

Chapter 16.04

GENERAL PROVISIONS

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16.04.010 Title and purpose.

This title is known as and may be cited as the subdivision ordinance of the county and is deemed necessary in order to promote the public health, safety and general welfare, including the orderly growth and development of the county; the beneficial use of land in the public interest; the conservation, stabilization and protection of property values and to assure adequate provisions for necessary utilities, public roads and other public conveniences in subdivided areas. (Ord. 10-16-75 § 1(100.000))

16.04.020 Authority for local regulations.

Pursuant to the authority conferred by Title 278 of Nevada Revised Statutes and in addition to any other regulations provided by law, the regulations contained in this title are

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established and apply to all subdivisions, parts of subdivisions or divisions of land, as defined in NRS 2178.320, wholly or partly within the unincorporated area of the county, and to the preparation, filing and approval of maps. (Ord. 10-16-75 § 1(100.000))

16.04.030 Provisions of Nevada Revised Statutes and this title.

The design, improvement and survey data for subdivisions, the form and content of tentative and final maps and the procedure to be followed in securing official approval are governed by the additional provisions of this title. (Ord. 10-16-75 § 1(100.101))

16.04.040 Existing subdivisions, agreements and covenants.

A. The provisions of this title do not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the ordinance codified in this title, unless the lots are hereafter proposed for further division or subdivision. It is not intended by this title to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this title, or with private restrictions placed upon the property by deed, covenant or other private agreements, or with restricting covenants running with the land.

B. Only those improvement standards applicable at the time the tentative subdivision map or land division is approved shall be imposed. (Ord. 10-16-75 § 1(100.102))

16.04.050 Separated parcels.

A separate map shall be prepared for each division of land or subdivision where land is separated from other land in a parcel or holding by a division other than a street, highway, approved private road, alley, railroad right-of-way, flood control right-of-way or public utility right-of-way. (Ord. 10-16-75 § 1(100.103))

16.04.060 Division of land.

It is unlawful for any person as principal, agent or otherwise to divide by lease, sale, or financing any land into two, three or four parcels of land unless or until there is compliance with the requirements of Chapter 16.16 of this title; provided, that this section does not apply to the division of land exempted by Title 278 of Nevada Revised Statutes; provided further, that this section does not apply to the leasing of apartments, offices, stores or similar space within an apartment building, industrial building, commercial building or mobile home park, or to lease of one house for a term of one year or less located on land used for agricultural purposes. (Ord. 10-16-75 § 1(100.104 (A)))

16.04.070 Subdivision of land.

It is unlawful for any person as principal, agent or otherwise to divide by lease, sale or financing into five or more parcels of land, or to lease or sell, convey, quitclaim or transfer by contract, deed or otherwise any land or any part thereof, whether improved or unimproved, in the county, unless or until all of the requirements provided in relation thereto have been complied with; provided, that this section will not apply to the leasing of apartments, offices, stores or similar space within an apartment building, industrial

building, commercial building or mobile home park, nor will this section apply to other exclusions contained in Title 278 Nevada Revised Statutes. (Ord. 10-16-75 § 1(100.104 (B)))

16.04.080 Compliance prerequisite to building permit issuance.

The planning department, the building department or any other department agency, officer or agent of the county shall refuse to grant building permits and other permits in relation to the property involved until such time as all of the requirements of the division have been complied with. (Ord. 10-16-75 § 1(100.104 (C)))

16.04.090 Penalty.

Any offer to sell or lease, or contract to sell or lease, or any sale or lease contrary to the provisions of this title or Title 273 Nevada Revised Statutes, 1973 is a misdemeanor, and any person, firm, corporation, partnership or copartnership, upon conviction thereof, shall be punishable by a fine of not to exceed two hundred fifty dollars or imprisonment not to exceed thirty days or by both fine and imprisonment; except that nothing in this title will bar any legal, equitable or summary remedy to which the county or other political subdivision or person, or firm, corporation, partnership or copartnership may otherwise be entitled, and the county or any other political subdivision, or person or firm, corporation, partnership or copartnership may file any action in the district court of the state in and for the county, to restrain or enjoin any attempted or proposed subdivision or sale in violation of this title. (Ord. 10-16-75 § 1(100.104 (D)))

16.04.100 Design control authority.

Control of design and improvement of subdivision and division of land is vested in the board of county commissioners. (Ord. 10-16-75 § 1(100.105))

16.04.110 Jurisdiction to approve.

Jurisdiction to approve the map of any subdivision is vested in the board of county commissioners; provided, however, the board has jurisdiction to approve a map of a subdivision, or such part thereof, only as may lie within the unincorporated area of the county. (Ord. 10-16-75 § 1(100.106))

16.04.120 Advisory agency.

The planning commission is designated as the advisory agency to the board of county commissioners on all matters related to the division or subdivision of land. (Ord. 10-16-75 § 1(100.107))

16.04.130 Commission powers and duties.

The planning commission has all the powers and duties with respect to the filing of tentative maps, making investigations and reports to the board of county commissioners on

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design and improvements, and recommending action on tentative maps and the establishment of procedures related to the processing thereof, which are specified by law and this title. (Ord. 10-16-75 § 1(100.108))

16.04.140 Conformance to general plan.

The preparation and evaluation of subdivision and land maps will be guided by the principles and standards of the general plan and elements thereof with respect to population densities and distribution, and the type and extent of roads, highways and other utilities and public facilities. (Ord. 10-16-75 § 1(100.109 (A)))

16.04.150 Conformance to precise plans.

Subdivision and land division maps will conform with the precise plans for streets, public areas, and other projects adopted by the board of county commissioners. (Ord. 10-16-75 § 1(100.109 (B)))

16.04.160 Conformance to zoning title.

Subdivision and land division maps will conform with Title 17 of this code with respect to uses of land, lot sizes and dimensions and other applicable regulations provided. However, where this title imposes higher standards, the requirements of this title prevail. When a proposed use or development of land requires a zoning reclassification, conditional use permit or variance, the application therefore will be considered concurrently with the tentative subdivision map or land division application. (Ord. 10-16-75 § 1(100.109(C)))

16.04.170 Dedication of land--In-lieu fees.

A. Whenever a general plan relating to parks, playgrounds and recreation has been adopted in the manner provided by law, and when any site designated in the general plan for use or uses is included with or partially within the lands covered by a proposed subdivision map, the planning commission and the board of county commissioners, as a condition of approving the map, may require the dedication of land areas, sites and locations for park and playground purposes as are reasonable necessary to serve the proposed subdivision or development and the future residents of the subdivision or development. The amount of land to be dedicated will be determined from standards set forth in the adopted plan for parks, playgrounds and recreation areas.

B. Whenever it is determined by the board of county commissioners that it would not be in the public interest to accept the dedication within a proposed particular subdivision or development, the developer or subdivider may be required to pay to the county a sum of money equal to the value of land that would otherwise be required to be dedicated for parks and playground purposes. All funds received are to be held by the county in a special account, and used to acquire or develop or both acquire and develop park and playground sites for the benefit of the residents of the county. (Ord. 10-16-75 § 1(100.110))

16.04.180 Subdivisions in cities.

A. Area of Influence. Each city in the county may establish an "area of influence" extending not more than three miles from the city boundary line into the adjoining unincorporated area of the county.

B. Application of City Standards. When a proposed subdivision falls within a city's area of influence". The county commissioners may take into consideration the city's standards and the county's and may impose the higher standards. (Ord. 10-16-75 § 1(100.111))

16.04.190 Delegation of powers and duties.

Whenever by the provisions of this title a power or authority is given to, or where a duty is imposed upon any public officer, it may be exercised or performed by any deputy or departmental employee authorized by him pursuant to law unless it is expressly provided that it be exercised in person. (Ord. 10-16-75 § 1(100.112))

16.04.200 Map rejection.

The commission and the board may reject a map if the proposed use is prohibited by any ordinance, statute law or other valid regulation. (Ord. 10-16-75 § 1(100.113))

16.04.210 Filing of maps.

No map is considered as filed with the county until all of the fees and charges required by the county as pertains to the division or subdivision of land have been paid and all of the requirements of this title have been fulfilled. (Ord. 10-16-75 § 1(100.114))

16.04.220 Exceptions-Grounds.

The commission and board may upon the petition of a subdivider or upon their own motion, authorize modification of requirements and improvement standards as set forth in this title, whenever the land involved in a division or subdivision is:

- A. Of such size or shape;
- B. Subject to such title limitations or record;
- C. Affected by such topographical location or conditions; or
- D. To be devoted to such usage

that full conformity to the provisions of this title is impossible or impractical. (Ord. 10-16-75 § 1(100.115(A)))

16.04.230 Exceptions-Application.

The application for any exception will be by petition filed with the director of planning at such time as the tentative map is filed, or in case of a land division, with the filing of an application for approval of a preliminary parcel map. (Ord. 10-16-75 § 1(100.115(B)))

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16.04.240 Exceptions-Data required.

In order for the property referred to in the petition to come within the provisions of this chapter, it is necessary for the commission or the board to find that all the following conditions exist:

A. That there are exceptional circumstances or conditions that affect the property or the reasonable use thereof;

B. That the exception is necessary to preserve a substantial property right and permit the enjoyment thereof;

C. That the granting of the exception will not be detrimental to the public safety, health and welfare;

D. That the granting of the exception will not be injurious to or prevent the logical development of other property in the immediate area. (Ord. 10-16-75 § 1(100.115(C)))

16.04.250 Exceptions-Commission action.

The commission, in recommending the granting of an exception, may set forth such conditions as may be necessary to secure substantial compliance with the objectives of this title. Decisions of the commission are referred to the board of county commissioners and filed with the clerk within ten days after the date of decision. (Ord. 10-16-75 § 1(100.115(D)))

16.04.260 Exceptions-Decision by board.

The board of county commissioners, within ten days after the filing of a referral, will consider the exception. The board will deliver the decision on the exception no later than its next regular meeting after the close of its hearing. (Ord. 10-16-75 § 1(100.115(E)))