

ASSEMBLY BILL NO. 427—ASSEMBLYMEN HETTRICK, KNECHT,
GIBBONS, ANGLE, BEERS, BROWN, GRADY, HARDY,
MABEY, MARVEL, SHERER AND WEBER

MARCH 17, 2003

Referred to Committee on Government Affairs

SUMMARY—Makes various changes with respect to requirements relating to land use that may be imposed by governing body. (BDR 22-1050)

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

~

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

AN ACT relating to land use planning; prohibiting a governing body from requiring that an owner of land dedicate real property or an interest therein as a condition precedent to the issuance of a building permit; setting forth certain exceptions; restricting the circumstances pursuant to which a governing body may impose certain requirements pertaining to land use; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 278 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 1. *Except as otherwise provided in subsection 2, a governing*
4 *body shall not require an owner of land to dedicate real property*
5 *or any interest in real property as a condition for the issuance of a*
6 *building permit.*
7 2. *The provisions of subsection 1 do not prohibit:*
8 (a) *A governing body from requiring, before the issuance of a*
9 *building permit, that an owner of land comply with any applicable*
10 *conditions of a discretionary approval, including, without*



* A B 4 2 7 R 1 *

1 *limitation, a special use permit, that has been granted previously;*
2 *or*

3 *(b) The application of any requirements that a governing body*
4 *imposes by ordinance with respect to a broad class of owners of*
5 *land.*

6 **Sec. 2.** NRS 278.010 is hereby amended to read as follows:

7 278.010 As used in NRS 278.010 to 278.630, inclusive, *and*
8 *section 1 of this act*, unless the context otherwise requires, the
9 words and terms defined in NRS 278.0105 to 278.0195, inclusive,
10 have the meanings ascribed to them in those sections.

11 **Sec. 3.** NRS 278.462 is hereby amended to read as follows:

12 278.462 The governing body or, if authorized by the governing
13 body, the planning commission or other authorized person:

14 1. May require street grading, drainage provisions and lot
15 designs as are reasonably necessary.

16 2. If it anticipates , *based upon duly adopted ordinances and*
17 *plans*, that the parcels will be used for residential, commercial or
18 industrial purposes, may require off-site access, street alignment,
19 surfacing and width, water quality, water supply and sewerage
20 provisions ~~as are reasonably~~ *only as* necessary and consistent with
21 the existing use of any land zoned for similar use which is within
22 660 feet of the proposed parcel. If the proposed parcels are less than
23 1 acre, the governing body or, if authorized by the governing body,
24 the planning commission or other authorized person may require
25 additional improvements which are reasonably necessary and
26 consistent with the use of the land if it is developed as proposed.

27 3. For a second or subsequent parcel map with respect to:

28 (a) A single parcel; or

29 (b) A contiguous tract of land under the same ownership,
30 may require any reasonable improvement, but not more than would
31 be required if the parcel were a subdivision.

32 **Sec. 4.** This act becomes effective on July 1, 2003.

