

NEVADA DEVELOPMENT AGREEMENTS LAW

§ 278.0201. Agreement with governing body concerning development of land: Applicability of ordinances, resolutions and regulations adopted after agreement made; restrictions on subsequent action by governing body.

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

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

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

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

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

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

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

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

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

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

§ 278.0207. Agreement with governing body concerning development of land: Recording of certified copy of ordinance adopting agreement.

A certified copy of any local ordinance adopting the agreement for the development of property and any amendments thereto must be recorded in the office of the county recorder or the recorder of Carson City.

FLORIDA APPROVAL FREEZE PROVISION

§ 163.3233. Local laws and policies governing a development agreement

(1) The local government's laws and policies governing the development of the land at the time of the execution of the development agreement shall govern the development of the land for the duration of the development agreement.

(2) A local government may apply subsequently adopted laws and policies to a development that is subject to a development agreement only if the local government has held a public hearing and determined:

(a) They are not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities, or densities in the development agreement;

(b) They are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a development agreement;

(c) They are specifically anticipated and provided for in the development agreement;

(d) The local government demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement; or

(e) The development agreement is based on substantially inaccurate information

supplied by the developer.

(3) This section does not abrogate any rights that may vest pursuant to common law.