

SENATE BILL NO. 327—SENATOR KIECKHEFER

MARCH 18, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to land use planning.
(BDR 22-883)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; defining “residential dwelling unit”; authorizing the governing body of a county or city to provide for the division of land into five or more lots in an ordinance for planned unit development; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes procedures for the governing body of a city or county
2 to include when enacting an ordinance for a proposed planned unit development.
3 (NRS 278A.440-278A.590) **Section 8** of this bill authorizes a governing body of a
4 county or city that enacts an ordinance for a proposed planned unit development to
5 provide for the division of land within the planned unit development into five
6 or more lots pursuant to a tentative and final map for land zoned for industrial or
7 commercial development or a parcel map for the division of land for transfer or
8 development. **Section 8** requires such an ordinance to prohibit the development of a
9 residential dwelling unit within such a planned unit development unless the lot that
10 will be developed with the residential dwelling unit is further subdivided in
11 accordance with certain existing requirements for the subdivision of land.

12 **Section 8** further provides that a tentative map to further subdivide land for the
13 development of residential dwelling units may be submitted and processed by the
14 governing body at the same time as a tentative map or parcel map for the division
15 of land. **Sections 1 and 15** of this bill make conforming changes.

16 **Section 4** of this bill defines the term “residential dwelling unit.”



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

1 **Section 1.** NRS 278.461 is hereby amended to read as follows:

2 278.461 1. Except as otherwise provided in this section **[4]**
3 **and section 8 of this act**, a person who proposes to divide any land
4 for transfer or development into four lots or less shall:

5 (a) Prepare a parcel map and file the number of copies, as
6 required by local ordinance, of the parcel map with the planning
7 commission or its designated representative or, if there is no
8 planning commission, with the clerk of the governing body; and

9 (b) Pay a filing fee in an amount determined by the governing
10 body,

11 ↳ unless those requirements are waived or the provisions of NRS
12 278.471 to 278.4725, inclusive, apply. The map must be
13 accompanied by a written statement signed by the treasurer of the
14 county in which the land to be divided is located indicating that all
15 property taxes on the land for the fiscal year have been paid, and by
16 the affidavit of the person who proposes to divide the land stating
17 that the person will make provision for the payment of the tax
18 imposed by chapter 375 of NRS and for compliance with the
19 disclosure and recording requirements of subsection 5 of NRS
20 598.0923, if applicable, by the person who proposes to divide the
21 land or any successor in interest.

22 2. In addition to any other requirement set forth in this section,
23 a person who is required to prepare a parcel map pursuant to
24 subsection 1 shall provide a copy of the parcel map to the Division
25 of Water Resources of the State Department of Conservation and
26 Natural Resources and obtain a certificate from the Division
27 indicating that the parcel map is approved as to the quantity of water
28 available for use if:

29 (a) Any parcel included in the parcel map:

30 (1) Is within or partially within a basin designated by the
31 State Engineer pursuant to NRS 534.120 for which the State
32 Engineer has issued an order requiring the approval of the parcel
33 map by the State Engineer; and

34 (2) Will be served by a domestic well; and

35 (b) The dedication of a right to appropriate water to ensure a
36 sufficient supply of water is not required by an applicable local
37 ordinance.

38 3. If the parcel map is submitted to the clerk of the governing
39 body, the clerk shall submit the parcel map to the governing body at
40 its next regular meeting.

41 4. A common-interest community consisting of four units or
42 less shall be deemed to be a division of land within the meaning of



1 this section, but need only comply with this section and NRS
2 278.371, 278.373 to 278.378, inclusive, 278.462, 278.464 and
3 278.466.

4 5. A parcel map is not required when the division is for the
5 express purpose of:

6 (a) The creation or realignment of a public right-of-way by a
7 public agency.

8 (b) The creation or realignment of an easement.

9 (c) An adjustment of the boundary line between two
10 abutting parcels or the transfer of land between two owners of
11 abutting parcels, which does not result in the creation of any
12 additional parcels, if such an adjustment is approved pursuant to
13 NRS 278.5692 and is made in compliance with the provisions of
14 NRS 278.5693.

15 (d) The purchase, transfer or development of space within an
16 apartment building or an industrial or commercial building.

17 (e) Carrying out an order of any court or dividing land as a
18 result of an operation of law.

19 6. A parcel map is not required for any of the following
20 transactions involving land:

21 (a) The creation of a lien, mortgage, deed of trust or any other
22 security instrument.

23 (b) The creation of a security or unit of interest in any
24 investment trust regulated under the laws of this State or any other
25 interest in an investment entity.

26 (c) Conveying an interest in oil, gas, minerals or building
27 materials, which is severed from the surface ownership of real
28 property.

29 (d) Conveying an interest in land acquired by the Department of
30 Transportation pursuant to chapter 408 of NRS.

31 (e) Filing a certificate of amendment pursuant to NRS 278.473.

32 7. When two or more separate lots, parcels, sites, units or plots
33 of land are purchased, they remain separate for the purposes of this
34 section and NRS 278.468, 278.590 and 278.630. When the lots,
35 parcels, sites, units or plots are resold or conveyed they are exempt
36 from the provisions of NRS 278.010 to 278.630, inclusive, until
37 further divided.

38 8. Unless a method of dividing land is adopted for the purpose
39 or would have the effect of evading this chapter, the provisions for
40 the division of land by a parcel map do not apply to a transaction
41 exempted by paragraph (c) of subsection 1 of NRS 278.320.



1 9. As used in this section, "domestic well" has the meaning
2 ascribed to it in NRS 534.350.

3 **Sec. 1.5.** Chapter 278A of NRS is hereby amended by adding
4 thereto the provisions set forth as sections 4 and 8 of this act.

5 **Sec. 2.** (Deleted by amendment.)

6 **Sec. 3.** (Deleted by amendment.)

7 **Sec. 4.** *"Residential dwelling unit" means a building, or a*
8 *portion of a building, planned, designed or used as a residence for*
9 *one family only, living independently of other families or persons,*
10 *and having its own bathroom and housekeeping facilities included*
11 *in the building or portion of the building. The term does not*
12 *include an apartment or any other building, or portion of a*
13 *building, planned, designed or used as a residence for more than*
14 *one family.*

15 **Sec. 5.** (Deleted by amendment.)

16 **Sec. 6.** (Deleted by amendment.)

17 **Sec. 7.** (Deleted by amendment.)

18 **Sec. 8.** *1. An ordinance enacted pursuant to this chapter*
19 *for a planned unit development may authorize the division of land*
20 *within the planned unit development for transfer or development*
21 *into five or more lots pursuant to:*

22 *(a) A tentative and final map for land zoned for industrial or*
23 *commercial development in accordance with the requirements of*
24 *NRS 278.325 and any other applicable requirements for such*
25 *tentative and final maps; or*

26 *(b) A parcel map in accordance with the requirements of NRS*
27 *278.461 to 278.469, inclusive.*

28 *2. If an ordinance for a planned unit development authorizes*
29 *the division of land pursuant to subsection 1, a residential*
30 *dwelling unit may not be constructed on a lot divided pursuant to*
31 *such an ordinance unless the lot is further subdivided in*
32 *accordance with the requirements of NRS 278.326 to 278.460,*
33 *inclusive.*

34 *3. If the governing body authorizes the division or subdivision*
35 *of land within a planned unit development pursuant to this*
36 *section, a landowner may submit a tentative map for the*
37 *subdivision of land into one or more residential dwelling units at*
38 *the same time a tentative map or a parcel map for the division of*
39 *land is submitted. The landowner must pay any applicable fees for*
40 *submitting such maps.*

41 **Sec. 9.** (Deleted by amendment.)

42 **Sec. 10.** (Deleted by amendment.)

43 **Sec. 11.** (Deleted by amendment.)

44 **Sec. 12.** (Deleted by amendment.)

45 **Sec. 13.** (Deleted by amendment.)



1 **Sec. 14.** (Deleted by amendment.)

2 **Sec. 15.** NRS 278A.030 is hereby amended to read as follows:
3 278A.030 As used in this chapter, unless the context otherwise
4 requires, the words and terms defined in NRS 278A.040 to
5 278A.070, inclusive, *and section 4 of this act*, have the meanings
6 ascribed to them in such sections.

7 **Sec. 15.5.** The amendatory provisions of this act do not apply
8 to any planned unit development for which the landowner has
9 initiated the process for obtaining approval from the city or county,
10 as applicable, before July 1, 2019, including, without limitation, by
11 filing an application for tentative approval of the plan for the
12 planned unit development.

13 **Sec. 16.** This act becomes effective on July 1, 2019.

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