with respect to the provisions of [NRS 278.010](#) to [278.630](#), inclusive.

2. Upon receipt of the report, the governing body shall cause an investigation to be made by the district attorney's office when such lands are within an unincorporated area, or by the city attorney when such lands are within a city, the county recorder and any planning commission having jurisdiction over the lands in question.

3. If the report shows evidence of violation of the provisions of [NRS 278.010](#) to [278.630](#), inclusive, with respect to the division of lands or upon the filing of a verified complaint by any municipality or other political subdivision or person, firm or corporation with respect to violation of the provisions of those sections, the district attorney of each county in this State shall prosecute all such violations in respective counties in which the violations occur.

[32.1:110:1941; added 1947, 834; 1943 NCL § 5063.31a]—(NRS A 1963, 662; 1973, 1340; 1975, 1567; 1979, 1503, 1716; 1993, 2584; [2001, 1565](#))

## IMPOSITION OF PLANS AND ZONING REGULATIONS BY GOVERNOR

**NRS 278.640 Applicability of [NRS 278.640](#) to [278.675](#), inclusive.** If after July 1, 1975, there is any land lying within the boundaries of any county of this State which has not been made subject to a comprehensive land use plan pursuant to [NRS 278.150](#), and zoning regulations pursuant to the provisions of [NRS 278.010](#) to [278.630](#), inclusive, the provisions of [NRS 278.640](#) to [278.675](#), inclusive, apply to the extent and in the manner indicated therein.

(Added to NRS by 1973, 841)

### **NRS 278.645 Imposition by Governor of plans and zoning regulations in absence of local action; extension of time for local action.**

1. Upon being advised that there is any such land as is identified in [NRS 278.640](#), lying within the boundaries of any county of this State, the Governor shall confirm the fact.

2. Thereafter, the Governor may prescribe, may amend and shall thereafter administer comprehensive land use plans and zoning regulations for such land.

3. The Governor may grant a reasonable extension of time, if any governing body has under consideration on July 1, 1975, a comprehensive land use plan and zoning regulation, and if there is evidence of satisfactory progress toward the final enactment of such plan and ordinance.

(Added to NRS by 1973, 842)

### **NRS 278.650 Requirements of plans and zoning regulations; enforcement; hearings.**

1. Any comprehensive land use plan prescribed or amended by the Governor, pursuant to [NRS 278.645](#), shall be in accordance with the standards provided in [NRS 278.655](#), and the notice and hearing requirements provided in [NRS 278.210](#).

2. Any zoning regulations prescribed or amended by the Governor pursuant to [NRS 278.645](#) shall be in accordance with the standards provided in [NRS 278.250](#) and the notice and hearing requirements provided in [NRS 278.260](#).

3. A comprehensive land use plan or zoning regulation prescribed or amended by the Governor pursuant to [NRS 278.645](#) may be effected for any purpose provided in [NRS 278.010](#) to [278.630](#), inclusive. The Governor may cause to be instituted an appropriate proceeding to enjoin the construction of buildings or performance of any other acts which would constitute a land use that does not conform to the applicable land use plan or zoning regulation.

4. Any hearings required by this section may be held by the Governor or by a person or agency designated by the Governor, and all such hearings shall be held in the county seat of the county in which the comprehensive land use plan or zoning regulation is to be prescribed.

(Added to NRS by 1973, 842)

**NRS 278.655 Purposes and goals of comprehensive physical planning.**

1. Comprehensive physical planning shall to the extent feasible:

(a) Provide guidance for physical development within the State responsive to economic development, human resource development, natural resource development and regional and metropolitan area development;

(b) Assist in the attainment of the optimum living environment for the residents of this State and assure sound housing, employment opportunities, educational fulfillment and sound health facilities;

(c) Relate to intermediate and long-range growth objectives; and

(d) Set a pattern upon which state agencies and local government may base their programs and local area plans.

2. Goals for comprehensive physical planning are:

(a) To preserve the quality of the air and water resources of the State.

(b) To conserve open space and protect natural and scenic resources.

(c) To provide for the recreational needs of citizens of the State and visitors.

(d) To conserve prime farm lands for the production of crops and provide for an orderly and efficient transition from rural to urban land use.

(e) To protect life and property in areas subject to floods, landslides and other natural disasters.

(f) To provide and encourage a safe, convenient and economic transportation system including all modes of transportation such as air, water, rail, highway and mass transit, and recognizing differences in the social costs in the various modes of transportation.

(g) To develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

(h) To diversify and improve the economy of the State.

(i) To ensure that the development of properties within the State is commensurate with the character and the physical limitations of the land.

(j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of such land for such development.

(Added to NRS by 1973, 842)

**NRS 278.660 Notice to Governor of proposed building construction.**

1. As used in this section, "building" means a structure having one or more walls or columns, with or without a roof, which is designed to protect persons, animals or property from the elements.

2. When a building valued at \$300 or more is proposed to be erected on land subject to zoning regulations prescribed by the Governor, the person so proposing shall give written notice to the Governor 10 days before construction is scheduled to commence.

3. The notice shall provide information concerning location, construction dates, value of building materials and intended use of the building. It shall be accompanied by a sketch and elevations of the building.

4. If the land is subject to local building regulations, the person otherwise authorized by law to issue the building permit shall give the notice required by subsection 2.

(Added to NRS by 1973, 843)

**NRS 278.665 Governor may contract for appropriate services.** The Governor may enter into contracts for such services as the Governor considers appropriate for carrying out his or her land use planning and zoning duties.

(Added to NRS by 1973, 843)

**NRS 278.670 Duration of plans and zoning regulations imposed by Governor.** Any comprehensive land use plan and zoning regulation promulgated by the Governor, as provided by [NRS 278.640](#) to [278.675](#), inclusive, shall remain in effect until a county or city governing body adopts its own comprehensive land use plan and zoning ordinance.

(Added to NRS by 1973, 843)

**NRS 278.675 Power of Governor to institute civil actions to remedy violations.** In addition to the remedy prescribed in subsection 3 of [NRS 278.650](#), the Governor may cause to be instituted any civil action or suit the Governor considers appropriate to remedy violations of any comprehensive land use plan or zoning regulation prescribed by the Governor pursuant to [NRS 278.640](#) and [278.645](#).

(Added to NRS by 1973, 843)

## TAX FOR IMPROVEMENT OF TRANSPORTATION

**NRS 278.710 Imposition of tax on privilege of development; special election tax; rate of tax; collection of tax; use of revenue; applicability of [chapter 278B](#) of NRS.**

1. A board of county commissioners may by ordinance, but not as in a case of emergency, impose a tax for the improvement of transportation on the privilege of new residential, commercial, industrial and other development pursuant to paragraph (a) or (b) as follows:

(a) After receiving the approval of a majority of the registered voters of the county voting on the question at a special election or the next primary or general election, the board of county commissioners may impose the tax throughout the county, including any such development in incorporated cities in the county. A county may combine this question with a question submitted pursuant to [NRS 244.3351](#), [371.045](#) or [377A.020](#), or any combination thereof.

(b) After receiving the approval of a majority of the registered voters who reside within the boundaries of a transportation district created pursuant to [NRS 244A.252](#), voting on the question at a special or general district election or primary or general state election, the board of county commissioners may impose the tax within the boundaries of the district. A county may combine this question with a question submitted pursuant to [NRS 244.3351](#).

2. A special election may be held only if the board of county commissioners determines, by a unanimous vote, that an emergency exists.

The determination made by the board of county commissioners is conclusive unless it is shown that the board acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board must be commenced within 15 days after the board's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the board of county commissioners to prevent or mitigate a substantial financial loss to the county or to enable the board of county commissioners to provide an essential service to the residents of the county.

3. The tax imposed pursuant to this section must be at such a rate and based on such criteria and classifications as the board of county commissioners determines to be appropriate. Each such determination is conclusive unless it constitutes an arbitrary and capricious abuse of discretion, but the tax imposed must not:

(a) For any fiscal year beginning:

- (1) Before July 1, 2003, exceed \$500;
- (2) On or after July 1, 2003, and before July 1, 2005, exceed \$650;
- (3) On or after July 1, 2005, and before July 1, 2010, exceed \$700;
- (4) On or after July 1, 2010, and before July 1, 2015, exceed \$800;
- (5) On or after July 1, 2015, and before July 1, 2020, exceed \$900; or
- (6) On or after July 1, 2020, exceed \$1,000,

Ê per single-family dwelling unit of new residential development, or the equivalent thereof as determined by the board of county commissioners; or

(b) For any fiscal year beginning:

- (1) Before July 1, 2003, \$0.50;
- (2) On or after July 1, 2003, and before July 1, 2005, exceed \$0.65;
- (3) On or after July 1, 2005, and before July 1, 2010, exceed \$0.75;
- (4) On or after July 1, 2010, and before July 1, 2015, exceed \$0.80;
- (5) On or after July 1, 2015, and before July 1, 2020, exceed \$0.90; or
- (6) On or after July 1, 2020, exceed \$1.00,

Ê per square foot on other new development.

4. If so provided in an ordinance adopted pursuant to this section, a newly developed lot for a mobile home must be considered a single-family dwelling unit of new residential development.

5. The tax imposed pursuant to this section must be collected before the time a certificate of occupancy for a building or other structure constituting new development is issued, or at such other time as is specified in the ordinance imposing the tax. If so provided in the ordinance, no certificate of occupancy may be issued by any local government unless proof of payment of the tax is filed with the person authorized to issue the certificate of occupancy. Collection of the tax imposed pursuant to this section must not commence earlier than the first day of the second calendar month after adoption of the ordinance imposing the tax.

6. In a county in which a tax has been imposed pursuant to paragraph (a) of subsection 1, the revenue derived from the tax must be used exclusively to pay the cost of:

(a) Projects related to the construction and maintenance of sidewalks, streets, avenues, boulevards, highways and other public rights-of-way used primarily for vehicular traffic, including, without limitation, overpass projects, street projects and underpass projects, as defined in [NRS 244A.037](#), [244A.053](#) and [244A.055](#), respectively:

(1) Within the boundaries of the county;

(2) Within 1 mile outside the boundaries of the county if the board of county commissioners finds that such projects outside the boundaries of the county will facilitate transportation within the county; or

(3) Within 30 miles outside the boundaries of the county and the boundaries of this State, where those boundaries are coterminous, if:

(I) The projects consist of improvements to a highway which is located wholly or partially outside the boundaries of this State and which connects this State to an interstate highway; and

(II) The board of county commissioners finds that such projects will provide a significant economic benefit to the county;

(b) The principal and interest on notes, bonds or other obligations incurred to fund projects described in paragraph (a); or

(c) Any combination of those uses.

7. In a transportation district in which a tax has been imposed pursuant to paragraph (b) of subsection 1, the revenue derived from the tax must be used exclusively to pay the cost of:

(a) Projects related to the construction and maintenance of sidewalks, streets, avenues, boulevards, highways and other public rights-of-way used primarily for vehicular traffic, including, without limitation, overpass projects, street projects and underpass projects, as defined in [NRS 244A.037](#), [244A.053](#) and [244A.055](#), respectively, within the boundaries of the district or within such a distance outside those boundaries as is stated in the ordinance imposing the tax, if the board of county commissioners finds that such projects outside the boundaries of the district will facilitate transportation within the district;

(b) The principal and interest on notes, bonds or other obligations incurred to fund projects described in paragraph (a); or

(c) Any combination of those uses.

8. The county may expend the proceeds of the tax authorized by this section, or any borrowing in anticipation of the tax, pursuant to an interlocal agreement between the county and the regional transportation commission of the county with respect to the projects to be financed with the proceeds of the tax.

9. The provisions of [chapter 278B](#) of NRS and any action taken pursuant to that chapter do not limit or in any other way apply to any tax imposed pursuant to this section.

(Added to NRS by 1991, 33; A 1993, 1046, 2780, 2822; [1999, 1671](#); [2001, 1666](#); [2003, 956](#))

## SOUTHERN NEVADA ENTERPRISE COMMUNITY PROJECTS FUND

### **NRS 278.750 Creation and administration; credit of interest and income; expenditure.**

1. The Southern Nevada Enterprise Community Projects Fund is hereby created in the State Treasury. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

2. The Southern Nevada Enterprise Community Board shall administer the Fund and may accept gifts, grants and other money for deposit in the Fund.

3. The money in the Fund may only be used to fund projects in the Southern Nevada Enterprise Community and is hereby authorized for expenditure as a continuing appropriation for this purpose.

(Added to NRS by [2009, 2758](#))

## 1973 NEVADA TAHOE REGIONAL PLANNING AGENCY

### Findings and Declaration of Policy

**NRS 278.780 Legislative findings and declaration.** The Legislature finds and declares that:

1. The waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.
  2. By virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.
  3. There is a need to maintain an equilibrium between the region's natural endowment and its artificially created environment, and to preserve the scenic beauty and recreational opportunities of the region.
  4. For the purpose of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with power to exercise effective environmental controls and to perform other essential functions.
  5. It is not the intent of [NRS 278.780](#) to [278.828](#), inclusive, to rezone areas subject to the provisions of those sections.
  6. Every application referred to the agency created by [NRS 278.780](#) to [278.828](#), inclusive, must be considered individually as to its effect on the facilities necessary for people and traffic and whether or not the granting of such application would exceed the capacity of the environment to tolerate development in those particular areas under the jurisdiction of the agency.
- (Added to NRS by 1973, 1382; A 1979, 432)

### General Provisions

**NRS 278.782 Definitions.** As used in [NRS 278.780](#) to [278.828](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 278.784](#) to [278.791](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1973, 1382; A 1979, 433)

**NRS 278.784 "Agency" defined.** "Agency" means the Nevada Tahoe Regional Planning Agency.

(Added to NRS by 1973, 1382)

**NRS 278.786 "Governing body" defined.** "Governing body" means the governing body of the Agency.

(Added to NRS by 1973, 1382)

**NRS 278.788 "Planning commission" defined.** "Planning commission" means the advisory planning commission.

(Added to NRS by 1973, 1382)

**NRS 278.790 "Region" defined.** "Region" includes Lake Tahoe and the adjacent parts of Carson City and the counties of Douglas and Washoe lying within the Tahoe Basin in the State of Nevada. The region defined and described in this section shall be precisely delineated on official maps of the agency.

(Added to NRS by 1973, 1383)

**NRS 278.791 "Restricted gaming license" defined.** "Restricted gaming license" means a license to operate not more than 15 slot machines for which a quarterly fee is charged pursuant to [NRS 463.373](#).

(Added to NRS by 1979, 433)

### Organization

**NRS 278.792 Nevada Tahoe Regional Planning Agency: Creation; composition of governing body. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]**

1. The Nevada Tahoe Regional Planning Agency is hereby created as a separate legal entity.
2. The governing body of the Agency shall consist of the Nevada members of the Tahoe Regional Planning Agency created by the Tahoe Regional Planning Compact.

(Added to NRS by 1973, 1383)

**NRS 278.792 Nevada Tahoe Regional Planning Agency: Creation; composition, appointment and interests of governing body. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers, unless the 1987 amendments made to the Compact by the State of Nevada become effective before that time.]**

1. The Nevada Tahoe Regional Planning Agency is hereby created as a separate legal entity.
2. The governing body of the Agency consists of:
  - (a) One member appointed by each of the boards of county commissioners of Douglas and Washoe counties and one member appointed by the Board of Supervisors of Carson City. Any such member may be a member of the board of county commissioners or Board of Supervisors, respectively, and must reside in the territorial jurisdiction of the governmental body making the appointment.
  - (b) One member appointed by the Governor of Nevada, the Secretary of State of Nevada or a designee of the Secretary of State, and the Director of the State Department of Conservation and Natural Resources of Nevada or a designee of the Director. A member who is appointed or designated pursuant to this paragraph must not be a resident of the region and shall represent the public at large within the State of Nevada.
  - (c) One member appointed for a 1-year term by the six other members. If at least four members are unable to agree upon the selection of a seventh member within 30 days after this section becomes effective or the occurrence of a vacancy, the Governor shall make the appointment. The member appointed pursuant to this paragraph may but is not required to be a resident of the region.
3. If any appointing authority fails to make an appointment within 30 days after the effective date of this section or the occurrence of a vacancy on the governing body, the Governor shall make the appointment.
4. The position of any member of the governing body shall be deemed vacant if the member is absent from three consecutive meetings of the governing body in any calendar year.
5. Each member and employee of the Agency shall disclose his or her economic interests in the region within 10 days after taking the seat on the governing body or being employed by the Agency and shall thereafter disclose any further economic interest which he or she acquires, as soon as feasible after acquiring it. As used in this section, "economic interest" means:
  - (a) Any business entity operating in the region in which the member has a direct or indirect investment worth more than \$1,000;
  - (b) Any real property located in the region in which the member has a direct or indirect interest worth more than \$1,000;
  - (c) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating \$250 or more in value received by or promised to the member within the preceding 12 months; or
  - (d) Any business entity operating in the region in which the member is a director, officer, partner, trustee, employee or holds any position

of management.

È No member or employee of the Agency may make or attempt to influence an Agency decision in which the member or employee knows or has reason to know he or she has a financial interest. Members and employees of the Agency must disqualify themselves from making or participating in the making of any decision of the Agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interest of the member or employee.

(Added to NRS by 1973, 1383; A 1979, 1127, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers, unless the 1987 amendments made to the Compact by the State of Nevada become effective before that time)

**NRS 278.792 Nevada Tahoe Regional Planning Agency: Creation; composition, appointment and interests of governing body. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers, if the 1987 amendments made to the Compact by the State of Nevada become effective before that time.]**

1. The Nevada Tahoe Regional Planning Agency is hereby created as a separate legal entity.

2. The governing body of the Agency consists of:

(a) One member appointed by each of the boards of county commissioners of Douglas and Washoe counties and one member appointed by the Board of Supervisors of Carson City. Any such member may be a member of the board of county commissioners or Board of Supervisors, respectively, and must reside in the territorial jurisdiction of the governmental body making the appointment.

(b) Two members appointed by the Governor of this State.

(c) One member appointed by the Speaker of the Assembly, and one member appointed by the Majority Leader of the Senate, of this State.

3. If any appointing authority fails to make an appointment within 30 days after the effective date of this section or the occurrence of a vacancy on the governing body, the Governor shall make the appointment.

4. The position of any member of the governing body shall be deemed vacant if the member is absent from three consecutive meetings of the governing body in any calendar year.

5. Each member and employee of the Agency shall disclose his or her economic interests in the region within 10 days after taking the seat on the governing body or being employed by the Agency and shall thereafter disclose any further economic interest which he or she acquires, as soon as feasible after acquiring it. As used in this section, "economic interest" means:

(a) Any business entity operating in the region in which the member has a direct or indirect investment worth more than \$1,000;

(b) Any real property located in the region in which the member has a direct or indirect interest worth more than \$1,000;

(c) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating \$250 or more in value received by or promised to the member within the preceding 12 months; or

(d) Any business entity operating in the region in which the member is a director, officer, partner, trustee, employee or holds any position of management.

È No member or employee of the Agency may make or attempt to influence a decision of the Agency in which the member or employee knows or has reason to know he or she has a financial interest. Members and employees of the Agency must disqualify themselves from making or participating in the making of any decision of the Agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interest of the member or employee.

(Added to NRS by 1973, 1383; A 1979, 1127; 1985, 1257, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers, if the 1987 amendments made to the Compact by the State of Nevada become effective before that time)

**NRS 278.794 Terms of office of members of governing body. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]** The terms of office of the members of the governing body shall coincide with the terms of office of such persons as members of the Tahoe Regional Planning Agency.

(Added to NRS by 1973, 1383)

**NRS 278.794 Terms of office of members of governing body; review of appointments. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]** The terms of office of the members of the governing body, other than the member appointed by the other members, are at the pleasure of the appointing authority in each case, but each appointment must be reviewed no less often than every 4 years.

(Added to NRS by 1973, 1383; A 1979, 1128, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers)

**NRS 278.796 Vacancies.** The position of a member of the governing body is vacated upon the loss of any of the qualifications required for his or her appointment, and the appointing authority shall appoint a successor.

(Added to NRS by 1973, 1383)

**NRS 278.798 Expenses of members and agency.** The members of the Agency shall serve without compensation, but are entitled to receive the per diem expense allowances and travel expenses provided by law for city, county and state employees, respectively. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by [NRS 278.780](#) to [278.828](#), inclusive, unless met in some other manner specifically provided, shall be paid by the Agency out of its own funds.

(Added to NRS by 1973, 1383)

**NRS 278.800 Officers: Election; terms; vacancies.** The governing body shall elect from its own members a chair and vice chair, whose terms of office shall be 2 years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

(Added to NRS by 1973, 1383)

**NRS 278.802 Meetings.**

1. The governing body of the Agency shall meet at the call of the chair or on the request of any two members. All meetings shall be open to the public to the extent required by the law applicable to local governments at the time such meeting is held.

2. Notice of any meeting so called shall be given by publishing the date, place and agenda at least 5 days prior to the meeting in a newspaper or combination of newspapers whose circulation is general throughout the region and in Carson City and in each county a portion

of whose territory lies within the region.  
(Added to NRS by 1973, 1383)

**NRS 278.804 Quorum; voting; rules of procedure.**

1. A majority of the members of the governing body constitute a quorum for the transaction of the business of the Agency. A majority vote of the members present shall be required to take action with respect to any matter. The vote of each member of the governing body shall be individually recorded.
2. The governing body may in other respects adopt its own rules of procedure.  
(Added to NRS by 1973, 1383)

**NRS 278.806 Office; records; budget.**

1. The Agency shall establish and maintain an office within the State. The Agency may rent property and equipment. Every plan, ordinance and other record of the Agency which is of such nature as to constitute a public record under the law of the State of Nevada shall be open to inspection and copying during regular office hours.
2. The Agency shall be deemed to be a local government for the purposes of the Local Government Budget and Finance Act.  
(Added to NRS by 1973, 1383; A [2001, 1821](#))

**NRS 278.808 Advisory planning commission: Appointment; composition. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]** The Agency shall appoint an advisory planning commission to serve in an advisory capacity to the Agency. The planning commission shall include:

1. The chief planning officers of Carson City and the counties of Douglas and Washoe;
2. The county health officer of Douglas County or a designee of the county health officer;
3. The county health officer of Washoe County or a designee of the county health officer;
4. The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources or a designee of the Administrator;
5. The Executive Officer of the Nevada Tahoe Regional Planning Agency, who shall act as chair; and
6. At least two lay members, each of whom shall be a resident of the region.  
(Added to NRS by 1973, 1383, 1406; A 1977, 1123)

**NRS 278.808 Advisory planning commission: Appointment; composition; terms; vacancies; quorum. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]**

1. The Agency shall appoint an advisory planning commission to serve in an advisory capacity to the Agency. The planning commission must include:
  - (a) The chief planning officers of Carson City and the counties of Douglas and Washoe;
  - (b) The Chief of the Bureau of Environmental Health of the Health Division of the Department of Health and Human Services;
  - (c) The Director of the State Department of Conservation and Natural Resources;
  - (d) The Executive Officer of the Nevada Tahoe Regional Planning Agency, who shall act as chair; and
  - (e) At least two lay members, each of whom must be a resident of the region.

È Any official member may designate a substitute.

2. The term of office of each lay member of the advisory planning commission is 2 years. Members may be reappointed.
3. The position of each member of the advisory planning commission shall be considered vacated upon loss of any of the qualifications required for appointment, and in that event the appointing authority shall appoint a successor.
4. A majority of the members of the advisory planning commission shall constitute a quorum for the transaction of the business of the commission. A majority vote of the quorum present shall be required to take action with respect to any matter.

(Added to NRS by 1973, 1383, 1406; A 1977, 1123; 1979, 1129, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers)

**NRS 278.810 Executive Officer; staff; attorney.**

1. The governing body may determine the qualifications of and appoint an Executive Officer for the Agency and may, within the limits of available funds, fix the salary of the Executive Officer. The governing body may also, within the limits of available funds, employ such other staff as may be necessary to execute the powers and functions provided for under [NRS 278.780](#) to [278.828](#), inclusive, or in accordance with any intergovernmental contracts or agreements which the Agency may be responsible for administering.
2. The Agency is a public employer for the purposes of [chapter 286](#) of NRS, and a public agency for the purposes of [chapter 287](#) of NRS.
3. The Attorney General may, upon request, act as the attorney for the Agency. If the Attorney General chooses not to represent the Agency, the Agency may employ legal counsel to act as its attorney.  
(Added to NRS by 1973, 1384; A 1983, 748; 1985, 267)

## Planning

**NRS 278.8111 Regional plan: Adoption and review; contents. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]** The governing body shall adopt a regional plan. After adoption, the planning commission and governing body shall continuously review and maintain the regional plan. The regional plan must consist of a diagram or diagrams and text or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

(Added to NRS by 1979, 1130, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers)

**NRS 278.8113 Regional plan: Public hearings by planning commission in preparing plan and amendments; action by governing body. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]**

1. In preparing the regional plan and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing, which may be continued from time to time, and shall review the testimony and any written

recommendations presented at such hearing before recommending the plan or amendment. The notice required by this subsection must be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county or city a portion of whose territory lies within the region.

2. The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in subsection 1.

3. If a request is made for the amendment of the regional plan by:

- (a) A political subdivision a part of whose territory would be affected by such amendment; or
- (b) The owner or lessee of real property which would be affected by such amendment,

the governing body shall complete its action on such amendment within 180 days after the request is accepted as complete according to standards which must be prescribed by ordinance of the Agency.

(Added to NRS by 1979, 1130, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers)

**NRS 278.8115 Regional plan: Correlated elements. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]** The regional plan must include the following correlated elements:

1. A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to, an indication or allocation of maximum population densities and permitted uses.

2. A transportation plan for the integrated development of a regional system of transportation, including but not limited to freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminals and facilities for the movement of people and goods within the region.

3. A conservation plan for the preservation, development, utilization and management of the scenic and other natural resources within the basin, including but not limited to soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

4. A recreation plan for the development, utilization and management of the recreational resources of the region, including but not limited to wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.

5. A public services and facilities plan for the general location, scale and provision of public services and facilities which, by the nature of their function, size, extent and other characteristics, are necessary or appropriate for inclusion in the regional plan.

(Added to NRS by 1979, 1130, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers)

**NRS 278.8117 Regional plan: Formulation, maintenance, realization and administration. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]**

1. In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect, or are concerned with planning and development within, the region.

2. Where necessary for the realization of the regional plan, the Agency may engage in collaborative planning with local and regional governmental jurisdictions located outside the region but contiguous to its boundaries.

3. In formulating the regional plan and putting it into effect, the Agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private persons.

(Added to NRS by 1979, 1131, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers)

**NRS 278.8119 Maintenance and availability of data, maps and other information; assistance in exchanges of property. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]**

1. The Agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and persons concerned.

2. The Agency shall cooperate with owners of unimproved real estate within the basin in order to perfect exchanges of their property for unimproved real property owned by the United States outside the basin. The Agency shall maintain a current list of real property owned by the United States and known to be available for exchange, and it shall participate in negotiations between the United States and the other owners to perfect exchanges of property.

(Added to NRS by 1979, 1131, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers)

### Agency's Powers

**NRS 278.812 Review of applications approved by local authorities. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]**

1. When an application for approval of the development or construction of a business or recreational establishment subject to the provisions of [NRS 278.780](#) to [278.828](#), inclusive, has been submitted to the appropriate local authority, and the local authority has made its final determination of approval, the application shall be referred forthwith to the Agency for review as to environmental impact and effect. The Agency shall consider each application on an individual basis and shall, by resolution, either approve, approve with conditions or disapprove each application within 30 days plus notice and publication time as provided in subsection 3. A resolution adopted by the Agency approving the application shall be required before the applicant may proceed with such development or construction.

2. The governing body shall adopt all necessary ordinances, rules, regulations and policies for the determination of environmental impact and effect, for the approval or disapproval of individual applications and for otherwise implementing the provisions of [NRS 278.780](#) to

[278.828](#), inclusive. Such ordinances, rules, regulations and policies shall include but need not be limited to criteria for determining the effect of each proposal upon the availability of services, public facilities and natural resources, and the capacity of the environment to tolerate additional development.

3. Whenever an application is referred to the Agency for review, the Agency shall take final action upon whether to approve, to require modification or to reject such application within 30 days after such application is delivered to the Agency, plus the 5-day notice and publication period required by subsection 2 of [NRS 278.802](#). If the Agency does not take final action within such 30-day period plus notice and publication time, the application shall be deemed approved.

4. Except as otherwise provided in [NRS 278.780](#) to [278.828](#), inclusive, Agency procedures shall be subject to the provisions of [chapter 233B](#) of NRS.

(Added to NRS by 1973, 1384; R 1979, 1133, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers)

**NRS 278.8121 Review and approval of public works. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]**

1. Every public works project proposed to be constructed within the region must be submitted to the Agency for its review and recommendation as to conformity with the regional plan.

2. Except as provided in subsection 3, a public works project must not be constructed unless it has been approved by the Agency.

3. If the public works project is proposed and is to be constructed by a department of this State, the Agency shall submit its recommendations to the executive head of the department and to the Governor, but the project may be constructed as approved by the executive head of the department.

(Added to NRS by 1979, 1132, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers)

**NRS 278.8123 Review and approval of proposals by Agency: Time limitations. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]**

1. Whenever, under the provisions of [NRS 278.8121](#) or any ordinance, rule, regulation or policy of the Agency, the Agency is required to review or approve any proposal, public or private, the Agency shall take final action upon whether to approve, to require modification or to reject the proposal within 90 days after the proposal is delivered to the Agency in compliance with the Agency's regulations concerning such delivery unless the applicant has agreed to an extension of this time limit. If the Agency does not take final action within 90 days, the proposal shall be deemed rejected.

2. Approval by the Agency of any proposed construction or use expires 3 years after the date of final action by the Agency unless construction is begun within that time and diligently pursued thereafter or the use has commenced. In computing the 3-year period, any period of time during which the proposed construction or use is the subject of a legal action must not be counted.

(Added to NRS by 1979, 1132, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers)

**NRS 278.8125 Permitted and conforming uses.**

1. Subject to the final order of any court of competent jurisdiction entered in litigation contesting the validity of an approval by the Tahoe Regional Planning Agency, whether that approval was affirmative or by default, if that litigation was pending on January 1, 1979, the Agency shall recognize as a permitted and conforming use:

(a) Every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on January 1, 1979, or whose construction was approved by the Tahoe Regional Planning Agency affirmatively or by default before that date. The Agency shall not permit the construction of any structure to house gaming under a nonrestricted license not so existing or approved, or the enlargement in cubic volume of any such existing or approved structure.

(b) Every other nonrestricted gaming establishment whose use was seasonal and whose license was issued before January 1, 1979, for the same season and for the number and type of games and slot machines on which taxes or fees were paid in the calendar year 1978.

(c) Gaming conducted pursuant to a restricted gaming license issued before January 1, 1979, to the extent permitted by that license on that date.

È The area within any structure housing gaming under a nonrestricted license which may be open to public use (as distinct from that devoted to the private use of guests and exclusive of any parking area) is limited to the area existing or approved for public use on May 4, 1979. Within these limits, any external modification of the structure which requires a permit from a local government also requires approval from the Agency. The Agency shall not permit restaurants, convention facilities, showrooms or other public areas to be constructed elsewhere in the region outside the structure in order to replace areas existing or approved for public use on May 4, 1979.

2. Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume and land coverage existing or approved on May 4, 1979.

(Added to NRS by 1979, 433)

**NRS 278.8127 Exemption from and intendment of [NRS 278.8125](#).**

1. Gaming conducted pursuant to a restricted gaming license is exempt from the provisions of [NRS 278.8125](#) if it is incidental to the primary use of the premises.

2. The provisions of [NRS 278.8125](#) are intended only to limit gaming and related activities as conducted within a gaming establishment, or construction designed to permit the enlargement of such activities, and not to limit any other use of property zoned for commercial use or the accommodation of tourists.

(Added to NRS by 1979, 434)

**NRS 278.813 Ordinances, rules and regulations; general and regional standards. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]**

1. The governing body shall adopt all necessary ordinances, rules, regulations and policies to effectuate the adopted regional plan. Every such ordinance, rule or regulation must establish a minimum standard applicable throughout the region, and any political subdivision may adopt and enforce an equal or higher standard applicable to the same subject of regulation in its territory.

2. The regulations must contain general, regional standards, including but not limited to the following:

(a) Water purity and clarity;

- (b) Subdivision;
- (c) Zoning;
- (d) Tree removal;
- (e) Disposal of solid waste;
- (f) Sewage disposal;
- (g) Land fills, excavations, cuts and grading;
- (h) Piers, harbors, breakwaters, channels and other shoreline developments;
- (i) Waste disposal in shoreline areas;
- (j) Waste disposal from boats;
- (k) Mobile home parks;
- (l) House relocation;
- (m) Outdoor advertising;
- (n) Protection of floodplains;
- (o) Protection of soil and control of sedimentation;
- (p) Air pollution; and
- (q) Watershed protection.

3. Whenever possible without diminishing the effectiveness of the regional plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the regional plan.

(Added to NRS by 1979, 1132, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers)

**NRS 278.814 Ordinances: Publication by title; copies transmitted to political subdivisions within region.**

1. Every ordinance adopted by the Agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region.

2. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

(Added to NRS by 1973, 1385)

**NRS 278.816 Enforcement of ordinances, rules, regulations and policies; jurisdiction of courts.** All ordinances, rules, regulations and policies adopted by the Agency shall be enforced by the Agency and by Carson City and the counties. The appropriate courts of this State, each within its limits of territory and subject matter provided by law, are vested with jurisdiction over civil actions to which the Agency is a party and criminal actions for violations of its ordinances, rules and regulations.

(Added to NRS by 1973, 1385)

**NRS 278.818 Violation of ordinance, rule or regulation: Penalty.** Violation of any ordinance, rule and regulation of the Agency is a misdemeanor.

(Added to NRS by 1973, 1385)

**NRS 278.820 Fees for services of Agency. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]** The Agency may fix and collect reasonable fees for any services rendered by it.

(Added to NRS by 1973, 1385; A 1979, 617)

**NRS 278.820 Financial powers and duties of Agency. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]**

1. The Agency may fix and collect reasonable fees for any services rendered by it.

2. On or before December 30 of each calendar year the Agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The Agency shall apportion not more than \$75,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. Each county shall pay such sum from its general fund or from any other money available therefor.

3. The Agency is strictly accountable to each county in the region for all money paid by it to the Agency and is strictly accountable to all participating bodies for all receipts and disbursements.

(Added to NRS by 1973, 1385; A 1979, 617, 1129, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers)

**NRS 278.822 Powers of local authorities subordinate to those of Agency.** In the region of this State for which there has been created by [NRS 278.780](#) to [278.828](#), inclusive, a Regional Planning Agency, the powers conferred by this chapter upon any other authority with respect to the business and recreational establishments subject to the provisions of [NRS 278.780](#) to [278.828](#), inclusive, are subordinate to the powers of such Regional Planning Agency, and may be exercised only to the extent that their exercise does not conflict with any ordinance, rule, regulation or policy adopted by such Regional Planning Agency.

(Added to NRS by 1973, 1385)

**NRS 278.824 Limitations on powers of Agency. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]** The Nevada Tahoe Regional Planning Agency shall exercise authority, powers and functions within the region pursuant to [NRS 278.780](#) to [278.828](#), inclusive:

1. Only with respect to business and recreational establishments which are required by law to be individually licensed by the State of Nevada, whether or not any such business or establishment was so licensed prior to April 30, 1973, or is to be constructed on land which was so zoned or designated in a finally adopted master plan on February 5, 1968, as to permit the construction of any such business or establishment; and

2. Only with respect to authority, powers and functions which are not granted to the Tahoe Regional Planning Agency by the Tahoe Regional Planning Compact or which are excluded, excepted or limited, wholly or partially, from the authority, powers and functions granted

to the Tahoe Regional Planning Agency by such Compact.

(Added to NRS by 1973, 1385; R 1979, 1133, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers)

**NRS 278.826 Assumption of powers and duties by Agency. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]**

1. If at any time the State of California or the State of Nevada withdraws from the Tahoe Regional Planning Compact, the Nevada Tahoe Regional Planning Agency shall perform all duties and exercise all powers provided in [NRS 278.780](#) to [278.828](#), inclusive.

2. Upon receiving a notice of withdrawal or determining as a fact that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers, the Governor shall proclaim publicly the withdrawal or finding.

(Added to NRS by 1973, 1386; A 1979, 1129, effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers)

**Unlawful Acts**

**NRS 278.828 Unlawful contract or purchase by member of governing body; penalties.**

1. It is unlawful for any member of the governing body of the Agency to be interested, directly or indirectly, in any contract made by that member, or be a purchaser or be interested, directly or indirectly, in any purchase of a sale made by that member in the discharge of his or her official duties.

2. All contracts made in violation of subsection 1 may be declared void at the instance of the Agency, or of any other party interested in such contract, except the member prohibited from making or being interested in such contract.

3. Any person who violates the provisions of this section is guilty of a gross misdemeanor and shall forfeit his or her office.

(Added to NRS by 1973, 1385)