

Amendment No. 564

Senate Amendment to Senate Bill No. 327 First Reprint	(BDR 22-883)
Proposed by: Senator Ratti	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 327 R1 (§ 8).

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.

ERS/HAC



Date: 4/20/2019

S.B. No. 327—Revises provisions relating to land use planning. (BDR 22-883)



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:

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

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

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:

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

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

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

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

1 ↳ unless those requirements are waived or the provisions of NRS 278.471 to
2 278.4725, inclusive, apply. The map must be accompanied by a written statement
3 signed by the treasurer of the county in which the land to be divided is located
4 indicating that all property taxes on the land for the fiscal year have been paid, and
5 by the affidavit of the person who proposes to divide the land stating that the person
6 will make provision for the payment of the tax imposed by chapter 375 of NRS and
7 for compliance with the disclosure and recording requirements of subsection 5 of
8 NRS 598.0923, if applicable, by the person who proposes to divide the land or any
9 successor in interest.

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

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

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

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

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

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

25 4. A common-interest community consisting of four units or less shall be
26 deemed to be a division of land within the meaning of this section, but need only
27 comply with this section and NRS 278.371, 278.373 to 278.378, inclusive, 278.462,
28 278.464 and 278.466.

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

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

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

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

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

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

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

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

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

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

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

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

52 7. When two or more separate lots, parcels, sites, units or plots of land are
53 purchased, they remain separate for the purposes of this section and NRS 278.468,

278.590 and 278.630. When the lots, parcels, sites, units or plots are resold or conveyed they are exempt from the provisions of NRS 278.010 to 278.630, inclusive, until further divided.

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

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

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

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

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

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

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

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

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

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

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

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. NRS 278A.030 is hereby amended to read as follows:

278A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 278A.040 to 278A.070, inclusive, *and section 4 of this act*, have the meanings ascribed to them in such sections.

Sec. 15.5. The amendatory provisions of this act do not apply to any planned unit development for which the landowner has initiated the process for obtaining approval from the city or county, as applicable, before July 1,

1 2019, including, without limitation, by filing an application for tentative
2 approval of the plan for the planned unit development.

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