

CHAPTER 19

SUBDIVISION OF LAND

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Definitions; General Provisions

19.010 Definitions.

Except where the context otherwise requires, the definitions given in section 19.020 to 19.110, inclusive, govern the construction of this chapter. (Part Sec. 3, Ord. No. 113)

19.020 "City Council" defined.

"City Council" means the City Council of the City of Lovelock, Nevada.(Part Sec. 3, Ord. No. 113)

19.030 "City Engineer" defined.

"City Engineer" means the City Engineer of the City of Lovelock, Nevada.
(Part Sec. 3, Ord. No. 113)

19.040 "Final Map" defined.

"Final Map" means a map prepared in accordance with the provisions of chapter 278 of NRS and the provisions of this chapter. (Part Sec. 3, Ord. No. 113)

19.050 "Lot" defined.

"Lot" means and includes any distinct parcel or portion of real property divided with the intent for transfer of ownership or for building purposes. (Part Sec. 3, Ord. No. 113)

19.060 "Owner" defined.

"Owner" means the individual, firm, association, syndicate or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under the provisions of this chapter. (Part Sec. 3, Ord. No. 113)

19.070 "Planning Commission" defined.

"Planning Commission" means the City Planning Commission created and existing pursuant to the provisions of chapter 17 of the Lovelock Municipal Code. (Part Sec. 3, Ord. No. 113)

19.080 "Print" defined.

"Print" means and includes a blueprint, Photostat, direct process print or other copy which reproduces exactly the original drawing from which it is made. (Part Sec. 3, Ord. No. 113)

19.090 "Shall", "May" defined.

"Shall" is mandatory; "May" is permissive. (Part Sec. 3, Ord. No. 113)

19.100 "Subdivision" defined.

"Subdivision" refers to any land or portion thereof subject to the provisions of NRS 278.010 to 278.610, inclusive, and as further defined by NRS 278.320. (Part Sec. 3, Ord. No. 113)

19.110 "Tentative Map" defined.

"Tentative Map" means a map made for the purpose of showing the design of a proposed subdivision and need not be based upon an accurate final survey. (Part Sec. 3, Ord. No. 113)

19.120 Purpose, scope and authority.

1. The purposes of this chapter are to safeguard the public health, safety and general welfare by establishing minimum standards of design and development for any subdivision platted in the City after August 1965.

2. The regulations set forth in this chapter are authorized by chapter 278 of NRS.
(Sec. 1, Ord. No. 113)

19.130 General Considerations.

1. When strict conformance to the requirements of this chapter is impracticable or impossible, the Planning Commission may allow modifications which are not in violation of the spirit and purpose of this chapter. In such cases the Planning Commission shall submit with the report

on the approved tentative plat a report in writing to the City Council stating in detail the nature of each such modification and the facts pertinent thereto.

2. If the name of any street or highway is duplicated elsewhere or by reason of spelling or pronunciation is likely to cause confusion or uncertainty, another name shall be substituted. The continuation of every existing or dedicated street or highway shall bear the name of the street or highway so continued.

3. Dedications for watercourse channels, streams or creeks may be required and the dedication of land for park, recreation, school or other public purpose in an amount and location consistent with the proposed character and location of such subdivision may be required as a condition precedent to tentative plat approval. (Sec. 2, Ord. No. 113)

Tentative Maps

19.140 Prints, restrictive covenants filed with Planning Commission; reference report on tentative plat.

1. The sub divider (owner) shall file with the Planning Commission at least 10 days prior to the Planning Commission's regular meeting date:

- (a) Three prints of any proposed tentative plat; and
- (b) One copy of any document containing proposed restrictive covenants.

2. Within 5 days from the date of filing, the Planning Commission shall transmit one print of the proposed tentative plat to the City Engineer and to any other public agency which may be affected by the proposed subdivision. The City Engineer and such other public agencies shall have 5 days in which to review the referred tentative plat and shall report to the Planning Commission not less than 5 days prior to the Planning Commission's next regular meeting. (Part Sec. 4, Ord. No. 113)

19.150 Findings, recommendations of Planning Commission; disapproval, conditional approval of tentative map.

1. The Planning Commission shall:

- (a) Consider all the evidence as represented by the sub divider and others.
- (b) Make such findings relative to the tentative map as are not inconsistent with the laws of the State of Nevada or the Lovelock Municipal Code.
- (c) Transmit such findings as recommendations to the City Council within 60 days from the date of filing of the tentative map with the Planning.

2. The Planning Commission shall disapprove or conditionally approve the tentative plat if:

- (a) Any proposed use of property within the subdivision is made unlawful by the Lovelock Municipal Code or State Statute; or
- (b) The tentative plat does not disclose full compliance with the Lovelock Municipal Code or State Statute.

3. If the tentative map is disapproved or conditionally approved, the Planning Commission shall return to the sub divider one copy of the map with a statement of the reason for its action and a statement of what changes would be necessary to render the map acceptable.

(Part Sec. 4, Ord. No. 113)

19.160 Dissatisfied sub divider may appear before the Planning Commission, appeal to the City Council.

If a sub divider is dissatisfied with the report of the Planning Commission, he may appear before the Planning Commission at its next regular meeting and present any matters relating

to the subdivision or to the report of the Planning Commission to the City Council. If there is still dissatisfaction, he may then appeal the report directly to the City Council.

(Part Sec. 4, Ord. No. 113)

19.170 Approval of tentative plat does not guarantee final map approval.

Approval and recommendation of the Planning Commission of a tentative plat imposes no obligation on the part of the Planning Commission or the City Council to approve the final map or accept any public dedications shown thereon. (Part Sec. 4, Ord. No. 113)

19.180 Tentative Plats: Requirements.

Every tentative plat or the application accompanying the map shall show the following data and information:

1. Subdivision designation suitable to the City Engineer.
2. Name and address of the sub divider and the surveyor or Engineer who prepared the map, together with his certificate of registration serial number issued by the State Board of Registered Professional Engineers.
3. A legal description sufficient to define the boundaries of the subdivision and evidence of ownership of the property to be subdivided.
4. The location, names and widths of all adjoining highways, streets and way.
5. The width of right-of-way, proposed name and approximate grade of each street, highway, alley or way within the proposed subdivision.
6. The width and approximate location of all existing or proposed easements, public or private, for roads, drainage, sewers, irrigation or public utility purposes and dedications for park, recreation, school or other public purposes.
7. If other subdivision adjoin, that portion thereof which so adjoins, showing the streets therein with relation to the streets of the proposed subdivision.
8. Lot lines, approximate dimensions and proposed use of each lot and public area.
9. Source of water supply and proposed method of sewage disposal with certified approval of the health division of the Department of Human Resources if necessary.
10. All blocks shall be numbered and all lots shall be numbered (or lettered) consecutively. No lot shall be divided by a City boundary line.
11. If any portion of the land within the boundary of the proposed subdivision is subject to inundation or storm water overflow, that fact and the land so affected shall be clearly shown on the map by a prominent note on each watercourse within the boundaries of the subject area.
12. Approximate contours at 5-foot intervals or at 2-foot intervals where in the opinion of the City Engineer or the Planning Commission topography is a major factor in the subdivision design.
13. Date, north point, scale and number of sheets in relation to total sheets.

14. The location and outline to scale of each existing building or structure which is not to be moved in the development.

15. The setback distance (that distance between the right-of-way of the street and the nearest part of the proposed structures to that right-of-way). (Sec. 5, Ord. No. 113)

Design Requirements

19.190 Design Requirements.

1. Each street and highway shall conform in width and alignment to the specifications contained in the master plan of streets and highways as may hereafter be adopted, and all subdivisions shall in all other particulars conform in design and land use to such other plans as may be adopted by the City.

2. Whenever any street or highway is proposed requiring a separation of grades or any special form of intersection, the subdivision shall be so designed to conform to the plan of intersection and all lots shall be provided with suitable access elsewhere. Any street or highway intersecting any other street or highway shall do so at an angle as nearly a right angle as practicable.

3. No center line curve radius of less than 100 feet shall be provided on any street which is not shown on the master plan of streets and highways as having a lesser radius, and all reverse or compound curves shall be separated by a tangent of 100 feet or more.

4. Maximum lengths of cul-de-sac (dead end) streets shall be 400 feet with a minimum radius turnaround of 45 feet with a road surface minimum of 35 feet.

5. Alleys of not less than 20 feet in width may be provided and shall be provided at the rear or along one side of all lots to be used for multiple residence or commercial purposes.

6. Each street and highway, other than one shown and determined on the master plan of streets and highways, shall conform to the following minimum requirements:

(a) Entrance or collector streets and local streets serving lots used for other than single-family dwelling purposes or local streets serving more than 50 single-family lots shall have a dedicated right-of-way not less than 60 feet and be improved to a width of not less than 40 feet curb back to curb back.

(b) Local streets designed to restrict any further possibility of serving more than 50 single-family lots shall have a dedicated right-of-way of not less than 50 feet with an improved section of not less than 36 feet curb back to curb back.

7. No street or highway shall have a grade of more than 6 percent unless shown on the master plan of streets and highways to have a greater grade.

8. At each street intersection, the curb line at each block corner shall be rounded by a curve having a radius of not less than 12 feet for right angle corners.

9. Reserve strips of land controlling access to or egress from other adjacent property or to or from any street or highway shall not be permitted.

10. Sufficient information and design shall be provided in the form of maps and profiles to indicate proper drainage of surface waters to natural drainage courses or into a developed system.

11. The minimum width of residential lots shall be 60 feet, except those platted and recorded prior to August 1965. Lots located at the end of a cul-de-sac or on a curved street may have a minimum width at front property line of not less than 30 feet, providing that the average width shall be not less than 60 feet.

12. Sewerage collection shall comply with State regulations and the Lovelock Municipal Code, shall be approved by the City Engineer and shall conform to all general and accepted standards and specifications. Sewer lines shall be installed to provide laterals extending to each lot of a minimum 4-inch pipe diameter with a minimum velocity of 2 feet per second with an 8-inch diameter. (Sec. 6, Ord. No. 113)

Final Maps

19.200 Final Map: Procedures.

1. Not less than 15 days prior to the filing of any final map with the City Council, the sub divider shall submit the original proposed final map and two prints to the City Engineer, who shall check such map as to accuracy of dimensions, placing of monuments, establishment of survey records and conformance to the approved tentative plat.

2. Monuments shall be:

- (a) Set at or near all boundary corners and at intermediate points approximately 1,000 feet or at lesser distance if topographical conditions warrant; and
- (b) Permanently and visibly marked or tagged with the registration and license number of the Engineer or Surveyor under whose supervision the survey was made.

3. A description of each monument to be set subsequent to recordation shall be shown on the final map. The sub divider shall set monuments either at street intersections or by reference thereto and at the beginning and end of each curve unless particular conditions require an alternate setting. All such monuments shall be subject to inspection by the City Engineer.

4. The minimum allowable error of closure shall be 1/10,000. Temperature and tension corrections shall be applied to all measured distance in conformance with the standards adopted by the Federal Bureau of Surveys and Maps in May 1925. One corner of each survey shall be tied into the State Coordinate system and coordinates noted on the final plat. (Sec. 7, Ord. No. 113)

19.210 Final Map: Requirements.

1. The final map shall be drawn with black waterproof india ink on tracing cloth of good quality, although affidavits, certificates and acknowledgments may be legibly stamped or printed with opaque ink. The size of each sheet shall be 24 inches by 32 inches, upon which a marginal line shall be drawn completely around each sheet, leaving an entirely black margin of 1 inch at top, bottom and right edges and a 2-inch margin at the left edge along the 24-inch dimension.

2. Each final map shall show all data required for the tentative map except contour lines, position of buildings, relationship to streets and ways beyond the area shown on the map and proposed use of lots, and shall contain the following additional information and data:

- (a) All dedicated rights-of-way adjacent to, terminating on or entering into the area being subdivided shall be shown by name and broken line.
- (b) Bearing and length of all lines and the radius, control, angle length curve and tangent of curve for all curved lines and the center line of each street, alley or way indicating the width of each side of the center line and the width to be dedicated. Each lot shall be numbered and each street named. The exterior boundary of the land for subdivision shall be shown by a colored border and all elements definitely established by both bearing and distance.
- (c) The length and bearing of each block line, lot and boundary line, each with boundary crossing or adjoining the subdivision and adequate ties to monuments set or found within the subdivision.
- (d) A certificate of title or policy of title insurance issued by a title insurance company licensed by the State of Nevada, or an abstractor commissioned by the State of Nevada, that the map has been examined and that the subdivider offering the map is the owner of all lands so delineated, with the exception of dedicated streets or highways shown to be abutting the land so shown.
- (e) If any portion of the land within the boundaries of a final map is subject to inundation or flood hazard by storm waters, a prominent note showing that fact and clearly showing the land so affected. (Sec. 8, Ord. No. 113)

19.220 Final Map: Approval by City Council; required checking fee; recording of map.

1. Upon completion and checking by the City Engineer of the final map, the original and two copies shall be presented to the City Council for final approval. The City Council shall retain the original and transmit one print to the City Engineer and one print to the Planning Commission for final check. If either the City Engineer or the Planning Commission finds that the final map does not comply with the law as to all matters under his or its jurisdiction, each shall make a report to that effect in writing to the City Council. If no such report is transmitted within 5 days from the receipt of the final print, the City Council may forthwith approve the same by affixing an affidavit and directing that the final map be recorded in the office of the County Recorder or Pershing County, Nevada.
2. The City Council shall refuse final map approval when a report of error is made or until the time limit expires, and shall continue to refuse to approve until all deficiencies are resolved.
3. In addition to the other fees and charges required by law, the sub divider shall pay a checking fee of \$25. for each lot shown on the final map. Such fee shall be payable at the time the final map is presented for checking to the City Engineer.
4. Upon City Council approval and affidavit, the map shall be recorded in the Office of the County Recorder of Pershing County, Nevada, and the County Recorder shall not record until the affidavit is affixed as set forth in this section. (Sec. 9, Ord. No. 113)

19.230 Improvements at expense of subdivider; agreement with City.

1. The sub divider shall agree to improve at his own expense, within a stated time, all lands dedicated on the final map with the following improvements:
 - (a) All grading, drainage and rough gravel to grade.
 - (b) Installation to grade in locations as shown and to a depth and of a material as specified all sanitary and surface water drains together with manholes, materials and catch basins.
 - (c) Construction of adequate and permanent culverts, bridges and other structures as required.

(d) Installation of all fire hydrants of such size and location as designated by appropriate fire-protection authority.

(e) Provision of all street signs and street lights as required.

2. Trunk line sewers, channels for general flood-control purposes and improvements not solely for the benefit of the subdivision and full improvement for those routes shown on the master plan of streets and highways are not required by this section unless included in the sub divider's agreement. If greater than normal right-of-way improvement is required, the sub divider shall be responsible for only the installation of that portion of the right-of-way which would normally be charged to him. (Sec. 10, Ord. No. 113)

19.240 Bond guaranteeing completion of improvements; inspection of work; inspection costs.

1. Each agreement made by the sub divider shall be accompanied by a faithful performance bond or other satisfactory indication of completion guarantee insuring the faithful performance of all work. The sum of the bond shall be a sum which in the opinion of the City Council equals the cost of the improvements agreed to. If any sub divider fails to complete any improvement as agreed to required within a certain time specified, the City Council may cause the bond to be forfeited in the amount necessary to finish the uncompleted portion of the work.

2. All improvements to be made under the provisions of this chapter shall be inspected continuously during the course of construction by the City Engineer or other competent person supplied by the sub divider and approved by the City Engineer. Before commencing any work, the sub divider shall deposit with the City Engineer a sum which the City Engineer estimates as necessary to cover the inspection cost of all improvement under his jurisdiction. If there is a surplus at the end of work, such surplus will be refunded; if there is a shortage, the sub divider will be required to defray the same. (Sec. 11, Ord. No. 113)

Penalties

19.250 Penalties.

Any person violating the provisions of this chapter is guilty of a misdemeanor, and shall upon conviction thereof be punished as provided in section 35.010 (Sec. 13, Ord. No. 113)