CHAPTER 16.28
CHANGE HISTORY

Bill No.	Ordinance No.	Adopted Date	Effective Date	Summary/Description of Change
98-12	215	12/15/98	1/4/99	An Ordinance amending Title 16 of the Nye County Code by adding Section 16.28 providing requirements for the division of land and planned unit development within the Pahrump Regional Planning District of Nye County; and other matters properly relating thereto.
2001-02	236	3/20/01	4/6/01	An Ordinance amending Nye County Code Title 16.28, Ordinance No. 215, the Pahrump Regional Planning District Division of Land and Planned Unit Development Ordinance, by deleting section 16.28.260.3, Relating to Setbacks; adding Section 16.28.140.2.b Concerning Irrigation Ditches; making necessary text corrections; and other matters properly related thereto.
2003-12	271	8/19/03	9/8/03	An Ordinance amending Nye County Code Chapter 16.28 by designating the Planning Director and Assistant Planning Director as Administrative Officers pursuant to Nye County Code 16.28.110 in matters related to mapping within the Pahrump Regional Planning District; authorizing Administrative Officers to take final action on Boundary Line Adjustments to Plats, and Minor Modifications to Tentative Subdivision Maps; designating the Board of County Commissioners as the approval authority for Final Subdivision Maps; and other matters properly related thereto.
2004-14	288	8/17/04	9/2/04	An Ordinance amending Nye County Code Chapter 16.28, the Division of Land and Planned Unit Development regulations within the Pahrump Regional Planning District, by adopting amendments to establish conformance with the Zoning Regulations; by increasing the amount of water rights required from 1.12 acre feet per parcel to 2 acre feet per new parcel created by a parcel map; and other matters properly related thereto
2005-10	301	8/16/05	9/1/05	An Ordinance proposing to amend Nye County Code Chapter 16.28, the Division of Land Ordinance of the Pahrump Regional Planning District, by repealing Section 16.28.130 which created the Development Review Committee, its duties and authority; and other matters properly related thereto.
2008-27	367	12/16/08	1/05/09	A Ordinance proposing to amend Nye County Code Section 16.28.110, Division of Land and Planned Unit Development within the Pahrump Regional Planning District relating to "Administrative Officer"; and other matters properly related thereto
2010-06	386	3/16/10	4/5/10	An Ordinance amending Nye County Code Section 16.28.280.I.3, the road right-of-way dedication and asphalt paving requirements relating to the creation of new parcels via a Parcel Map within the Pahrump Regional Planning District; and all other matters properly related thereto.

CHAPTER 16.28
DIVISION OF LAND WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT

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16.28 DIVISION OF LAND WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT

ARTICLE I: GENERAL PROVISIONS

16.28.010 SHORT TITLE

This Chapter shall be known and may be cited as: The Division of Land Ordinance of the Pahrump Regional Planning District of the County of Nye, State of Nevada. (Ord. 215, 1998; Ord. 288, 2004)

16.28.020 AUTHORITY AND PURPOSE

A. This Chapter is adopted pursuant to the Planning and Zoning Act of the State of Nevada (codified at NRS Chapter 278) and to any other authority provided by law or as such statutes may be amended. The provisions of this Title are in addition to the regulations set forth in NRS Chapter 278 and 278A and are supplemental thereto.

B. The purpose of this Chapter is to protect the public health, safety, and general welfare while allowing for cost-saving efficiencies. The provisions in this Title shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions of the Pahrump Regional Planning District's Master Plan. (Ord. 215, 1998)

16.28.030 JURISDICTION

A. The provisions of this Title shall apply to all of the following activities occurring within the Pahrump Regional Planning District of Nye County, Nevada:

   1. reversions of divided land into acreage (map of reversion);

   2. boundary line adjustments or other transfers of land involving adjacent property; and

   3. divisions of land including but not limited to subdivisions, resubdivisions, common-interest communities, parcel maps, large parcels maps, or other divisions of land for any purpose whatsoever.

B. When necessary to further its purposes, this Title shall be amended by the Nye County Board of County Commissioners. (Ord. 215, 1998)

16.28.040 FORMS AND DOCUMENTS

All forms and documents, including the documents entitled "Document Submittal Requirements for Planning Applications Within the Pahrump Regional Planning District," and "Standard Details and Specifications for Public Improvements Within the Pahrump Regional Planning District" shall be made available, and may be obtained, from the Nye County Planning Department. (Ord. 215, 1998)

16.28.050 FEES

Reasonable fees sufficient to recover incurred costs may be charged pursuant to a Resolution adopted by the Nye County Board of County Commissioners. (Ord. 215, 1998)

16.28.060 ENFORCEMENT AND PENALTIES

A. Any person, firm or corporation who, after 14 days of receiving written notification of violation of any of the provision(s) of this Title, knowingly continues to violate said provision(s) of the this Title is guilty of a misdemeanor.

B. Each such person is guilty of a separate offense for each and every day or portion thereof during which violation of any of the provisions of this Title is committed, continued or permitted.

C. Upon conviction of any violation of this Title, such person(s) shall be punished by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment for not more than six (6) months in the Nye County jail, or by both such fine and imprisonment. (Ord. 215, 1998)

16.28.070 INTERPRETATION, CONFLICT, SEPARABILITY AND CONSTITUTIONALITY

A. In their interpretation and application, the provisions of this Title shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that such provisions are necessary to promote the public health, safety and welfare.

B. Where the conditions imposed by any provision of this Title are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Title or any other applicable law, ordinance, resolution, or rule of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

C. The provisions of this Title are separable. If a section, sentence, clause, or phrase of this Title is adjudged by a court of competent jurisdiction to be invalid or unconstitutional, the decision shall not affect the remaining portions of this Title. (Ord. 215, 1998)

ARTICLE II: DEFINITIONS

16.28.080 GENERALLY

The words and terms used in this Chapter shall be defined as follows. All words used in the singular shall include the plural and the plural the singular. Each gender shall include the others; any tense shall include the other tenses. The word "shall" is mandatory and the word "may" is permissive. (Ord. 215, 1998)

16.28.090 DEFINITIONS

ADT (Average Daily Traffic). The average number of cars per day that pass over a given point.

ASCE. American Society of Civil Engineers.

ASTM. American Society for Testing Materials.

AWWA. American Water Works Association.

Access-Way. The extension of a flag lot from the lot itself to the street right-of way fronting the lot(s) in front of the flag lot.

Acreage, Gross. The total acreage of a lot or parcel including lands originally dedicated from the parcel for street right-of-way.

Acreage, Net. The acreage of a lot or parcel minus any land dedicated or otherwise reserved for any adjoining street(s).

Administrative Officer. The Nye County officer charged with administering development regulations.

Alley. A public or private street primarily designed to provide service and secondary access to the side or rear of those properties whose principal frontage is on some other street (see Street Hierarchy and Exhibit 1).

Applicant. (See Developer).

Approved Plans. On- and off-site improvement plans that have been reviewed and approved by the Department of Public Works or its representative, or any required State agency. Approved Plans include street, water, sewer, drainage, grading, lighting, parking, and any and all other plans as may be required.

Approving Authority. The Pahrump Regional Planning Commission, unless a different agency or person is designated by Nevada Revised Statute or this Chapter.

Arterial Street. A higher order street than all residential streets (see Street Hierarchy and Exhibit 1). Conveys traffic between population and business centers.

Barrier Curb. A steep-faced curb intended to prevent encroachments. (See Curb).

Block. A tract of land within a subdivision entirely bounded by streets, highways or ways, except alleys; and the exterior boundary or boundaries of the subdivision.

Board of County Commissioners. The governing board of Nye County.

Boundary Line Adjustment Map. A map prepared and recorded which adjusts one or more boundaries between two or more adjacent properties.

Buffer. An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to limit the view of and/or sound from the site to adjacent sites or properties.

Building Setback. The distance between a building and any lot line, excluding any uncovered walks, chimneys, and bay windows.

Centerline Offset of Adjacent Intersections. The gap between the centerline of roads adjoining a common road from opposite or same sides.

Channel. The bed and banks of a natural or a man-made trench designed to move water.

Channelization. The creation, straightening and deepening of channels and/or the surfacing thereof to permit a desired movement of water.

Cluster Development. A development approach in which building lots may be reduced in size and buildings sited closer together, usually in groups or clusters, provided that the total development density does not exceed that which could be constructed on the site under conventional zoning and subdivision regulations. The additional land that remains undeveloped is then preserved as open space and recreational land.

Common Interest Community. Real estate with respect to which a person, by virtue of his ownership of a unit within the community, is obligated to pay for real estate other than that unit. "Ownership of a unit" does not include holding a leasehold interest of less than twenty years in a unit, including options to renew.

Common Open Space. Land within or related to a common interest community or planned unit development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents and/or owners of the community or development. Common open space may include complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the community or development. Within planned unit developments common open space also includes private roads and any other areas that cannot be individually deeded.

Condominium. A unit of real estate in a common interest community which is designated for separate ownership.

Contiguous Parcel. Any parcel which abuts or shares any common property line or corner or is separated only by a public right-of-way having a width of one hundred feet or less.

Conventional Development. Development other than planned unit, cluster or common interest community development.

County Surveyor. The person who holds the office of County Surveyor.

Cul-de-sac. A local street with only one outlet that provides for an adequate turning area for vehicular traffic at its terminus.

Curb. A vertical or sloping edge of a roadway.

Dedication. An act transmitting property or interest thereto.

Deed Restrictions. (See Protective Covenants).

Density. The permitted number of dwelling units per gross acre of land to be developed.

Department of Planning. The Nye County Department of Planning.

Department of Public Works. The Nye County Department of Public Works.

Design Flood. The relative size or magnitude of a major flood of reasonable expectancy, which reflects both flood experience and flood potential and is the basis of the delineation of the floodway, the flood hazard area, and the water surface elevations.

Design Standards. The standards that set forth specific design requirements that deal with the arrangement and engineering of site details such as lot size and configuration, buildings, streets, utilities and plantings that must be adhered to.

Detention Basin. A man-made or natural water collector facility designed to collect surface and sub-surface water in order to impede its flow and to release the same gradually at a rate of not greater than that prior to the development of the property, into natural or man-made outlets.

Developer. The legal or beneficial owner or owners of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Development. A planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site. Development includes the division of land.

Development Regulation. Zoning, subdivision, site plan, official map, flood plain regulation, or other governmental regulation of the use and development of land.

Director of Planning. The Director of the Nye County Department of Planning.

Director of Public Works. The Director of the Nye County Department of Public Works.

Divided Street. A street having an island or other barrier separating moving lanes.

Drainage. The removal of surface water or groundwater from land by drains, grading, channelization or other means.

Drainage Facility. Any component of a drainage system.

Drainage System. A system through which water flows from the land, including all watercourses, water bodies, and wetlands.

Driveway. A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

Easement. A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

Erosion. The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, or gravity.

Escrow. A deed, a bond, money, or a piece of property delivered to a third person to be delivered by him to the grantee only upon fulfillment of a condition.

Final Approval. The official action of the Regional Planning Commission or other authority as required by NRS or this Chapter, taken on a tentatively approved subdivision or large parcels map, after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required improvements have been installed, or guarantees properly posted for their completion, or such approval conditioned upon the posting of such guarantee.

Final Map. A map prepared in accordance with the provisions of NRS Chapter 278, and with the provisions of this Chapter, which map is to be placed on record in the office of the Nye County Recorder, as the approved design for a subdivision or large parcels map.

Flag Lot. A lot which provides an access-way from a County-maintained road or road for which some other entity has maintenance responsibilities, to a site located behind other lots having frontage upon said road.

Grade. The slope of a street, channel, or other public way, specified in percentage (%) terms.

Gross Acreage. (See Acreage, Gross).

Gutter. A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off runoff water.

ITE. Institute of Transportation Engineers.

Improvement. Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

Improvement Guarantee. Any agreement and security that may be accepted by the Board of County Commissioners as a guarantee that the improvements required as part of approval of an application for development are satisfactorily completed.

Improvement Standards. The standards that set forth specific improvement specifications and methods of construction that must be adhered to.

Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device serving a single unit.

Island. In street design, a raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signing, or lighting.

Large Parcels Map. A map prepared and recorded dividing into any number of lots, each of which is at least one-sixteenth of a section as described by a government land office survey; or forty acres in area, including roads and easements.

Lot. A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit. The term does not include a parcel of land used or intended solely for use as a location for a water well and associated storage tanks, pumps, pipes, and other related equipment.

Lot Area. The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

Lot, Flag. (See Flag Lot).
Lot Frontage. That portion of a lot extending along a street line.

Maintenance Guarantee. Any security which may be required and accepted by a governmental agency to ensure that necessary improvements will function as required for a specific period of time.

Map of Reversion. A map prepared for the purpose of reverting any recorded subdivision map, parcel map, map of division into large parcels, record of survey, or part thereof to acreage.

Marginal Access Street. A service street that runs parallel to a higher-order street which, for purposes of safety, provides access to abutting properties and separation from through traffic. May be designed as a residential access street or subcollector as anticipated daily traffic dictates.

Master Plan. A comprehensive long-range plan intended to guide the growth and development of a community or region. Includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities, land use and other subject matter as may be appropriate to the community.

Median. That portion of a divided highway separating lanes of traffic proceeding in opposite directions.

Moving Lane. Any traffic lane where traffic movement is the primary if not sole function.

Net Acreage. (See Acreage, Net).

Off-Site. Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application, or on a contiguous portion of a street or right-of-way.

Off-Street Parking Space. A parking space provided in a parking lot, parking structure, or a private driveway.

Off-Tract. Not located on the property that is the subject of a development application nor on a contiguous portion of a street or right-of-way.

On-Site. Located within the lot lines of the lot in question.

On-Street Parking Space. A parking space that is located on a dedicated street right-of-way.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space.

Owner. (See Developer).

Parcel Map. A map prepared and recorded for the purpose of dividing land into four or fewer parcels, any of which is less than forty acres including roads and easements; or one-sixteenth of a section as described by a government land office survey.

Parcel Map, Major. A parcel map that includes the creation or improvement of a road or street, including any parcel map creating a flag lot; or water/sewer line improvements.

Parcel Map, Minor. A parcel map that does not include the creation of a road or street, or that does not include the creation of a flag lot, or the design, and installation of water and/or sanitary sewer improvements.

Parking Lane. A lane usually located on the sides of streets, designed to provide on-street parking for vehicular traffic.

Parking Space. An area provided for the parking of a motor vehicle.

Perc Test (Percolation Test). A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of a septic system.

Planned Unit Development. An area of land controlled by a landowner, which is to be developed as a single entity for one or more planned unit residential developments, one or more public, quasi-public, commercial or industrial areas, or both.

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

Plat. A map or maps showing the boundaries, streets, and other features of a development.

Pre-Application Conference. An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally.

Private Street. (See Street, Private).

Protective Covenants (Deed Restrictions). A list of restrictions and covenants of proper record in the County Recorder's Office, that runs with the land and is binding on all property owners in the protected area, for a stipulated period of time with extension provisions therefor, and which shall be enforced by the property owners in said protected area by appropriate civil action. The covenants may include, but are not limited to, the following: the establishment of minimum front, side, and rear yards; minimum dwelling sizes and types; the prohibition of multiple-family dwellings, trailers, trade or business, and other activities obnoxious or offensive; the provision of street planting or water courses; and the exclusion of

signs and/or other matters related to or restricted in the protected area.

Public Improvement. Any improvement, facility, or service together with its associated site or right-of-way necessary to provide transportation, drainage, utilities, or similar essential services and facilities. Such improvements are not necessarily publicly owned.

Public Open Space. An open space area conveyed or otherwise dedicated to Nye County, the Town of Pahrump, any State or County agency, or other public body for recreational or conservational uses.

Regional Planning Commission. The governing body of the Pahrump Regional Planning District as appointed by the Board of County Commissioners.

Residential Access Street. The lowest order of residential street (see Street Hierarchy and Exhibit 1). Provides frontage for access to private lots, and carries traffic having destination or origin on the street itself. Designed to carry traffic at slowest speed.

Residential Collector Street. The highest order of residential street (see Street Hierarchy and Exhibit 1). Conducts and distributes traffic between lower-order residential streets (residential access and subcollector streets) and higher-order streets (arterials and highways).

Residential Density. The number of dwelling units per gross acre of residential land area including streets, easements, and open space portions of a development.

Residential Subcollector Street. Middle order of residential streets (see Street Hierarchy and Exhibit 1). Provides frontage for access to lots and carries traffic to and from adjoining residential cross streets.

Resubdivision. The redivision of lot(s) and/or block(s) of a previously recorded legal subdivision or portion thereof to provide more saleable lots. For any such redivision which proposes to alter the location of existing platted lot and/or block lines of record, an amended map, or map of reversion, as the case may be, must first be filed in accordance with the provisions of NRS 278.020 through 278.630, inclusive. For four lots or less, a parcel map; or five lots or more, a new tentative and final subdivision may then be filed in accordance with NRS Chapter 278 and the provisions of this Title.

Retention Basin. A pond, pool, or basin used for the permanent storage of water runoff.

Reversionary Map. (See Map of Reversion).

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric power or phone line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

Roadway. The actual road surface area from curbline to curbline, which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no curbs, the roadway is that portion between the edges of the paved, or hard surface, width.

SCS. Soil Conservation Service. (Now the Natural Resources Conservation Service [NRCS] of the U.S. Department of Agriculture.)

Septic System. An underground system with a septic tank used for the decomposition of domestic wastes.

Septic Tank. A watertight receptacle that receives the discharge of sewage.

Setback. (See Building Setback).

Sewer. Any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams.

Shoulder. The graded and graveled part of the right-of-way that lies between the edge of the main pavement (main traveled way) and the drainage swale.

Sidewalk. A paved or otherwise appropriately surfaced path provided for pedestrian use and usually located at the side of a street within the right-of-way.

Sight Triangle Easement. A triangular-shaped easement over a portion of land established at street intersections in which nothing, with the exception of street hardware, is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Site Plan. An accurately scaled development plan that illustrates the existing conditions on a parcel of land as well as depicting details of a proposed development.

Sketch Plan. A rough plan of a proposed subdivision or other development.

Storm Water Detention. A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Storm Water Retention. A provision for storage of storm water runoff.

Street. Any street, avenue, boulevard, road, parkway, viaduct, drive, or other roadway. See also: Cul-de-sac, Divided Street, Marginal Access Street, Residential Access Street, Residential Collector, Residential Subcollector, or Stub Street.

Street Hardware. The mechanical and utility systems within a street right-of-way or adjacent utility easement, such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, and parking meters.

Street Hierarchy. The conceptual arrangement of streets based upon function (see Exhibit 1). A hierarchical approach to street design classifies streets according to function, from high-traffic arterial roads down to streets whose function is residential access. Systematizing street design into a road hierarchy promotes safety, efficient land use, and residential quality.

Street Loop. A street that has its only ingress and egress at two points on the same subcollector or collector street.

Street, Private. A street designated for use by specified property owners and not dedicated for public use, nor intended for access by the general public. Maintenance is generally the responsibility of the private property owners using the street.

Street Right-of-Way. The total area granted, dedicated or to be dedicated for public or private use and which includes a street, highway, thoroughfare, parkway, road, avenue, drive, lane, boulevard, place and appurtenances thereto, including but not limited to curb, gutter, sidewalks, street lights, fire hydrants, multi-use trails or however designated, but not including alleys.

Stub Street. A portion of a street for which an extension has been proposed and approved, but will be constructed during a future phase of development. A stub street is generally only permitted when development is phased over a period of time, and only if the street in its entirety has been approved during the tentative process.

Subdivider. (See Developer).

Subdivision. The division of any land or portion thereof, vacant or improved, shown on the last preceding tax roll as a unit or contiguous units, which is divided or proposed to be divided, either immediately or in the future, into five or more lots, parcels, sites, units or plots of land, for the purpose of any transfer, development or proposed transfer or development, unless exempted pursuant to NRS 278.320.

Subgrade. The natural ground lying beneath a road.

Surface Width. The actual road surface area from curbline to curbline, which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no curbs, the surface width is that portion between the edges of the paved, or hard surface, width.

Tentative Approval. The conferral of certain rights prior to final approval after specific elements of a subdivision have been agreed upon by the Planning Commission and the Developer.

Tentative Subdivision Plat. A map indicating the design of a proposed subdivision and existing conditions in and around it.

Trip. A single or one-way vehicle movement to or from a property or study area. "Trips" can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

Variance. Permission to depart from design or improvement standards such as building setbacks, cul-de-sac length, or location and type of improvement materials. Variances are dictated by the circumstances related to the specific application that make the design or improvement requirement for which the variance is requested unnecessary or unreasonable, or that the variance would result in an opportunity for improved planning that would benefit the community.

Waiver. Permission to depart from the requirements of the Ordinance with respect to the submission of required documents. (Ord. 236, 2001: Ord. 215, 1998)

ARTICLE III: ADMINISTRATION

16.28.100 PAHRUMP REGIONAL PLANNING COMMISSION

The Pahrump Regional Planning Commission shall have the authority to act on maps of reversion, boundary line adjustments, division of land applications, and other planning and zoning related matters as specified in its enabling ordinance. (Ord. 215, 1998)

16.28.110 ADMINISTRATIVE OFFICER

A. The Board of County Commissioners appoints the Planning Director or the Planning Director's designee as Administrative Officers whose tasks are specified herein. In addition, the Administrative Officers shall be given the responsibility for ensuring orderly and expeditious processing of reversions of divided land into acreage, boundary line adjustments, and division of land applications. (Ord 367, 2009)

B. The Administrative Officers shall have the authority to approve, conditionally approve, or disapprove Boundary Line Adjustment Maps, Reversion to Acreage Maps, and Amendment of Plats, as long as street improvements, water or sewer line improvements or other public improvements are not required; and to approve minor modifications to previously approved Tentative Subdivision Maps that are in substantial compliance with the originally approved Maps. Substantial compliance shall be deemed to be:

1. Less than a one-half (1/2) percent increase or decrease in residential density.

2. No decrease in the amount of open space provided (if any).

3. No increase in the amount of land area covered by the map.

4. No modification involving relocation of land use classifications (e.g., residential, commercial, industrial, etc).

5. Rearrangement of internal street pattern is permissible in order to increase efficiency of traffic patterns, utility services and improve drainage.

6. Consistent with the spirit and intent of the original plan of development.

7. Will not be materially detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity.

8. Will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity.

C. No request for a minor modification shall be combined with a previous or future variance application in order to achieve a greater modification.

D. Should any of the applications over which an Administrative Officer has authority be disapproved the matter shall be scheduled for review and action by the Regional Planning Commission in accordance with Nye County Code. (Ord. 301, 2005)

16.28.120 WAIVERS

A. Where the Planning Commission finds that strict compliance with the requirements of this Title is impracticable or the purposes of this Title may be served to a greater extent by an alternative proposal, it may grant such waivers of document submittal requirements and design or improvement standards required for approval with respect to reversions of divided land into acreage, boundary line adjustments, and division of land maps as may be reasonable and within

the general purpose and intent of the provisions of this Title, provided that the waiver shall not have the effect of nullifying the intent and purpose of this Title and further provided the Planning Commission shall not approve waivers of the requirements unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the waiver of requirements will not be detrimental to the public safety, health, or welfare or injurious to other property nor shall the waiver have the effect of nullifying the intent and purpose of this Title;

2. The conditions upon which the request is based are unique to the property for which the waiver is sought or would result in an opportunity for improved planning that would benefit the community.

3. In addition to sections "1" and "2" above, in the case where strict compliance with the requirements of this Title is impracticable the Planning Commission must also find that, because of the particular physical surroundings, shape, topographical conditions or established use of the specific property involved the strict adherence to the requirements of this Title would be impracticable. (Ord. 215, 1998)

16.28.130 DEVELOPMENT REVIEW COMMITTEE:

Rep. by Ord. 301, 2005

ARTICLE IV: SURVEYING REQUIREMENTS

16.28.140 PURPOSE AND REQUIREMENTS

A. PRE-SUBMITTAL SURVEY REQUIREMENTS: In order to facilitate field review of proposals by the staff, surveying lath, marked with brightly colored surveying tape, shall be placed at the centerline of all proposed interior roads at their intersection with the boundary of the property, and shall be set back from the centerline of any adjacent street right-of-way to the boundary of said right-of-way. Said lath shall also be placed at any street intersection radii around the perimeter of the property, and at all other exterior property corners. Interior and lot boundary monuments are not required. Proposals for which the pre-submittal field survey requirements are found to be inadequate shall be returned to the applicant as incomplete, and a field review fee may be imposed pursuant to any Resolution adopted by the Board of County Commissioners. In addition, tentative subdivision submittals must indicate all property perimeter survey information on the map. (Ord. 301, 2005)

B. EXISTING IMPROVEMENTS:

1. All existing improvements including buildings, fences, utility lines, septic tanks, wells, pump houses and any other improvements shall be shown in their respective locations, drawn as close to scale as is feasible, on the initial submittal, and may be presented in the form of an overlay (existing improvements are not required to be shown on a final submittal). In the event that the location of any underground improvement is unclear the statement, "approximate location" shall be placed on the map near the improvement. For adjoining road right-of-ways, whether public or private, any structures including trees, power poles and any other above or below ground structures shall be shown and described, drawn as close to scale as is feasible. Distances from edge of street surfaces and boundary of right-of-ways shall also be shown. (Ord. 215, 1998)

2. The tentative map of a subdivision shall indicate the location of irrigation ditches and rights of way and easements for irrigation ditches. The final map of a subdivision, parcel map or final map of a division of land into large parcels shall reserve a right of way for any existing irrigation ditch and its maintenance. (Ord. 236, 2001)

C. FINAL SURVEY REQUIREMENTS: In addition to compliance with NRS 278, the following shall apply or be shown on all submittals:

1. The property shall be tied by bearing and distance to either a one-quarter corner or section corner which was established by public land survey and must be delineated on said map. The map shall also show ties to the U.S. Coast and Geodetic Survey control system, if points in said system are established in the immediate area.

2. The map shall show bearing and length of all lines, the radius, central angle, length of curve and tangent of curve for all curved lines.

3. All monuments, stakes and other evidences found, set, reset or replaced, describing their kind, size and location.

4. The basis of bearing of the map shall be taken from a recorded bearing as recorded in the book of plats of the Nye County Recorder's Office. The map shall show all lot corners of adjoining subdivisions or tracts, together with recording data of adjoining subdivisions or tracts.

5. Corners of all adjoining property identified by lot and block number, subdivision or tract name, place of record, or by section, township and range, or other proper designation.

6. The center lines of all streets in and adjoining the subdivision, indicating all permanent monuments found or placed. If any points were reset by ties, this fact shall be so stated.

7. All information, data and monuments necessary to locate and relocate any and all exterior boundary lines, lot or block lines.

8. All distances shall be to the nearest one-hundredth of a foot and shall be shown in feet and decimals thereof; all bearings shall be shown to the nearest degree, minute and second.

9. All lots and parcels shall have all dimensions, boundaries and courses clearly shown and defined. This includes lots and parcels intended for sale, reserved for private purposes, or offered for dedication for any purpose.

10. The locations, names, total width and width on each side of the centerline of all streets, alleys and other rights-of-way within the development.

11. The location and width of all easements, public and private, to which the lots are subject. The easement shall be clearly labeled and identified as to nature and purpose. If easements are already of record, their recorded references shall be given. Easements shall be denoted by fine dotted lines. Distances and bearings on lines which are cut by easements shall be so shown that the map will clearly indicate the actual length of the lot line.

12. The location and width of utility rights-of-way located upon private property within the subdivision.

13. Any limitations of rights of access to and from streets and lots and other parcels.

14. All city and town boundaries crossing or adjoining the development shall be clearly designated and located.

15. Each lot shall be numbered and each block shall be numbered or lettered.

16. Parcels not contiguous shall not be included on one map; no more than one map shall be made on the same sheet. For tentative subdivisions only, contiguous parcels owned by different parties may be embraced on one map, but it is not necessary to specify the parcels belonging to each party. Prior to the recording of a final map, a map of reversion shall be recorded eliminating any internal property boundaries.

17. The map should agree with the written description, but it should not require reference to the written description in order for it to be entirely self-explanatory.

18. All parks, easements, etc. shall be designated and dimensioned, and if other than public shall be so marked. If there is more than one park, each shall be named or numbered.

19. Existing improvements are not required to be shown on the final submittal.

D. COUNTY SURVEYOR REQUIREMENTS. The Nye County Surveyor shall review and sign all maps prior to recording stating that the map is technically correct. Should the County Surveyor not agree that the map is technically correct, the map shall be returned with a statement indicating the area(s) where the County Surveyor disagrees with the map preparer, requesting corrections or further review. Should the map preparer disagree with the County Surveyor, the County Surveyor shall place a statement on the map indicating the area(s) of disagreement. Unless action by the County Surveyor is a requirement of NRS, should the County Surveyor fail to take action within thirty (30) days the map shall be deemed approved. Nye County shall not be liable for any error, omission or property line dispute occurring by the recording of any map. Fees may be charged for this service pursuant to a Resolution adopted by the Board of County Commissioners. (Ord. 215, 1998)

ARTICLE V: PROCEDURE

16.28.150 PURPOSE

The purpose of this Chapter is to establish procedures for Planning Commission review and action on applications for maps of reversion, boundary line adjustments, subdivisions, parcel maps, large parcels maps and planned unit developments. The procedures are intended to provide orderly and expeditious processing of such applications. (Ord. 215, 1998)

16.28.160 TITLE REPORT

A. A preliminary report from a title company, not older than ninety (90) days upon the date of submittal of said report, must accompany all of the following maps submitted for recording: final division of land into large parcels maps, parcel maps, final subdivision maps, maps of reversion and boundary line adjustment maps.

B. The title report must list the names of each owner of record of the land to be divided, and 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.

C. The written consent of each holder of record of a security interest must be provided by signing the map, or by signing a separate document that is recorded with the map declaring its consent to the preparation and recordation of the map. Should a separate document be recorded with the map the map must contain a notation that a separate document has been recorded indicating the document number issued by the Nye County Recorder's office.

D. No document(s) shall be recorded altering the ownership or holder(s) of any security interest in a parcel from the date the title report was completed until the map is recorded unless the Administrative Officer is provided with a copy of any such document(s), and the surveyor makes all required changes to the ownership and holder of security interest certificates. The Nye County Commissioners may establish a processing fee to apply where any such document(s) is recorded without compliance with this section. (Ord. 215, 1998)

16.28.170 PARCEL MAP PROCEDURE

A. APPLICATION: Any applicant requesting approval of a parcel map as defined by this Title and NRS 278.461 to 278.469, inclusive, shall submit to the Administrative Officer the materials required in the document entitled "*Document Submittal Requirements for Planning Applications Within the Pahrump Regional Planning District.*"

B. APPROVAL: Should the Planning Commission fail to take action within sixty (60) days after the Administrative Officer or its representative accepts the map as a complete application pursuant to NRS 278.464 the parcel map shall be deemed approved. (Ord. 301, 2005)

C. EXPIRATION OF APPROVAL: Approval of a parcel map shall expire, with no possibility of an extension of time, if not recorded in the office of the Nye County Recorder within a period of two (2) years after the date of approval. Any zoning requirements or land use designated by an applicant upon which parcel map approval was granted shall not be changed for a period of two (2) years after the date of recording of the parcel map.

D. MINOR PARCEL MAP(S): The Administrative Officer shall have the authority to take action on minor parcel maps in accordance with section 16.28.130 of this chapter when street improvements including improvements to flag lot access-ways, water or sewer line improvements or other public improvements are not required pursuant to the requirements of this chapter. (Ord. 301, 2005)

E. MAJOR PARCEL MAP(S): Where a parcel map application requires the creation of a road or street, whether public or private; water/sewer line improvements; or where a parcel map application includes a flag lot, action of the Planning Commission is required.

F. PARCELING MULTIPLE EXISTING PARCELS VIA ONE PARCEL MAP: Only one (1) existing parcel shall be the subject of a parcel map. Where two (2) or more parcels are proposed to be divided via one parcel map the applicant must first have approved a Map of Reversion in accordance with the provisions of this Title and NRS 278.490 thru 278.4965, inclusive.

G. SUBDIVISION VIA SUBSEQUENT OR CONTIGUOUS PARCEL MAP(S): In order to prevent evasion or circumvention of NRS 278.320 thru 278.460, inclusive, the following shall apply to subsequent or contiguous parcel maps:

1. DISAPPROVAL OF APPLICATIONS: In order to protect the public health, safety and welfare; and in order to ensure proper consideration of School District needs, water quality and quantity, disposal of sewage, street alignment and construction, utility needs, proper consideration of available public facilities and services including fire protection and emergency responders, and other needs; submittal of parcel map applications seriatim, or one after another, or covering properties that are contiguous, by any party or parties; and when it is apparent to the Planning Commission that the purpose is to create more than four parcels and avoid the subdivision requirements, the Planning Commission shall find that any such activity is in fact subdividing and shall disapprove all such applications.

a. EXCEPTION: Where the sole purpose of a new parcel map application is to provide for the public needs of the community (e.g., Nye County, Town of Pahrump, Nye County School District, Pahrump Community Hospital District, other non-profit organizations serving the community, etc.) subsection "1" above shall not apply.

H. FORM AND CONTENT OF A PARCEL MAP: A parcel map, at the time application is first made pursuant to this Title, shall be in essentially the same form, and contain the same information as required pursuant to NRS 278.466. (Ord. 215, 1998)

1. ADDITIONAL REQUIREMENTS:

a. Water Rights. Because of concerns over water in the District, certificated water rights in the amount of two (2) acre feet for each additional parcel created excluding the existing parcel (i.e., 5 acres divided into 4 parcels requires 3 water rights, or 3 x 2 AF) that is under five (5) acres gross in area shall be transferred through the Nevada State Water Engineer's office to Nye County. The costs associated with water rights transfers shall be borne by the applicant. Because of the costs involved with water rights transfers, this requirement shall be

made a condition of approval of a parcel map. (Ord. 288, 2004)

b. Exception. When a proposed parcel map is located within the boundaries of a water service district and it is the intent of the service district to provide water service, water rights shall be transferred to the district in an amount to be determined by such district. (Ord. 215, 1998)

16.28.180 COMMON INTEREST COMMUNITY PARCEL MAP PROCEDURE

A. A common interest community consisting of four (4) units or less, not including any common area(s), shall be deemed to be a division of land within the meaning of this Title, but need only comply with this Title and NRS 278.371, 278.373 to 278.378, inclusive, 278.462, 278.464, and 278.466.

B. Minimum design standards for common interest community developments are found in the "Design Standards" section of this Title. (Ord. 215, 1998)

16.28.190 SUBDIVISION PROCEDURE

A. PRE-APPLICATION CONFERENCE: For the purpose of expediting subdivision applications and reducing development costs, the applicant may request a pre-application conference in accordance with the following requirements:

1. At the request of the applicant, the Administrative Officer shall authorize a pre-application conference.

2. The pre-application conference shall allow the applicant to meet with appropriate representatives designated by the Board of County Commissioners and may include:

a. Director of Public Works or its representative;

b. Director of Planning or its representative;

c. Representative of the Nye County School District;

d. Any other appropriate person(s) invited by any of the above parties.

3. Applicants seeking a pre-application conference shall submit the materials stipulated in the document entitled *Document Submittal Requirements for Planning Applications Within the Pahrump Regional Planning District* a minimum of ten (10) working days prior to the pre-application conference.

4. The applicant may be charged reasonable fees for a pre-application conference as established by Resolution of the Board of County Commissioners.

5. The applicant shall not be bound by the determination of the pre-application conference, nor shall the Planning Commission be bound by any such determination.

B. TENTATIVE SUBDIVISION APPLICATION:

1. Applicants seeking tentative subdivision approval shall submit to the Administrative Officer the materials stipulated in the document entitled *Document Submittal Requirements for Planning Applications Within the Pahrump Regional Planning District*.

2. The Administrative Officer or its representative shall review the application and materials submitted and shall comment and make

recommendations to the Planning Commission. A complete application for a tentative subdivision shall be acted upon within sixty (60) days after the date the Administrative officer or its representative accepts the application as complete, or within such further time as may be consented to by the applicant.

C. FINAL SUBDIVISION APPLICATION:

1. An applicant requesting final approval of a proposed subdivision shall submit to the Administrative Officer the materials specified in the document entitled *Document Submittal Requirements for Planning Applications Within the Pahrump Regional Planning District*. The final plat shall be accompanied by a statement from the Director of Public Works that the County is in receipt of engineered plans showing all streets and utilities in exact location and elevation and identifying those portions already installed and those to be installed; recommendations concerning the acceptance or rejection of all offers of dedication; and a statement that he has reviewed the cost estimates, prepared by a civil engineer licensed by the State of Nevada, associated with any incomplete required improvements and that he concurs with said estimates.

2. Upon certification that the final map application is complete, the Administrative Officer shall present the final subdivision map to the Board of County Commissioners at its next regularly scheduled meeting. The Board of County Commissioners shall approve the map if it conforms to all of the requirements of NRS 278.010 to 278.630, inclusive; to any conditions of approval of the tentative map, and to the provisions and requirements of this Title.

3. The Board of County Commissioners shall at that time also accept or reject all offers of dedication and shall, as a condition precedent to the acceptance of streets or easements, require that the subdivider improve or agree to improve the streets or easements.

D. INDUSTRIAL OR COMMERCIAL SUBDIVISION:

1. In accordance with NRS 278.325, if a subdivision is proposed on land which is zoned or designated by the applicant for commercial or industrial use only, 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 provisions of NRS 278.010 to 278.630, inclusive, and the provisions of this Title. Any zoning requirements or commercial/industrial use designations made by the applicant shall not be changed for a period of two (2) years after the date of recording of the final subdivision map.

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 “D4” below, a boundary or line shall 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.

4. The provisions of subsection “D3” above do not apply to a boundary line that is created entirely within an

existing industrial or commercial building. A certificate by a professional engineer or registered architect which certifies compliance with the applicable building code must be attached to any document which proposes to subdivide a building. (Ord. 215, 1998)

16.28.200 COMMON INTEREST SUBDIVISION PROCEDURE

A. A common interest community consisting of five (5) units or more, not including any common area(s), shall be deemed to be a subdivision within the meaning of this Section. The procedure outlined in section 16.28.190 of this Title concerning subdivision procedures shall also apply to common interest subdivisions. In addition, the requirements of NRS 116.2109 shall be complied with.

B. Minimum design standards for common interest community developments are found in the "Design Standards" section of this Title. (Ord. 215, 1998)

16.28.210 LARGE PARCELS MAP PROCEDURE

A. TENTATIVE LARGE PARCELS MAP: Any applicant requesting approval of a tentative large parcels map as defined in this Title and NRS 278.471 shall submit to the Administrative Officer the materials required in the document entitled *Document Submittal Requirements for Planning Applications Within the Pahrump Regional Planning District*.

1. The minimum lot size for each proposed lot shall be:

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. In accordance with NRS 278.4715 the Planning Commission may, within sixty (60) days after the filing of the tentative map designate the location and width of any easements for roads and, upon the recommendation of the various public utility entities, easements for public utilities which may be reasonably necessary to serve the area to be divided. The Planning Commission shall not designate any easements after the expiration of 60 days.

B. FINAL LARGE PARCELS MAP: An applicant desiring approval of a final large parcels map shall deliver to the Authorized Officer two (2) copies of the proposed final map within one (1) year after the date that the tentative map was first filed. The proposed final map shall conform to the requirements of NRS 278.472 thru 278.4725, inclusive.

1. Should the Planning Commission fail to take action within sixty (60) days after the Administrative Officer or its representative accepts the final map as a complete application, the map shall be deemed approved unconditionally.

2. The Planning Commission shall not approve a final large parcels map unless:

a. The property that is the subject of a large parcels map has a minimum of twenty (20) feet of legal and physical access;

b. Each lot is accessible by a minimum fifteen (15) foot wide bladed area within dedicated or private road right-of-way in which all vegetation and debris is removed. Blading of such roads

shall conform to the natural contours of the area; and

c. The corners of each lot are set by a professional land surveyor. (Ord. 215, 1998)

16.28.220 MAP OF REVERSION (REVERSIONARY MAP) PROCEDURE

A. Any owner or governing body desiring to revert any recorded subdivision map, parcel map, map of division into large parcels, or part thereof to acreage shall submit to the Administrative Officer the materials required in the document entitled *Document Submittal Requirements for Planning Applications Within the Pahrump Regional Planning District*.

B. A map of reversion shall be required when the intended purpose is to eliminate boundary lines between two or more individual lots or parcels. A boundary line adjustment map as described in this Title shall not be used for this purpose.

C. A map of reversion, when submitted, shall contain the signed certificates of the County Surveyor, the State of Nevada Health Division of the Department of Human Resources, and the State of Nevada Division of Water Resources if any or all of these certificates appeared on the original division of land map. The map shall also comply with the requirements of NRS 278.490 thru 278.4965, inclusive.

D. The Administrative Officer shall, 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, act on the map. (Ord. 215, 1998)

16.28.230 BOUNDARY LINE ADJUSTMENT PROCEDURE

A. Any person or persons desiring the adjustment of a boundary line or lines shall provide the Administrative Officer the materials required pursuant to the *Document Submittal Requirements for Planning Applications Within the Pahrump Regional Planning District*, and in conformance with the requirements of NRS 278.5693.

B. The Administrative Officer shall, if the map conforms to the requirements of subsection A, above, approve the map. (Ord. 215, 1998)

16.28.240 APPEAL

An applicant or other person aggrieved by a decision of the Planning Commission may appeal in accordance with Nye County Code 16.36. (Ord. 252, 2002)

ARTICLE VI: DESIGN AND IMPROVEMENT STANDARDS

16.28.250 PURPOSE

The purpose of good design is to create a functional and attractive development, to minimize adverse impacts, and to ensure a project will be an asset to the community. To promote this purpose, a subdivision or other development shall conform to the following standards which are designed to result in a well-planned community without adding unnecessarily to development costs. (Ord. 215, 1998)

16.28.260 DESIGN STANDARDS - GENERALLY

A. SITE ANALYSIS: An analysis shall be made of the characteristics of the development site, such as the interrelated conditions in which the site exists, geology and soil, topography, climate, ecology, existing vegetation, structures and road networks, visual features, and past and present use of the site.

B. LOT LAYOUT DESIGN:

1. Lot layout design shall take into consideration all existing local and regional plans for the surrounding community.

2. Development shall be based on the site analysis. To the extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.

3. A development shall be laid out to avoid adversely affecting groundwater and aquifer recharge, to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties. (Ord. 215, 1998)

C. UTILITIES:

1. For subdivisions and with the exception of overhead three-phase power lines, all electric, telephone, television, and other communication lines, both main and service connections, servicing new subdivisions shall be provided by underground wiring within easements or dedicated public rights-of-ways, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services. For all other types of applications, underground utilities are not required. EXCEPTION: Above ground wiring shall be allowed along the perimeter of new subdivision applications.

2. Lots that abut existing easements or public rights-of-way where overhead electric, telephone, television, and other communication distribution supply lines and service connections have previously been installed may be supplied with such services from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, with the exception of existing three-phase overhead power lines, should a road widening, or an extension of service, or other such condition occur as a result of the division of land and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

3. Water and sewer mains may be placed

within the road right-of-way and, when placed within said right-of-way, shall be located under the paved section.

D. SIGNS:

1. Design and placement of traffic signs shall follow the requirements found in the Standard Details and Specifications for Public Improvements Within the Pahrump Regional Planning District.

2. At least one (1) street sign shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed free of visual obstruction, and shall be installed under light standards where light standards exist. The design of street name signs shall be in accordance with the standards found in the document entitled *Standard Details and Specifications for Public Improvements Within the Pahrump Regional Planning District.*

E. RESIDENTIAL SUBDIVISION DESIGN:

1. In conventional subdivisions, the Planning Commission may vary lot areas and dimensions, yards, and setbacks for the purpose of encouraging and promoting flexibility, economy, and environmental soundness in layout and design, provided that the average lots' areas and dimensions, yards, and setbacks within the development conform to the minimum requirements of this Title, and provided that such standards shall be appropriate to the type of development permitted. (Ord. 215, 1998)

2. Residential lots shall front on residential access or residential subcollector streets, not on collector or arterial streets, highways or other higher order streets. (Ord. 236, 2001: Ord. 215, 1998)

3. Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property in its intended use.

4. The placement of units in residential developments shall take into consideration topography, privacy, building height, orientation, drainage, and aesthetics.

F. COMMERCIAL AND INDUSTRIAL SUBDIVISION DESIGN: Commercial and industrial subdivisions shall be designed according to the same principles governing the design of residential subdivisions; namely, buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor, and surrounding land uses considered in siting buildings; sufficient access shall be provided; and adverse impacts buffered.

G. TRAFFIC CIRCULATION SYSTEM DESIGN:

1. The traffic circulation system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.

2. In residential subdivisions, the circulation system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic.

3. Where walkways are used, said walkways shall be placed parallel to the street, with variances permitted to

preserve natural features or to provide visual interest.

4. Bike trails shall be required only if specifically indicated in the Master Plan.

H. LOT DESIGN:

1. Lots shall conform to the Zoning Ordinance, if any is applicable; provided, however, that where this Title imposes higher standards, the requirements of this Title shall prevail. All lots shall be a minimum of six-thousand (6,000) ft.^{2}, unless they are required for public or private utilities.

2. Cluster development applications shall be authorized in which building lots may be reduced in size and buildings sited closer together, provided that the total development density does not exceed that which could be created pursuant to subsection "1" above. The additional land that remains undeveloped shall be preserved as open space and recreational land.

3. The side lines of lots shall be approximately at right angles to the street upon which the lot faces, or approximately radial if the street is curved.

4. All lots shall have legal access to streets meeting the requirements of this Title which are improved in accordance with the Improvement Standards found in the *Standard Details and Specifications for Public Improvements Within the Pahrump Regional Planning District* document.

5. Double frontage lots shall be avoided whenever possible. In such cases where double frontage lots are unavoidable, the map shall indicate only one of the streets which shall be used as frontage.

I. FLAG LOTS: Flag lots shall be authorized. Only one flag lot shall have access via the access-way. Flag lots shall be a minimum of one (1) acre in size not including the access-way, and cannot be further divided. Flag lots are only allowed where no other means of access is available to the rear portion of a parcel. The minimum distance between flag lot access-ways shall be three hundred (300) feet measured center to center. In addition, the distance between an access-way and a parallel or near-parallel public or private street shall be 300' measured center to center.

1. Access-ways shall be constructed with a minimum driving surface of fifteen (15) feet with drainage to prevent pooling of water and with a minimum of six inches of water compacted pit run gravel. Minimum side to side clearance shall be twenty (20) feet and minimum vertical clearance shall be 13' 6" for the entire width and length. Minimum access-way width shall be thirty (30) feet with a maximum width of fifty (50) feet. Grades shall not exceed an average of ten (10) percent. With approval of the Pahrump Fire Chief a maximum grade of fifteen (15) percent for distances not to exceed two hundred (200) feet in length may be allowed.

2. All access-ways in excess of one-hundred fifty (150) feet in length (measured from the street centerline) shall be provided with an approved turnaround as shown in the *Standard Details and Specifications for Public Improvements Within the Pahrump Regional Planning District.*

J. LANDSCAPE DESIGN:

1. Landscaping should be provided at subdivision entrances and in public

areas.

K. COMMON INTEREST COMMUNITY DESIGN:

1. The minimum area for a parcel that is the subject of a common interest community development shall be two thousand (2,000) square feet of parcel area per condominium unit.

2. The minimum area of livable space per individual condominium unit shall be six hundred fifty (650) square feet.

3. A condominium development application shall clearly show the location and area of all condominium units, off-street parking spaces, amenities (e.g., pool, landscaped areas, etc.) and common areas.

4. The height limitation for a condominium development shall be two (2) stories.

5. The front and back yard building setback shall be a minimum of fifteen (15) feet; the side yard building setback shall be a minimum of five (5) feet, except that corner lots shall have a building setback of ten (10) feet from the street side lot lines. (Ord. 215, 1998)

16.28.270 OPEN SPACE AND RECREATION AREA DESIGN STANDARDS

A. GENERAL: Residential subdivisions forty (40) acres in size or greater shall be required to provide open space. Developed open space shall be designed to provide active recreational facilities to serve the residents of the development. Undeveloped open space shall be designed to preserve important site amenities and environmentally sensitive areas as well as to provide passive recreational opportunities. Each area set aside shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned by the developer and Planning Commission. The area shall be shown and marked on any tentative and final map.

B. MINIMUM REQUIREMENTS:

1. AMOUNT OF OPEN SPACE REQUIRED. Open space shall be required in the amount of two and one-half (2½) acres per one thousand (1,000) residents expected to reside in the subdivision. Number of residents shall be calculated using the persons per type of dwelling unit determined by the 1990 U.S. Census as follows:

   a. Persons Per Single Family Detached Unit 2.63

   b. Persons Per Single Family Attached Unit 2.31

   c. Persons Per Mobile Home Unit 2.47

   d. Persons Per Multi-Family Unit 1.91

2. ALTERNATE CALCULATION: Where types of dwelling units to be constructed are not specifically determined, persons per single family detached unit shall be used in calculating number of residents.

3. LOCATION OF OPEN SPACE PARCELS: Open space parcels shall be convenient to the dwelling units they are intended to serve. However, because of noise generated by certain recreational activities, they shall be sited with sensitivity to surrounding development.

C. IMPROVEMENT OF OPEN SPACE PARCELS:

1. DEVELOPED OPEN SPACE: The Planning Commission may require the installation of recreational facilities, taking into consideration:

   a. The character of the open space land;

   b. The estimated age and the recreation needs of persons likely to reside in the development;

   c. Proximity, nature, and excess capacity of existing municipal recreation facilities; and

   d. The cost of the recreational facilities.

Land reserved for developed open space shall be relatively level and dry, and shall have frontage on one (1) or more streets. The Planning Commission shall refer any subdivision proposed to contain developed open space to the Pahrump Town Board if the subdivision is located within the boundaries of the Town of Pahrump.

2. PAYMENT IN LIEU OF OPEN SPACE: In lieu of providing open space within its development, developer may request that the Pahrump Town Board allow the developer to make payment to the Town of Pahrump, in an amount equal to any required reservation, for development or acquisition of open space at some other mutually agreed upon area. Such funds shall be used by the Town of Pahrump for the agreed upon purpose only.

3. UNDEVELOPED OPEN SPACE: As a general principle, undeveloped open space should be left in its natural state. A developer may make certain improvements such as the cutting of trails for walking or jogging, equestrian use or the provision of picnic areas, etc. In addition, the Planning Commission may require a developer to make other improvements, such as removing dead or diseased trees, thinning trees or other vegetation to encourage more desirable growth, and grading and seeding.

D. EXCEPTIONS TO THE STANDARDS: The Planning Commission may permit minor deviations from open space standards when it can be determined that: a) the objectives underlying these standards can be met without strict adherence to them; and/or b) because of peculiarities in the tract of land or the facilities proposed, it would be unreasonable to require strict adherence to these standards.

E. DEED RESTRICTIONS: Any lands reserved for open space purposes shall contain appropriate covenants and deed restrictions approved by the Nye County District Attorney ensuring that:

   1. The open space area will not be further subdivided in the future;

   2. The use of the open space will continue in perpetuity for the purpose specified;

   3. Appropriate provisions will be made for the maintenance of the open space; and Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.

F. OPEN SPACE OWNERSHIP: The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer, or subdivider, subject to the approval of the Planning Commission. Type of ownership may include, but is not necessarily limited to, the following:

1. The town of Pahrump, subject to acceptance of the Pahrump Town Board;

2. Nye County, subject to acceptance by the Nye County Board of County Commissioners;

3. Quasi-public organizations, subject to their acceptance;

4. Property-owner, condominium, or cooperative associations or organizations; or

5. Shared, undivided interest by all property owners in the subdivision.

G. PROPERTY-OWNERS ASSOCIATION: If the open space is owned and maintained by a property-owner association or condominium association, the developer shall file a declaration of covenants and restrictions or other suitable document that will govern the association, to be submitted with the application for the final map approval. The provisions shall include, but are not necessarily limited to, the following:

1. The property-owners association shall be established before any lots are sold;

2. Membership shall be mandatory for each property-owner;

3. The open space restrictions shall be permanent, not just for a period of years;

4. The association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;

5. Property owners shall pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the property-owners association; and

6. The association shall be able to adjust the assessment to meet changed needs. (Ord. 215, 1998)

H. MAINTENANCE OF OPEN SPACE AREAS: The person or entity identified in section 16.28.270.F of this chapter as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance. (Ord. 236, 2001: Ord. 215, 1998)

16.28.280 STREET DESIGN STANDARDS

A. GENERAL: The arrangement of streets shall conform to the Nye County Streets and Highways Plan where applicable. For streets not shown on the Streets and Highways Plan, the arrangement shall provide for the appropriate extension of existing streets. Residential streets shall be arranged so as to discourage through traffic and provide for maximum privacy. For street cross-sections and construction requirements refer to the *Standard Details for Public Improvements Within the Pahrump Regional Planning District*.

B. ADEQUATE PUBLIC OR PRIVATE ACCESS:

1. Any division of land proposal shall have adequate public or private access consisting of full-width (no one-half street) legal and physical access that must be a minimum of forty (40) feet in right-of-way width, which said width shall only be considered adequate if the right-of-way was intended and developed as a forty-foot wide full-width road. EXCEPTION: Large Parcels Maps may be provided access via a minimum fifteen (15) foot wide legal and physical access that need not be maintained by Nye

County. The access shall be in a form acceptable for maintenance by the Nye County Public Works Director, must be maintained by the Nye County Road Department, or must be maintained by some other formally created entity approved by the Planning Commission. The access must also support the maximum anticipated ADT generated by the development in accordance with the street hierarchy as indicated in Exhibit 1 in addition to the ADT generated by existing land uses as evaluated pursuant to a Traffic Impact Analysis as required.

2. To protect the public health, safety and welfare, subdivisions shall have the following minimum public access available between roads shown in the "*Nye County Streets and Highways Plan, Year 2010 Projected Network for the Pahrump Valley,"* which said Network is also found in the "*Standard Details and Specifications for Public Improvements Within the Pahrump Regional Planning District,"* and the subdivision: (Ord. 215, 1998)

   a. Less than 400 ADT. A minimum of one (1) gravel standard road.

   b. 400 to 2,000 ADT. A minimum of one (1) paved standard road.

   c. 2,001 to 5,000 ADT. A minimum of one (1) paved standard road and one (1) additional gravel standard road.

   d. Greater than 5,000 ADT. A minimum of two (2) paved standard roads. (Ord. 236, 2001: Ord. 215, 1998)

C. PRIVATE STREETS:

1. Any development requiring the use of a private street maintained by a formally created entity must obtain and record an easement deed for the use of such streets, or otherwise prove to the Planning Commission that use of such private street(s) is authorized.

2. Private streets shall be allowed only when it is proven that no parcel shall become land-locked by privatizing a street. Control of access to properties fronting on private streets shall be left to the discretion of the entity responsible for maintenance of said streets.

D. STREET DEDICATIONS AND ACCEPTANCE: Developers shall, except in the case where a private street is approved, dedicate all new public streets to Nye County. All streets properly engineered and constructed with asphalt paving shall be accepted by Nye County upon submittal of final inspection documents to the Planning Commission by the Public Works Director.

E. PERIMETER STREET DEDICATIONS AND CONSTRUCTION:

1. Where a one-half width street has been constructed on adjoining property along the perimeter of any subdivision or parcel map proposal and, in the view of the Planning Commission said street will be necessary for future development, developer shall be required to dedicate and construct a one-half width street tying into the existing one-half street, using similar construction materials (i.e., pit run, type II, chip-seal, pavement). Where adjoining one-half width street dedications or easements exist, but no street has been constructed, developer may be required to dedicate property for street purposes along the adjoining one-half street(s), and the Planning Commission shall evaluate the need for construction of said one-half street(s)

and, through findings duly made, determine if street construction shall be required.

2. In the event an adjacent property owner was required to provide two (2) moving lanes within a one-half width road right-of-way, developer shall be required to dedicate and construct matching improvements, including two (2) moving lanes.

3. In the event future passage is needed through or around land over which a division of land map is proposed, or in order to provide legal access to land-locked parcels, the Planning Commission may require reasonable right-of-way dedications or easements to extend completely through, or around the perimeter of, said land. (Ord. 236, 2001: Ord. 215, 1998)

F. STREET HIERARCHY:

1. Streets shall be classified in a street hierarchy system with design tailored to the street's function as indicated in Exhibit 1.

2. The street hierarchy system shall be defined by function and average daily traffic (ADT), calculated by trip generation rates prepared by the ITE as indicated in the *Standard Details and Specifications for Public Improvements Within the Pahrump Regional Planning District*. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

3. The applicant shall demonstrate to the Planning Commission's satisfaction that the distribution of traffic to the proposed street system will not exceed the ADT thresholds indicated in Exhibit 1 for any proposed street type.

G. RESIDENTIAL STREET SURFACE WIDTH:

1. Surface width for each residential street classification shall be determined by parking and shoulder requirements which are based on form and intensity of development.

2. Intensity of development shall be based on lot frontage as follows:

INTENSITY OF DEVELOPMENT

Low: Lot frontages greater than 150' (on-street parking lane not required).

Medium: Lot frontages from 75' to 150' (one [1] on-street parking lane required for curbed streets only. No parking lane required for shouldered streets).

High: Lot frontages less than 75' (two [2] on-street parking lanes required for curbed streets only. No parking lane required for shouldered streets, but residential access streets must be constructed as residential subcollector streets to accommodate on-street parking on the wider shoulder)

3. Surface widths shall also consider possible limitations imposed by sight distances, terrain, and maintenance needs. In order to minimize street costs, the minimum width assuring satisfaction of needs shall be selected.

4. Surface widths for each street classification are shown in Exhibit 1.

H. STREET GRADE:

1. Minimum desired street grade for all streets shall be 0.5 percent; but streets may be constructed at a minimum grade of 0.2 percent, provided this grade is closely monitored and strict attention paid to construction

techniques to avoid ponding. Where topographical conditions permit, grades in excess of 0.5 percent shall be used.

2. Maximum street grade shall vary by street hierarchy, with flatter grades required for streets with higher ADT's, in accordance with the requirements shown in the *Standard Details and Specifications for Public Improvements* document.

I. BASE AND SURFACING REQUIREMENTS:

1. GENERAL REQUIREMENTS: Base and surfacing requirements shall be dependent upon a street's ADT as shown in Exhibit 1 and in accordance with the requirements shown in the *Standard Details and Specifications for Public Improvements* document.
2. LARGE PARCELS MAPS: Road construction requirements for Large Parcels Maps shall consist of a minimum fifteen (15) foot wide bladed area within dedicated or private road right-of-way in which all vegetation and debris is removed. Blading of such roads shall conform to the natural contours of the area.

3. PARCEL MAPS: Except as provided below, each and every new parcel created pursuant to a parcel map application shall be provided with full-width or one-half width dedicated or private road right-of-way with two (2) moving lanes of asphalt paving. This section does not apply to a parcel being created where there is a legal dedicated right-of-way and where there is an existing paved or hard surfaced road (i.e., chip seal) unless the parcels created would increase the average daily traffic (ADT) to more than 100 vehicles per day. (Ord.386, 2010)

4. SUBDIVISIONS: Each and every new parcel created pursuant to a subdivision application shall be provided with full-width dedicated or private road right-of-way with two (2) moving lanes of asphalt paving.

J. STREET INTERSECTIONS:

1. Minimum intersection angle. Street intersections shall be as nearly at right angles as possible and in no case shall be less than seventy-five (75) degrees.

2. Minimum center lines offset of adjacent intersections. New intersections along one side of an existing street shall, if possible, coincide with any existing intersections on the opposite side of each street. Use of "T" intersections interior to new subdivisions shall be encouraged. To avoid corner-cutting when inadequate offsets exist between adjacent intersections, offsets shall measure at least one hundred twenty-five (125) feet between center lines.

3. Minimum curb radius. Where curbs are used, intersections shall be rounded at the curbline, with the street having the highest radius requirement as shown in the *Standard Details and Specifications for Public Improvements* determining the minimum standard for all curblines.

4. Grade. Intersections shall be designed with a flat grade wherever practicable. Maximum grade within intersections shall be 5 percent except for collectors which shall be 3 percent.

5. Minimum centerline radius; minimum tangent length between reverse curves; and curb radii. Requirements shall be as shown in the *Standard Details and Specifications for Public Improvements* document.

6. Sight Triangle Easements. Sight triangle easements shall be required and shall include the area on each street corner that is bounded by the line which connects the sight or "connecting" point located on each of the right-of-way lines of the intersecting street. The planting of trees or other plantings or the location of structures, including cyclone fencing exceeding thirty (30) inches in height, with the exception of street hardware, that would obstruct the clear sight across the area of the easements shall be prohibited, and a public right-of-entry shall be reserved for the purpose of removing any object, material or otherwise, that obstructs the clear sight. The distances shown in the *Standard Details and Specifications for Public Improvements Within the Pahrump Regional Planning District* shall be required.

K. CURBS, GUTTERS AND SIDEWALKS: Curbs, gutters and sidewalks shall not be required. For developments providing curbs, gutters and/or sidewalks the following shall apply.

1. For the purposes of drainage and safety developers shall provide a drainage study indicating that the use of curbs and gutters will not adversely affect adjacent properties and the street network in accordance with the storm water management section of this Title. Storm drains, drop inlets, culverts and other drainage structures may be required pursuant to said drainage study.

2. Flexibility regarding curb type is permitted as long as the curb type accommodates the system of drainage proposed.

3. Curbing shall be designed to provide ramps for bicycles and wheelchairs at intersections.

4. Curbing shall be constructed according to the specifications set forth in the Standard Details and Specifications for Public Improvements Within the Pahrump Regional Planning District.

5. Paved sidewalks shall not be required but a graded area is required in accordance with Exhibit 1. For developments providing sidewalks developer shall provide for maintenance of such sidewalks through an entity other than Nye County. Construction of sidewalks shall be in accordance with the *Standard Details and Specifications for Public Improvements Within the Pahrump Regional Planning District*

L. SHOULDERS: Shoulders and drainage swales are required except when the developer opts for curbs and gutters. Shoulder requirements shall vary according to street hierarchy and intensity of

development in accordance with the requirements set forth in Exhibit 1. Where shoulders and drainage swales are used, only driveways shall be allowed to encroach into the road right-of-way. Under no circumstances shall mailboxes, manhole covers, water valves or other obstructions to maintenance be placed in the drainage swale.

M. STREET LIGHTING: Street lighting shall not be required. However, applicants may provide street lighting at no cost to Nye County or its citizens. In the event that publicly maintained street lighting becomes available, street lights shall be required at external intersections in accordance with plans submitted by the applicant.

N. TRAFFIC IMPACT ANALYSIS: Pursuant to the *Nye County Streets and Highways Plan*, all subdivisions creating an ADT of 100 or greater shall provide a traffic impact analysis prior to approval of a final subdivision map. The analysis shall comply with the requirements found in the *Document Submittal Requirements for Planning Applications within the Pahrump Regional Planning District* document. Applicant shall comply with Article VII of this Title entitled "Off-Tract Improvements," for traffic improvements required as a result of the traffic impact analysis. (Ord. 215, 1998)

16.28.290 WATER SUPPLY SYSTEM DESIGN STANDARDS

Since at this time Nye County does not operate municipal water systems within the District, water system design standards shall be determined through the entities operating such facilities and the various state agencies. (Ord. 215, 1998)

16.28.300 SANITARY SEWER SYSTEM DESIGN STANDARDS

Since at this time Nye County does not operate municipal sanitary sewer systems within the District, sanitary sewer design standards shall be determined through the entities operating such facilities and the various state agencies. (Ord. 215, 1998)

16.28.310 STORM WATER MANAGEMENT SYSTEM DESIGN STANDARDS

A. GENERAL:

1. Design of the storm water management system shall be consistent with general and specific concerns, values, and standards of the District's Master Plan and any applicable State storm drainage control programs, including vector control standards, if applicable. Design shall be based on environmentally sound site planning and engineering techniques.

2. The best available technology shall be used to minimize increases in off-site storm water runoff, increase on-site infiltration, encourage natural filtration functions, simulate natural drainage systems, and minimize off-site discharge of pollutants to the ground water. Best available technology may include measures such as retention and detention basins, recharge trenches, porous paving, piping and swales.

B. DRAINAGE STUDY REQUIREMENTS: A drainage study, prepared by an Engineer licensed in the state of Nevada, shall be required of all subdivisions generating 100 ADT or greater prior to submittal of a final map indicating predicted increases in volumes and velocities of storm waters at full subdivision build out. In the case of increased volumes or velocities, a mitigation plan indicating the proposed method(s) for control or reduction of storm water flows shall also be required.

C. UNNUMBERED "A" FLOOD ZONES: In order to comply with Federal Emergency Management Agency regulation 44CFR60.3, any subdivision, including subsequent parcel maps, proposed for which all or a portion is located within an unnumbered "A" flood zone, and that is greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall include with such proposals base flood elevation data. (Ord. 215, 1998)

16.28.320 FIRE PROTECTION SYSTEMS AND SERVICES

A. FIRE HYDRANTS: Where public utilities and central water systems are provided and fire hydrant systems are required the Pahrump Fire Chief shall have the authority to review all subdivision improvement plans prior to approval of a final map and require that fire hydrants are installed in accordance with recognized codes in effect at the time of installation. In addition, once installed the fire department shall also have the authority to access and test all fire hydrants pursuant to recognized standards and testing procedures. (Ord. 215, 1998)

B. PROVISION OF LAND FOR FIRE EQUIPMENT AND FACILITIES: When, in the opinion of the Fire Chief, a subdivision cannot be adequately protected because of a lack of equipment and facilities in the area, the developer shall offer to grant or sell, at no more than fair market value, to the Town of Pahrump an area of land of sufficient size upon which to locate fire equipment and facilities. (Ord. 236, 2001: Ord. 215, 1998)

16.28.330 IMPROVEMENT STANDARDS

Unless otherwise provided for in Sections 16.28.250 thru 16.28.270, the complexities of construction details and specifications require that a separate document entitled, "*Standard Details and Specifications for Public Improvements Within the Pahrump Regional Planning District"* be referred to for detailed information. The *Standard Details and Specifications* document shall contain details and specifications for public improvements and shall be adopted, and may be periodically amended by, the Board of County Commissioners. (Ord. 236, 2001: Ord. 215, 1998)

ARTICLE VII: OFF-TRACT IMPROVEMENTS

16.28.340 PURPOSE

The purpose of this Section is to ensure a pro rata share allocation of the costs for off-tract improvements necessitated by new development. (Ord. 215, 1998)

16.28.350 PRINCIPLES

A. The Board of County Commissioners may, in accordance with NRS 278B, create by Resolution a Capital Improvements Advisory Committee, and may adopt by ordinance a Capital Improvements Plan pertaining to the service area designated as affected by new development, including the calculation and payment of impact fees as provided for in said Statute.

B. As a condition of final subdivision approval the Planning Commission shall require developer to construct or dedicate, or both, all or a portion of the off-tract facilities. "Necessary" improvements are those clearly and substantially related to the development in question as identified pursuant to any required traffic impact analysis or drainage study. The capacity and design of the proposed improvements shall be based on the Nye County Streets and Highways Plan and the need generated by the development. The proportionate or pro rata amount of the cost of such facilities within a related area shall be based on the following criteria. (Ord. 215, 1998)

16.28.360 COST ALLOCATION

A. FULL ALLOCATION: In cases where off-tract improvements are necessitated by the proposed development, and where no other property owner(s) receive(s) a special benefit thereby, the applicant shall be required at either its sole expense or, when authorized by the County Commissioners pursuant to NRS 278B, through the imposition of impact fees, and as a condition of final map approval, to provide and install such improvements.

B. PROPORTIONATE ALLOCATION:

1. Criteria: Where it is determined that properties outside the development will also be benefitted by the off-tract improvement, the following criteria shall be utilized in determining the proportionate share of the cost of such improvements to the applicant.

2. Allocation Formula for Roadways: The applicant's proportionate share of street improvements, alignment, channelization, barriers, new or improved traffic signalization, signs, curbs, sidewalks, utility improvements not covered elsewhere, the construction or reconstruction of new or existing streets, and other associated street or traffic improvements shall be as follows:

   a. The Public Works Director shall require the applicant to provide the existing and reasonably anticipated future peak-hour flows for the off-tract improvement;

b. If the existing system does not have adequate capacity as defined above, the pro rata share shall be computed as follows:

$$\frac{\text{Total cost of enlargement or improvement}}{\text{Developer's Cost}} = \frac{\text{Capacity of enlargement or improvement (peak-hour traffic)}}{\text{Development peak-hour traffic to be accommodated by the enlargement or improvement}}$$

3. Allocation Formula for Drainage Improvements. The applicant's proportionate share of storm water and drainage improvements including the installation, relocation, or replacement of storm drains, culverts, catch basins, manholes, rip rap, improved drainage ditches and appurtenances, and relocation or replacement of other storm drainage facilities or appurtenances, shall be determined as follows:

a. The capacity and the design of the drainage system to accommodate storm water runoff shall be based on the mitigation plan computed and provided by the developer's engineer, and approved by the Public Works Director.

b. The capacity of the enlarged, extended, or improved system required for the subdivision and areas outside of the developer's tributary to the drainage system shall be determined by the developer's engineer subject to approval of the Public Works Director. The plans for the improved system shall be prepared by the developer's engineer and the estimated cost of the enlarged system calculated by the Public Works Director. The pro rata share for the proposed improvement shall be computed as follows:

$$\frac{\text{Total cost of enlargement or improvement}}{\text{Developer's Cost}} = \frac{\text{Capacity of enlargement (total capacity expressed in cubic feet per second)}}{\text{Development - generated peak rate of runoff expressed in cubic feet per second to be accommodated by the enlargement or improvement.}}$$

4. Other Improvements. The applicant's proportionate share of other capital improvements shall be computed as follows:

$$\frac{\text{Total cost of enlargement or improvement}}{\text{Developer's Cost}} = \frac{\text{Capacity of enlargement or improvement}}{\text{Development share of enlargement or improvement}}$$

(Ord. 215, 1998)

ARTICLE VIII: IMPROVEMENT, MAINTENANCE AND WARRANTY GUARANTEES

16.28.370 APPLICABILITY AND PROCEDURE

A. APPLICABILITY:

1. Improvement guarantees are authorized for subdivision plats only, and are not authorized for any other type of division of land application unless, in the view of the Nye County Commissioners, a hardship exists. Under no circumstances shall property be further divided for which a valid improvement guarantee exists, unless such further division is a phase of a tentatively approved subdivision.

2. Maintenance and warranty guarantees shall be required for all maps where dedication of public improvements are made to, and accepted by, Nye County. (Ord. 215, 1998)

B. COMPLETION OF IMPROVEMENTS: Before a final subdivision plat is signed by the Clerk of the Planning Commission, developer shall be required to complete, in accordance with the conditions of approval of the tentative map, and to the satisfaction of the Public Works Director, all required improvements including, but not limited to: streets, water/sewer systems and extensions, improvements on individual lots such as grading, as required in this Title, specified in the final subdivision plat and as approved by the Planning Commission, and to dedicate those public improvements to Nye County or any other entity for whom the improvements were constructed, free and clear of all liens and encumbrances on the dedicated property and public improvements. In addition, for any subdivision for which all required public improvements dedicated to Nye County are completed prior to approval of the final subdivision map, developer shall covenant to maintain each public improvement for a period of one (1) year following certified completion or release by Nye County and shall warrant that all required public improvements shall be free from defects for a period of two (2) years following certified completion of the last public improvement in accordance with the following requirements. (Ord. 236, 2001: Ord. 215, 1998)

C. SUBDIVISION IMPROVEMENT, MAINTENANCE AND WARRANTY AGREEMENT:

1. AGREEMENT: Before the recording of a final subdivision plat, the Nye County Commissioners, at its sole discretion, may waive the requirement that the developer complete and dedicate all public improvements prior to approval of the final subdivision plat and, as an alternative, permit the developer to enter into a subdivision improvement, maintenance and warranty agreement, by which the developer covenants to complete all required improvements no later than three (3) years following the date of recording of a final map. The developer shall covenant to maintain each public improvement for a period of one (1) year following the acceptance by Nye County and shall warrant that all required public improvements shall be free from defects for a period of two (2) years following acceptance of the dedication of the last completed public improvement. The subdivision improvement, maintenance and warranty agreement may also contain other terms and conditions agreed to by the developer and the Nye County Commissioners.

2. SECURITY: Whenever the Nye County Commissioners permit a developer to enter into a subdivision improvement, maintenance and warranty agreement, it shall require the developer to provide adequate financial security for the promises contained in the agreement in an amount equal to one hundred fifteen (115) percent of the estimated cost of completion of the required public improvements; or fifteen (15) percent of the total cost of the improvements for a maintenance and warranty agreement. The following security shall be acceptable:

   a. Security Bond: The applicant may obtain a security bond from a surety bonding company authorized to conduct business in Nevada. The bond shall remain in full force and effect until after the surety company is notified in writing that all or a portion of the security requirement has been released by Nye County.

   b. Letter of Credit: If the developer posts a letter of credit as security for its promises contained in the subdivision improvement, maintenance and warranty agreement, the credit shall (1) be irrevocable; (2) be for a term sufficient to cover the completion, maintenance and warranty periods; and (3) require only that Nye County present the credit with a sight draft and an affidavit signed by the District Attorney attesting to Nye County's right to draw funds under the credit.

   c. Cash Escrow: If the developer posts a cash escrow as security for its promises contained in the subdivision improvement, maintenance and warranty agreement, the escrow instructions shall provide: (1) that the subdivider will have no right to a return of any of the funds except as provided in section "3" below; and (2) that the escrow agent shall have a legal duty to deliver the funds to Nye County whenever the District Attorney presents an affidavit to the agent attesting to Nye County's right to receive funds whether or not the developer protests that right.

   d. Certificate of Deposit: If the Developer posts a Certificate of Deposit (CD) for its promises contained in the subdivision improvement, maintenance and warranty agreement, the CD shall be under the joint ownership of the Developer and Nye County, requiring the signatures of both parties in order to conduct any transactions involving the CD.

   e. Land: Because of possible volatility of land values, land shall only be accepted as adequate financial security when, through an independent appraisal paid for by the developer, the value of the land offered as security is equal to or exceeds one hundred fifty (150) percent of the cost of the improvements. Any such land offered as security shall be situated within the Planning District, and proof shall be provided, via a current title report and title guarantee, that said land is free and clear of any liens and encumbrances. Additionally, the costs associated with escrow/title transactions shall be borne by the developer, and shall be in a form acceptable to the Nye County District Attorney.

3. Waiver: Upon release of the financial security for the last completed required public improvement, Nye County shall execute a waiver of its right to receive all but fifteen (15) percent represented by the security if the subdivider is not in breach of a subdivision improvement, maintenance and warranty agreement. The residual funds shall be security for the developer's covenant to maintain the required public improvements and its warranty that the improvements are free from defects.

4. Maintenance And Warranty Agreement: In the event a developer completes all required improvements prior to approval of a final map, developer shall enter into a maintenance and warranty agreement for a period not to exceed two (2) years after approval of the final map in an amount not to exceed fifteen (15) percent of the cost of the improvements.

5. Subdivision Improvements Agreement: In the event that other governmental agencies or public utilities automatically will own the improvements to be constructed, or the improvements are covered by a performance or maintenance guarantee to another governmental agency or public utility, no maintenance or warranty agreement shall be required by the Board for such utilities or improvements; provided, however, that a subdivision improvements agreement is entered into with the Board or the other governmental agency or public utility, with proof of such agreement being provided to the Board.

6. Completion Time: The time allowed for completion of the improvements for which an improvement agreement has been entered into may be extended by the Nye County Commissioners.

D. PARTIAL RELEASE OF SECURITY:

1. The Nye County Commissioners may approve a partial release of security in approximate twenty-five (25) percent increments, or where specific elements of the required improvements are completed (e.g., extension of power or water/sewer lines to the property, completion of water tanks, sewage treatment plants, etc.). Any such approval must be requested in writing, and shall be subject to the maintenance and warranty guarantee requirements of this section. (Ord. 215, 1998)

ARTICLE IX: TAXES

16.28.380 REAL PROPERTY TAXES

Real property taxes shall be paid in full for the entire fiscal year prior to the recording of any map submitted pursuant to this Title. The Administrative Officer shall verify that taxes are paid in full and shall obtain the signature of the Nye County Treasurer or its Deputy on the map. (Ord. 215, 1998)

16.28.390 DEFERRED AGRICULTURAL TAXES

In accordance with NRS 361A.265 an owner of property that has received an agricultural or open-space assessment must pay the full amount of deferred taxes calculated pursuant to NRS 361A.280 for any portion of the property being converted to a higher use prior to the recording of any map submitted pursuant to this Title The Administrative Officer shall verify that deferred taxes are paid in full and shall obtain the signature of the Nye County Treasurer or its Deputy on the map. (Ord. 215, 1998)

ARTICLE X: SPECIFICATIONS DOCUMENTS TO BE SUBMITTED

16.28.400 PURPOSE AND REQUIREMENTS

The documents to be submitted are intended to provide the Planning Commission and other reviewing agencies with sufficient information and data to rationally consider development applications; to assure compliance with all regulations and specifications and ensure that the proposed development meets the design and improvement standards contained in this Title and the *Standard Details for Public Improvements Within the Pahrump Regional Planning District*. The specifications of documents to be submitted are based on the type of development application submitted. The detailed requirements and format of documents to be submitted are described in a separate document entitled, "*Document Submittal Requirements for Planning Applications Within the Pahrump Regional Planning District.*" This document shall be prepared, and may be periodically amended, by the Administrative Officer. (Ord. 215, 1998)

EXHIBIT 1

STREET HIERARCHY

STREET TYPE: RESIDENTIAL ACCESS

FUNCTION: Provides frontage for access to lots, and carries traffic having destination or origin on the street itself. Designed to carry traffic at low speed. All housing units developed on this class of street shall front on said street, including corner lots.

Residential access streets should be designed so that no section conveys an ADT greater than 250. Each half of a loop street may be classified as a single residential access street, but the total traffic volume generated on the loop street should not exceed 500 ADT, nor should it exceed 250 ADT at any point of traffic concentration.

MAXIMUM ADT: 250 - (ea loop) 500 - (total)

SURFACE REQUIREMENTS

	Moving Lane (Required for Curbs Only)	*Parking Lane Width*	*Total Surface*
Off-street parking (Low Intensity)	two 12'	none	24'
One side parking (Medium Intensity)	two 12'	one 8'	32'
Two side parking (High Intensity)	two 12'	two 8'	40'

RIGHT OF WAY REQUIREMENTS

	Total Surface Width	*Total Shoulder Width*	*Total Drainage Swale Width*	*Total Sidewalk/Graded Area Width*	*Total Right-of-Way Width**
Curbs					
Off-street parking	24'	0'	0'	11'	35'
One side parking	32'	0'	0'	11'	43'
Two side parking	40'	0'	0'	11'	51'
Shoulders					
Off-street parking	24'	4'	20'	12'	60'

One side parking (Medium Intensity, parking on shoulder permitted)
Two side parking (High Intensity, parking on shoulder permitted, but must construct residential subcollector)

**Graded area widths are adjusted from the sum of the other right-of-way components in order to reduce multiple street right-of-way requirements.*

STREET TYPE: RESIDENTIAL SUBCOLLECTOR

FUNCTION: Middle order of residential street. Provides frontage for access to lots, and carries traffic of adjoining residential access streets. Designed to carry somewhat higher traffic volumes with traffic limited to motorists having origin or destination within the immediate neighborhood. Is not intended to interconnect adjoining neighborhoods or subdivisions and should not carry regional through traffic.

Subcollectors shall be designed so that no section conveys an ADT greater than 500. Each half of a loop subcollector may be classified as a single subcollector street, but the total traffic volume conveyed on the loop street should not exceed 1,000 ADT, nor should it exceed 500 ADT at any point of traffic concentration.

MAXIMUM ADT: 500 - (ea loop) 1,000 - (total)

SURFACE REQUIREMENTS

	Moving Lane	*Parking Lane (Required for Curbs Only)*	*Total Surface Width*
Off-street parking (Low Intensity)	two 13'	none	26'
One side parking (Medium Intensity)	two 13'	one 8'	34'
Two side parking (High Intensity)	two 13'	two 8'	42'

RIGHT OF WAY REQUIREMENTS

	Total Surface Width	*Total Shoulder Width*	*Total Drainage Swale Width*	*Total Sidewalk/Graded Area Width*	*Total Right-of-Way Width**
Curbs					
Off-street parking	26'	0'	0'	11'	37'
One side parking	34'	0'	0'	11'	45'
Two side parking	42'	0'	0'	11'	53'
Shoulders					
Off-street parking	26'	8'	20'	6'	60'
One side parking - Parking on shoulder permitted					60'
Two side parking - Parking on shoulder permitted					60'

**Graded area widths are adjusted from the sum of the other right-of-way components in order to reduce multiple street right-of-way requirements.*

STREET TYPE: RESIDENTIAL COLLECTOR

FUNCTION: Highest order of residential streets. Conducts and distributes traffic between lower-order residential streets and higher-order arterials and highways. Carries the largest volume of traffic at higher speeds. Function is to promote free traffic flow; therefore, parking and direct access to individual residential lots from this level of street is prohibited. Collectors should be designed so that they cannot be used as shortcuts by non-neighborhood traffic. Collectors shall also have an adequate left hand turning lane at intersections with arterials.

MAXIMUM ADT: 3,000 (total)

SURFACE REQUIREMENTS

Moving Lane	*Parking Lane*	*Total Surface Width*
two 13'	(No on-street parking allowed)	26'

RIGHT OF WAY REQUIREMENTS

	Total Surface Width	*Total Shoulder Width*	*Total Drainage Swale Width*	*Total Sidewalk/Graded Area Width*	*Total Right-of-Way Width**
Curbs	26'	0'	0'	14'	40'
Shoulders	26'	8'	20'	6'	60'

**Graded area widths are adjusted from the sum of the other right-of-way components in order to reduce multiple street right-of-way requirements.*

EXHIBIT 1 (CONTINUED)

STREET HIERARCHY

STREET TYPE: ARTERIAL

FUNCTION: A higher order street in the hierarchy. Conveys traffic between population and business centers; therefore, parking and direct access to individual residential lots from this level of street is prohibited.

MAXIMUM ADT: 3,000+

SURFACING AND RIGHT-OF-WAY REQUIREMENTS: Surfacing and right-of-way requirements shall be dependent upon existing maintenance and expansion improvements planned by Nye County as well as the requirements determined through required Traffic Impact Analysis.

STREET TYPE: HIGHWAY

FUNCTION: Highest order street in the hierarchy. Highways are maintained by the Nevada Department of Transportation. Parking and direct access to individual residential lots from highways is prohibited.

MAXIMUM ADT: N/A

STREET TYPE: ALLEY

FUNCTION: A street that provides service and a secondary means of access to lots, maintenance access to rear overhead utilities and rear-lot parking. Should only be allowed in very high density developments (40' frontage or less) or condominium/apartment developments. Should be designed to discourage through traffic, and should connect to a street at both ends. The complete right-of-way must remain clear with above-ground utilities, trash receptacles and all other objects prohibited.

MAXIMUM ADT: 500

SURFACE REQUIREMENTS

	Moving Lane	*Parking Lane*	*Total Surface Width*
Alley	two 10'	0'	20'

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RIGHT OF WAY REQUIREMENTS

	Total Surface Width	*Total Shoulder Width*	*Total Drainage Swale Width*	*Total Sidewalk/Graded Area Width*	*Total Right-of-Way Width**
Alley	20'	4'	0'	None	24'

STREET TYPE: CUL-DE-SAC

FUNCTION: A street with a single means of ingress and egress and having a turnaround designated according to the *Standard Details and Specifications for Public Improvements within the Pahrump Regional Planning District*. Design of turnaround may vary, but traffic should not be forced to back up at the end of a cul-de-sac for safety reasons. Cul-de-sacs shall be classified and designed according to anticipated ADT level; a residential access cul-de-sac will have a maximum ADT level of 250; and a residential subcollector cul-de-sac will have a maximum ADT level of 500. Lengths greater than 1,000' may be authorized when a 100' diameter turning circle is provided at a distance of one-half the total length of the cul-de-sac. Length is measured from the center of the cul-de-sac to the centerline of the intersecting street.

MAXIMUM ADT: 250 - (residential access) 500 - (residential subcollector)

SURFACING REQUIREMENTS: dependent on ADT

STREET TYPE: MARGINAL ACCESS STREET

FUNCTION: A service street that runs parallel to a higher-order street and provides access to abutting properties, businesses and separation from through traffic. May be designed as a residential access street or residential subcollector according to anticipated daily traffic.

MAXIMUM ADT: 250 - (residential access) 500 - (residential subcollector)

SURFACING REQUIREMENTS: dependent on ADT

STREET TYPE: STUB STREET

FUNCTION: A portion of a street which has been approved in its *entirety*. Permitted as part of phased development. Also may be required if the street is a part of the adopted Master Plan. Temporary turnaround shall be provided for all stub streets greater than 150' in length (length is measured from the end of the stub street to the centerline of the intersecting street).

MAXIMUM ADT: 250 - (residential access) 500 - (subcollector) 3,000 - (collector)

SURFACING REQUIREMENTS: dependent on ADT

(Ord. 215, 1998)