

Amendment No. 247

Senate Amendment to Senate Bill No. 138	(BDR 22-566)
Proposed by: Senate Committee on Government Affairs	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 138—SENATORS LANGE,
PICKARD; AND DONDERO LOOP

FEBRUARY 22, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to planned development. (BDR 22-566)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to land use planning; revising requirements for an ordinance for planned unit development; revising requirements for minimum site areas and parking for a planned unit development; eliminating the requirement that a planned unit development obtain tentative approval; making various other changes relating to provisions relating to planned unit development; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law gives certain powers to a city or county that enacts an ordinance for planned unit development. (NRS 278A.080) **Section 2** of this bill provides that a city or county ~~is not prohibited from enacting~~ **may only exercise the powers relating to planned unit development granted if the county or city enacts** an ordinance for planned development that ~~is consistent with the general statutory requirements relating to planning and zoning~~ **conforms to the requirements of chapter 278A of NRS.**

Existing law requires an ordinance for planned unit development to set forth standards and conditions by which a proposed planned unit development is evaluated. (NRS 278.090) **Section 3** of this bill requires the ordinance also to: (1) require the plan to be set forth in written and graphic materials, as specified in the ordinance; (2) set forth certain procedures for reviewing an application for a plan; and (3) set forth procedures for reviewing an application to modify, remove or release any provision of a plan. **Section 1** of this bill makes a conforming change to the definition of “plan.”

~~Section 5 of this bill provides that the ordinance may require that any common open space resulting from the application of standards for density or intensity of land use be set aside for the use and benefit of the residents or owners of the development.~~

Section 6 of this bill ~~provides that the ordinance may authorize a city or county to accept the dedication of land or interest in the land for public use and maintenance.~~ **clarifies that an offer to dedicate common open space must be accepted or rejected within 120 days.**

Existing law requires an ordinance to set forth all standards and criteria for any feature of a planned unit development with sufficient certainty to provide work criteria by which specific proposals for the development may be evaluated. (NRS 278A.220) **Section 7** of this bill provides, instead, that the ordinance must set forth all standards and criteria for any feature of a planned unit development with sufficient certainty to provide criteria by which specific proposals for the development may be evaluated.

26 Existing law requires the minimum site area for a planned unit development to be 5 acres
27 but authorizes the governing body of the city or county to waive the minimum site area when
28 a proper planning justification is shown. (NRS 278A.250) **Section 8** of this bill provides,
29 instead, that the minimum site area is 5 acres unless the governing body of the city or county
30 provides otherwise in the ordinance.

31 Existing law requires that a minimum of one parking space be provided for each dwelling
32 unit in a planned unit development. (NRS 278A.320) **Section 9** of this bill provides, instead,
33 that a minimum of one parking space must be provided for each dwelling unit unless the
34 governing body of the city or county provides otherwise in the ordinance.

35 **Section 10** of this bill removes the requirement in existing law that the enforcement and
36 modification of an approved plan must be to further the interests of the residents and owners
37 of the planned unit development and the public and provides, instead, that the enforcement
38 and modification of an approved plan are subject to the provisions adopted by the governing
39 body in the ordinance. (NRS 278A.380)

40 ~~Existing law authorizes the city or county to enforce certain provisions of a plan pursuant~~
41 ~~to its powers of regulation. (NRS 278A.390) Section 11 of this bill provides that any other~~
42 ~~provision of a plan may be enforced by a city or county only as set forth in the ordinance.]~~

43 **Section 13** of this bill revises the existing prohibition on a city or county approving the
44 modification, removal or release of a provision of a plan without first holding a public hearing
45 to provide, instead, that a provision of a plan may be modified, removed or released without a
46 public hearing upon the application by a landowner to modify, remove or release the
47 provisions of a plan if: (1) the plan does not include any residential development; (2) the
48 modification, removal or release does not add any new residential development; and (3)
49 the city or county determines that the modification, removal or release is minor in nature,
50 substantially complies with the plan, ~~and~~ and does not require the vacation or abandonment
51 of a street, public sidewalk, pedestrian right-of-way or a drainage easement. (NRS
52 278A.410)

53 Existing law requires that a person who proposes a planned unit development must
54 submit an application for tentative approval and an application for final approval. (NRS
55 278A.440, 278A.530) **Section 14** of this bill provides, instead, that unless otherwise required
56 by the ordinance, tentative approval of a plan for a planned unit development is not required.
57 Consistent with this change, **section 4** of this bill ~~removes~~ provides that the requirement in
58 existing law that a reservation of common space in a planned development that will take place
59 over a number of years must defer the location of the common space until an application for
60 final approval is filed and applies only if the ordinance requires both tentative and final
61 approval of the plan. (NRS 278A.110) ~~{Section 24 of this bill repeals the provisions relating~~
62 ~~to the process for obtaining final approval. Sections 12, 15-17, 22 and 23 of this bill make~~
63 ~~conforming changes to eliminate references that distinguish between tentative and final~~
64 ~~approval.}~~

65 Existing law requires an ordinance for planned unit development to designate the
66 fee for an application for tentative approval. (NRS 278A.450) Section 16 of this bill
67 requires instead that the fee must be set forth in the ordinance or published and made
68 publicly available by the city or county.

69 Section 17 of this bill provides that the ordinance may include a schedule showing
70 the times in which additional applications for approval must be filed when a plan calls
71 for development over a period of years.

72 ~~{Sections} Section 18 [and 19] of this bill [eliminate the requirement in existing law that a~~
73 ~~grant or denial of an application for a plan be by minute action. (NRS 278A.490, 278A.500)]~~
74 provides that a city or county may, as part of its action in granting tentative or final
75 approval of a plan, specify certain items which must accompany an application for final
76 approval or be included in the approved plan.

77 **Section 19** of this bill requires that the grant or denial of approval of a plan must ~~be in~~
78 ~~writing and~~ include ~~a detailed explanation of the reasons that~~ findings on whether the plan
79 would or would not be ~~in the public interest.]~~ consistent with the statement of objectives of
80 a planned unit development and the city or county's master plan, if one has been
81 adopted.

82 **Section 20** of this bill provides that approval of a plan may be revoked under certain
83 circumstances.

84 **Section 21** of this bill ~~[removes an existing provision providing]~~ **provides** that an
 85 approved plan may not be modified or impaired by an act of the city or county unless the
 86 landowner consents ~~[]~~ **and the modification complies with the procedures in existing law**
 87 **for modifications.** (NRS 278A.570)

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

1 **Section 1.** NRS 278A.060 is hereby amended to read as follows:

2 278A.060 "Plan" means the provisions for development of a planned unit
 3 development, including ~~[without limitation,]~~ a plat of subdivision, all covenants
 4 relating to use, location and bulk of buildings and other structures, intensity of use
 5 or density of development, private streets, ways and parking facilities, common
 6 open space and public facilities. ~~[The phrase "provisions of the plan" means the~~
 7 ~~written and graphic materials referred to in this section.]~~

8 **Sec. 2.** NRS 278A.080 is hereby amended to read as follows:

9 278A.080 ~~[]~~ The powers granted under the provisions of this chapter may
 10 **only** be exercised by any city or county which enacts an ordinance conforming to
 11 the provisions of this chapter.

12 ~~[2. Nothing in this chapter prohibits a city or county from enacting an~~
 13 ~~ordinance that sets forth procedures for planned development that are consistent~~
 14 ~~with the provisions of chapter 278 of NRS.]~~

15 **Sec. 3.** NRS 278A.090 is hereby amended to read as follows:

16 278A.090 Each ordinance enacted pursuant to the provisions of this chapter
 17 must ~~[set]~~ :

18 1. *Require the plan to be set forth in written and graphic materials, as*
 19 *specified in the ordinance;*

20 2. *Set forth procedures by which the city or county will review an*
 21 *application for a plan, which must include, without limitation, procedures by*
 22 *which the city or county will review an application for a plan which calls for*
 23 *development over a period of years;*

24 3. *Set forth procedures by which the city or county will review and process*
 25 *an application to modify, remove or release any provision of the plan ~~[]~~ pursuant*
 26 *to NRS 278A.410; and*

27 4. *Set forth the standards and conditions by which a proposed planned unit*
 28 *development is evaluated.*

29 **Sec. 4.** NRS 278A.110 is hereby amended to read as follows:

30 278A.110 1. An ordinance enacted pursuant to the provisions of this chapter
 31 must establish standards governing the density or intensity of land use in a planned
 32 unit development.

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

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

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

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

42 (d) The criteria for approval of a tentative map of a subdivision pursuant to
 43 subsection 3 of NRS 278.349.

1 3. In the case of a planned unit development which is proposed to be
 2 developed over a period of years, the standards may, to encourage the flexibility of
 3 density, design and type intended by the provisions of this chapter, authorize a
 4 departure from the density or intensity of use established for the entire planned unit
 5 development in the case of each section to be developed. The ordinance may
 6 authorize the city or county to allow for a greater concentration of density or
 7 intensity of land use within a section of development whether it is earlier or later in
 8 the development than the other sections. The ordinance may require that the
 9 approval by the city or county of a greater concentration of density or intensity of
 10 land use for any section to be developed be offset by a smaller concentration in any
 11 completed prior stage or by an appropriate reservation of common open space on
 12 the remaining land by a grant of easement or by covenant in favor of the city or
 13 county. ~~{but} If the ordinance requires both tentative and final approval of a~~
 14 ~~plan for a planned unit development, the reservation must, as far as practicable,~~
 15 ~~defer the precise location of the common open space until an application for final~~
 16 ~~approval is filed so that flexibility of development, which is a prime objective of~~
 17 ~~this chapter, can be maintained.~~

18 **Sec. 5.** ~~NRS 278A.120 is hereby amended to read as follows:~~

19 ~~— 278A.120 The standards for a planned unit development established by an~~
 20 ~~ordinance enacted pursuant to the provisions of this chapter [must]:~~

21 ~~— 1. May require that any common open space resulting from the application of~~
 22 ~~standards for density or intensity of land use be set aside for the use and benefit of~~
 23 ~~the residents or owners of the development; and [must include]~~

24 ~~— 2. If the ordinance includes provisions to set aside common open space,~~
 25 ~~must include provisions by which the amount and location of any common open~~
 26 ~~space is determined and its improvement and maintenance secured.] (Deleted by~~
 27 ~~amendment.)~~

28 **Sec. 6.** NRS 278A.130 is hereby amended to read as follows:

29 278A.130 ~~{ }~~ The ordinance must ~~{may}~~ provide that the city or county
 30 may accept the dedication of land or any interest therein for public use and
 31 maintenance, but the ordinance must not require, as a condition of the approval of a
 32 planned unit development, that land proposed to be set aside for common open
 33 space be dedicated or made available to public use.

34 ~~{ }~~ If any land is set aside for common open space, the ~~{ }~~

35 ~~— (a) The~~ planned unit development must be organized as a common-interest
 36 community in one of the forms permitted by chapter 116 of NRS.

37 ~~{ }~~ The ordinance may require that the association for the common-interest
 38 community may not be dissolved or dispose of any common open space by sale or
 39 otherwise, without first offering to dedicate the common open space to the city or
 40 county. That offer to dedicate the common open space must be accepted or rejected
 41 within 120 days.

42 **Sec. 7.** NRS 278A.220 is hereby amended to read as follows:

43 278A.220 1. An ordinance enacted pursuant to this chapter must set forth
 44 the standards and criteria by which the design, bulk and location of buildings is
 45 evaluated, and all standards and all criteria for any feature of a planned unit
 46 development must be set forth in that ordinance with sufficient certainty to provide
 47 ~~{work}~~ criteria by which specific proposals for a planned unit development can be
 48 evaluated.

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

1 **Sec. 8.** NRS 278A.250 is hereby amended to read as follows:

2 278A.250 The minimum site area is 5 acres ~~[-, except that]~~ *unless* the
3 governing body ~~[may waive this minimum when proper planning justification is~~
4 ~~shown.]~~ *provides otherwise in the ordinance.*

5 **Sec. 9.** NRS 278A.320 is hereby amended to read as follows:

6 278A.320 A minimum of one parking space shall be provided for each
7 dwelling unit ~~[-]~~ *unless the governing body provides otherwise in the ordinance.*

8 **Sec. 10.** NRS 278A.380 is hereby amended to read as follows:

9 278A.380 1. The enforcement and modification of the ~~[provisions of the]~~
10 plan as *finally* approved, whether or not ~~[these are]~~ *the plan is* recorded by plat,
11 covenant, easement or otherwise, are subject to *the ordinance adopted pursuant to*
12 *this chapter and* the provisions contained in NRS 278A.390, 278A.400 and
13 278A.410.

14 2. ~~[The enforcement and modification of the provisions of the plan must be to~~
15 ~~further the mutual interest of the residents and owners of the planned unit~~
16 ~~development and of the public in the preservation of the integrity of the plan as~~
17 ~~finally approved.]~~ The enforcement and modification of ~~[provisions]~~ *the plan* must
18 ~~[be drawn also to insure that modifications, if any, in the plan will]~~ not impair the
19 reasonable reliance of the residents and owners upon the ~~[provisions of the]~~ plan or
20 result in changes that would adversely affect the public interest.

21 **Sec. 11.** ~~[NRS 278A.390 is hereby amended to read as follows:~~

22 ~~278A.390 1. The provisions of the plan relating to:~~

23 ~~[1.] (a) The use of land and the use, bulk and location of buildings and~~
24 ~~structures;~~

25 ~~[2.] (b) The quantity and location of common open space;~~

26 ~~[3.] (c) The intensity of use or the density of residential units; and~~

27 ~~[4.] (d) The ratio of residential to nonresidential uses,~~

28 ~~— must run in favor of the city or county and are enforceable in law by the city or~~
29 ~~county, without limitation on any powers of regulation of the city or county.~~

30 ~~2. Any other provision of the plan not set forth in subsection 1 may be~~
31 ~~enforced by the city or county only as provided in the ordinance enacted pursuant~~
32 ~~to this chapter.] (Deleted by amendment.)~~

33 **Sec. 12.** ~~[NRS 278A.400 is hereby amended to read as follows:~~

34 ~~278A.400 1. All provisions of the plan shall run in favor of the residents of~~
35 ~~the planned unit residential development, but only to the extent expressly provided~~
36 ~~in the plan and in accordance with the terms of the plan and to that extent such~~
37 ~~provisions, whether recorded by plat, covenant, easement or otherwise, may be~~
38 ~~enforced at law or equity by the residents acting individually, jointly or through an~~
39 ~~organization designated in the plan to act on their behalf.~~

40 ~~2. No provision of the plan exists in favor of residents on the planned unit~~
41 ~~residential development except as to those portions of the plan which have been~~
42 ~~[finally] approved and have been recorded.] (Deleted by amendment.)~~

43 **Sec. 13.** NRS 278A.410 is hereby amended to read as follows:

44 278A.410 All provisions of the plan authorized to be enforced by the city or
45 county may be modified, removed or released by the city or county, except grants
46 or easements relating to the service or equipment of a public utility unless expressly
47 consented to by the public utility, subject to the following conditions:

48 1. No such modification, removal or release of the provisions of the plan by
49 the city or county may affect the rights of the residents of the planned unit
50 residential development to maintain and enforce those provisions.

51 2. ~~[No]~~ *Except as otherwise provided in subsection 3, no* modification,
52 removal or release of the provisions of the plan by the city or county is permitted

1 except upon a finding by the city or county, following a public hearing , that ~~it~~
 2 **the modification, removal or release:**

3 (a) ~~Is consistent with the efficient development and preservation of the entire~~
 4 ~~planned unit development;~~

5 ~~(b)~~ Does not adversely affect either the enjoyment of land within, abutting
 6 upon or across a street from the planned unit development or the public interest;
 7 and

8 ~~(c)~~ (b) Is not granted solely to confer a private benefit upon any person.

9 **3. A city or county may approve a modification, removal or release of the**
 10 **provisions of a plan without a public hearing upon application by or on behalf of**
 11 **a landowner to modify, remove or release the provisions of the plan if ~~the~~ :**

12 **(a) The plan does not include any residential development;**

13 **(b) The modification, removal or release does not propose to add any new**
 14 **residential development; and**

15 **(c) The city or county determines that such modification, removal or release**
 16 **substantially :**

17 **(1) Is minor in nature, as defined in the ordinance;**

18 **(2) Substantially complies with the ~~approved~~ plan ~~it~~ ; and**

19 **(3) Does not require the vacation or abandonment of any street, public**
 20 **sidewalk, pedestrian right of way or drainage easement.**

21 **Sec. 14.** NRS 278A.430 is hereby amended to read as follows:

22 278A.430 **1.** In order to provide an expeditious method for processing a
 23 plan for a planned unit development under the terms of an ordinance enacted
 24 pursuant to the powers granted under this chapter, and to avoid the delay and
 25 uncertainty which would arise if it were necessary to secure approval by a
 26 multiplicity of local procedures of a plat or subdivision or resubdivision, as well as
 27 approval of a change in the zoning regulations otherwise applicable to the property,
 28 it is hereby declared to be in the public interest that all procedures with respect to
 29 the approval or disapproval of a planned unit development and its continuing
 30 administration must be consistent with the provisions set out in **this section and**
 31 **NRS 278A.440 to 278A.590, inclusive.**

32 **2. Unless otherwise provided in the ordinance, a tentative approval of the**
 33 **plan for a planned unit development is not required. ~~The~~ If the ordinance ~~may~~**
 34 **include a procedure for granting requires both tentative and final approval ~~that~~**
 35 **is subject to compliance, the city or county shall comply with ~~further~~ the**
 36 **procedures ~~in order to obtain~~ set forth in this section and NRS 278A.440 to**
 37 **278A.590, inclusive, for granting tentative approval and final ~~administrative~~**
 38 **approval of the plan.**

39 **Sec. 15.** NRS 278A.440 is hereby amended to read as follows:

40 278A.440 An application for **tentative or final** approval of the plan for a
 41 planned unit development must be filed by or on behalf of the landowner.

42 **Sec. 16.** NRS 278A.450 is hereby amended to read as follows:

43 278A.450 **1.** The ~~ordinance enacted pursuant to this chapter must designate~~
 44 ~~the~~ form of the application for **tentative or final** approval ~~the fee for filing the~~
 45 ~~application~~ and the official of the city or county with whom the application is to be
 46 filed ~~it~~ must be:

47 **(a) Set forth in the ordinance enacted pursuant to this chapter; or**

48 **(b) Published and made publicly available by the city or county.**

49 **2. The fee for filing the application must be ~~set~~ :**

50 **(a) Set forth in the ordinance enacted pursuant to this chapter ~~it~~ ; or**

51 **(b) Published and made publicly available by the city or county.**

52 **3. ~~The~~ If the ordinance requires both tentative and final approval, the**
 53 application for **tentative** approval may include a tentative map. If a tentative map is

1 included, tentative approval may not be granted pursuant to NRS 278A.490 until
 2 the tentative map has been submitted for review and comment by the agencies
 3 specified in NRS 278.335.

4 **Sec. 17.** NRS 278A.470 is hereby amended to read as follows:

5 278A.470 The ordinance may require such information in the application as is
 6 reasonably necessary to disclose to the city or county:

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

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

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

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

14 5. The ratio of residential to nonresidential use.

15 6. The feasibility of proposals for disposition of sanitary waste and storm
 16 water.

17 7. The substance of covenants, grants or easements or other restrictions
 18 proposed to be imposed upon the use of the land, buildings and structures,
 19 including proposed easements or grants for public utilities.

20 8. The provisions for parking of vehicles and the location and width of
 21 proposed streets and public ways.

22 9. The required modifications in the municipal land use regulations otherwise
 23 applicable to the subject property.

24 10. In the case of plans which call for development over a period of years, a
 25 schedule showing the proposed times within which additional applications for
 26 ~~final~~ approval of all sections of the planned unit development are intended to be
 27 filed.

28 **Sec. 18.** NRS 278A.490 is hereby amended to read as follows:

29 278A.490 The city or county shall, following the conclusion of the public
 30 hearing provided for in NRS 278A.480 ~~[-, by minute action-]~~ :

31 1. Grant tentative or final approval of the plan as submitted;

32 2. Grant tentative or final approval subject to specified conditions not
 33 included in the plan as submitted; or

34 3. Deny tentative or final approval to the plan.

35 ↪ If tentative or final approval is granted, with regard to the plan as submitted or
 36 with regard to the plan with conditions, the city or county ~~shall~~ may, as part of its
 37 action, specify the drawings, specifications and form of performance bond that shall
 38 accompany an application for final approval [-] or be included in the approved
 39 plan.

40 **Sec. 19.** NRS 278A.500 is hereby amended to read as follows:

41 278A.500 The grant or denial of tentative or final approval by minute action
 42 must set forth

43 ~~1. Be in writing;~~

44 ~~2. Set forth the reasons for the grant, with or without conditions, or for the~~
 45 ~~denial, and the minutes must set forth with particularity in what respects [-] and~~

46 ~~3. Include a detailed explanation of the reasons that} the plan would or~~
 47 ~~would not be in the public interest, including but not limited to }which may~~
 48 ~~include, without limitation,} findings on the following:~~

49 ~~1. (a)} In what respects the plan is or is not consistent with {the} :~~

50 ~~(a) The statement of objectives of a planned unit development [-]; and~~

51 ~~(b) The master plan adopted pursuant to NRS 278.150.~~

52 ~~2. (b)} The extent to which the plan departs from zoning and subdivision~~
 53 ~~regulations otherwise applicable to the property, including but not limited to~~

1 density, bulk and use, and the reasons why these departures are or are not deemed
2 to be in the public interest.

3 ~~3. (c)~~ The ratio of residential to nonresidential use in the planned unit
4 development.

5 ~~4. (d)~~ The purpose, location and amount of the common open space in the
6 planned unit development, the reliability of the proposals for maintenance and
7 conservation of the common open space, and the adequacy or inadequacy of the
8 amount and purpose of the common open space as related to the proposed density
9 and type of residential development.

10 ~~5. (e)~~ The physical design of the plan and the manner in which the design
11 does or does not make adequate provision for public services, provide adequate
12 control over vehicular traffic, and further the amenities of light and air, recreation
13 and visual enjoyment.

14 ~~6. (f)~~ The relationship, beneficial or adverse, of the proposed planned unit
15 development to the neighborhood in which it is proposed to be established.

16 ~~7. (g)~~ In the case of a plan which proposes development over a period of
17 years, the sufficiency of the terms and conditions intended to protect the interests of
18 the public, residents and owners of the planned unit development in the integrity of
19 the plan.

20 **Sec. 20.** NRS 278A.520 is hereby amended to read as follows:

21 278A.520 1. A copy of the minutes ~~grant or denial of approval that is~~
22 ~~prepared pursuant to NRS 278.500~~ must be mailed to the landowner.

23 2. Tentative approval of a plan does not qualify a plat of the planned unit
24 development for recording or authorize development or the issuance of any
25 building permits. A plan which has been given tentative approval as submitted, or
26 which has been given tentative approval with conditions which have been accepted
27 by the landowner, may not be modified, revoked or otherwise impaired by action of
28 the city or county pending an application for final approval, without the consent of
29 the landowner. Impairment by action of the city or county is not stayed if an
30 application for final approval has not been filed, or in the case of development over
31 a period of years applications for approval of the several parts have not been filed,
32 within the time specified in the minutes granting tentative approval.

33 ~~3. [The tentative approval must be approved] Before a plan is recorded or, if the~~
34 ~~ordinance requires both tentative and final approval, before final approval of the~~
35 ~~plan is granted, approval of a plan may~~ be revoked and ~~[the portion of]~~ the area
36 included in the plan ~~[for which final approval has not been given]~~ is subject to local
37 ordinances if:

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

40 (b) The landowner fails to file application for the final approval or record the
41 plan within the ~~required~~ time ~~[]~~ required by the ordinance enacted by the city or
42 county.

43 **Sec. 21.** NRS 278A.570 is hereby amended to read as follows:

44 278A.570 1. A plan which has been given final approval ~~approved~~ by the
45 city or county ~~[]~~ must be certified without delay by the city or county and filed of
46 record in the office of the appropriate county recorder before any development
47 occurs in accordance with that plan. A county recorder shall not file for record any
48 final plan unless it includes:

49 (a) A final map of the entire final plan or an identifiable phase of the final plan
50 if required by the provisions of NRS 278.010 to 278.630, inclusive;

51 (b) The certifications required pursuant to NRS 116.2109; and

52 (c) The same certificates of approval as are required under NRS 278.377 or
53 evidence that:

1 (1) The approvals were requested more than 30 days before the date on
2 which the request for filing is made; and

3 (2) The agency has not refused its approval.

4 2. Except as otherwise provided in this subsection, after the plan is recorded,
5 the zoning and subdivision regulations otherwise applicable to the land included in
6 the plan cease to apply. If the development is completed in identifiable phases, then
7 each phase can be recorded. The zoning and subdivision regulations cease to apply
8 after the recording of each phase to the extent necessary to allow development of
9 that phase.

10 3. Pending completion of the planned unit development, or of the part that has
11 been finally approved, no modification of the provisions of the plan, or any part
12 finally approved, may be made, nor may it be impaired by any act of the city or
13 county except with the consent of [the landowner.] any landowners affected by the
14 modification and in accordance with the provisions of NRS 278A.410.

15 4. For the recording or filing of any final map, plat or plan, the county
16 recorder shall collect a fee of \$50 for the first sheet of the map, plat or plan plus
17 \$10 for each additional sheet. The fee must be deposited in the general fund of the
18 county where it is collected.

19 **Sec. 22.** ~~[NRS 278A.580 is hereby amended to read as follows:~~

20 ~~— 278A.580 — No further development may take place on the property included in~~
21 ~~the plan until the property is resubdivided and is reclassified by an enactment of an~~
22 ~~amendment to the zoning ordinance if:~~

23 ~~— 1. The plan, or a section thereof, is given approval and, thereafter, the~~
24 ~~landowner abandons the plan or the section thereof as [finally] approved and gives~~
25 ~~written notification thereof to the city or county; or~~

26 ~~— 2. The landowner fails to carry out the planned unit development within the~~
27 ~~specified period of time after [the final] approval has been granted.] (Deleted by~~
28 ~~amendment.)~~

29 **Sec. 23.** ~~[NRS 278A.590 is hereby amended to read as follows:~~

30 ~~— 278A.590 — 1. Any decision of the city or county under this chapter granting~~
31 ~~or denying [tentative or final] approval of the plan or authorizing or refusing to~~
32 ~~authorize a modification in a plan is a final administrative decision and is subject to~~
33 ~~judicial review in properly presented cases.~~

34 ~~— 2. No action or proceeding may be commenced for the purpose of seeking~~
35 ~~judicial relief or review from or with respect to any final action, decision or order of~~
36 ~~any city, county or other governing body authorized by this chapter unless the~~
37 ~~action or proceeding is commenced within 25 days after the date of filing of notice~~
38 ~~of the final action, decision or order with the clerk or secretary of the governing~~
39 ~~body.] (Deleted by amendment.)~~

40 **Sec. 24.** ~~[NRS 278A.510, 278A.530, 278A.540, 278A.550 and 278A.560 are~~
41 ~~hereby repealed.] (Deleted by amendment.)~~

42 **Sec. 25.** This act becomes effective on July 1, 2021.

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LEADLINES OF REPEALED SECTIONS

~~— 278A.510 — Minute order: Specification of time for filing application for final approval.~~

~~— 278A.530 — Application for final approval; public hearing not required if substantial compliance with plan tentatively approved.~~

~~278A.540 What constitutes substantial compliance with plan tentatively approved.~~

~~278A.550 Plan not in substantial compliance: Alternative procedures; public hearing; final action.~~

~~278A.560 Action brought upon failure of city or county to grant or deny final approval.]~~