

ASSEMBLY BILL NO. 566—ASSEMBLYMEN THOMAS, GIUNCHIGLIANI, EVANS,
DE BRAGA, BUCKLEY, CHOWNING, MORTENSON, GOLDWATER, CLABORN,
ANDERSON, COLLINS, MANENDO, OHRENSCHALL, PRICE, LESLIE,
CARPENTER AND PARNELL

MARCH 15, 1999

Referred to Committee on Government Affairs

SUMMARY—Establishes provisions regarding traditional neighborhood developments.
(BDR 22-1336)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: 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; providing in skeleton form for the establishment of provisions regarding traditional neighborhood developments; establishing incentives for the construction of traditional neighborhood developments; 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 thereto
2 a new section to read as follows:
3 ***“Traditional neighborhood development” means a type of development***
4 ***in which a neighborhood is designed to include residential and***
5 ***commercial uses, schools, open space and places for the public to gather,***
6 ***all within an area that is designed to encourage pedestrian traffic and***
7 ***reduce vehicular traffic. The term includes, without limitation:***
8 1. ***Residential dwellings that are required to be constructed with:***
9 ***(a) A garage or carport at the rear of the unit; and***
10 ***(b) A front porch of such size and design as to be usable for the***
11 ***gathering or interaction of persons;***
12 2. ***Sidewalks and streets that are designed to be conducive to***
13 ***pedestrian traffic; and***
14 3. ***Streets that are narrow or otherwise designed to discourage heavy***
15 ***and rapid vehicular traffic.***

1 **Sec. 2.** NRS 278.010 is hereby amended to read as follows:
2 278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 1*
3 *of this act*, unless the context otherwise requires, the words and terms
4 defined in NRS 278.0105 to 278.0195, inclusive, *and section 1 of this act*
5 have the meanings ascribed to them in those sections.

6 **Sec. 3.** NRS 278.160 is hereby amended to read as follows:
7 278.160 1. The master plan, with the accompanying charts,
8 drawings, diagrams, schedules and reports, may include such of the
9 following subject matter or portions thereof as are appropriate to the city,
10 county or region, and as may be made the basis for the physical
11 development thereof:

12 (a) Community design. Standards and principles governing the
13 subdivision of land and suggestive patterns for community design and
14 development.

15 (b) Conservation plan. For the conservation, development and
16 utilization of natural resources, including water and its hydraulic force,
17 underground water, water supply, forests, soils, rivers and other waters,
18 harbors, fisheries, wildlife, minerals and other natural resources. The plan
19 must also cover the reclamation of land and waters, flood control,
20 prevention and control of the pollution of streams and other waters,
21 regulation of the use of land in stream channels and other areas required
22 for the accomplishment of the conservation plan, prevention, control and
23 correction of the erosion of soils through proper clearing, grading and
24 landscaping, beaches and shores, and protection of watersheds. The plan
25 must also indicate the maximum tolerable level of air pollution.

26 (c) Economic plan. Showing recommended schedules for the allocation
27 and expenditure of public money in order to provide for the economical
28 and timely execution of the various components of the plan.

29 (d) Historical properties preservation plan. An inventory of significant
30 historical, archaeological and architectural properties as defined by a city,
31 county or region, and a statement of methods to encourage the preservation
32 of those properties.

33 (e) Housing plan. The housing plan must include, but is not limited to:

34 (1) An inventory of housing conditions, needs and plans and
35 procedures for improving housing standards and for providing adequate
36 housing.

37 (2) An inventory of affordable housing in the community.

38 (3) An analysis of the demographic characteristics of the community.

39 (4) A determination of the present and prospective need for
40 affordable housing in the community.

41 (5) An analysis of any impediments to the development of affordable
42 housing and the development of policies to mitigate those impediments.

1 (6) An analysis of the characteristics of the land that is the most
2 appropriate for the construction of affordable housing.

3 (7) An analysis of the needs and appropriate methods for the
4 construction of affordable housing or the conversion or rehabilitation of
5 existing housing to affordable housing.

6 (8) A plan for maintaining and developing affordable housing to
7 meet the housing needs of the community.

8 (f) Land use plan. An inventory and classification of types of natural
9 land and of existing land cover and uses, and comprehensive plans for the
10 most desirable utilization of land. The land use plan may include a
11 provision concerning the acquisition and use of land that is under federal
12 management within the city, county or region, including, without
13 limitation, a plan or statement of policy prepared pursuant to NRS
14 321.7355.

15 (g) Population plan. An estimate of the total population which the
16 natural resources of the city, county or region will support on a continuing
17 basis without unreasonable impairment.

18 (h) Public buildings. Showing locations and arrangement of civic
19 centers and all other public buildings, including the architecture thereof
20 and the landscape treatment of the grounds thereof.

21 (i) Public services and facilities. Showing general plans for sewage,
22 drainage and utilities, and rights of way, easements and facilities therefor,
23 including any utility projects required to be reported pursuant to NRS
24 278.145.

25 (j) Recreation plan. Showing a comprehensive system of recreation
26 areas, including natural reservations, parks, parkways, reserved riverbank
27 strips, beaches, playgrounds and other recreation areas, including, when
28 practicable, the locations and proposed development thereof.

29 (k) Safety plan. In any county whose population is 400,000 or more,
30 identifying potential types of natural and man-made hazards, including
31 hazards from floods, landslides or fires, or resulting from the manufacture,
32 storage, transfer or use of bulk quantities of hazardous materials. The plan
33 may set forth policies for avoiding or minimizing the risks from those
34 hazards.

35 (l) Seismic safety plan. Consisting of an identification and appraisal of
36 seismic hazards such as susceptibility to surface ruptures from faulting, to
37 ground shaking or to ground failures.

38 (m) Solid waste disposal plan. Showing general plans for the disposal of
39 solid waste.

40 (n) Streets and highways plan. Showing the general locations and
41 widths of a comprehensive system of major traffic thoroughfares and other
42 traffic ways and of streets and the recommended treatment thereof,

1 building line setbacks, and a system of naming or numbering streets and
2 numbering houses, with recommendations concerning proposed changes.

3 (o) *Traditional neighborhood developments plan. Showing general*
4 *plans for the construction of traditional neighborhood developments*
5 *within the community.*

6 (p) Transit plan. Showing a proposed system of transit lines, including
7 rapid transit, streetcar, motorcoach and trolley coach lines and related
8 facilities.

9 ~~(p)~~ (q) Transportation plan. Showing a comprehensive transportation
10 system, including locations of rights of way, terminals, viaducts and grade
11 separations. The plan may also include port, harbor, aviation and related
12 facilities.

13 2. The commission may prepare and adopt, as part of the master plan,
14 other and additional plans and reports dealing with such other subjects as
15 may in its judgment relate to the physical development of the city, county
16 or region, and nothing contained in NRS 278.010 to 278.630, inclusive,
17 prohibits the preparation and adoption of any such subject as a part of the
18 master plan.

19 **Sec. 4.** NRS 278.250 is hereby amended to read as follows:

20 278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive,
21 the governing body may divide the city, county or region into zoning
22 districts of such number, shape and area as are best suited to carry out the
23 purposes of NRS 278.010 to 278.630, inclusive. Within the zoning district
24 it may regulate and restrict the erection, construction, reconstruction,
25 alteration, repair or use of buildings, structures or land.

26 2. The zoning regulations must be adopted in accordance with the
27 master plan for land use and be designed:

28 (a) To preserve the quality of air and water resources.

29 (b) To promote the conservation of open space and the protection of
30 other natural and scenic resources from unreasonable impairment.

31 (c) To provide for recreational needs.

32 (d) To protect life and property in areas subject to floods, landslides and
33 other natural disasters.

34 (e) To conform to the adopted population plan, if required by NRS
35 278.170.

36 (f) To develop a timely, orderly and efficient arrangement of
37 transportation and public facilities and services, including facilities and
38 services for bicycles.

39 (g) To ensure that the development on land is commensurate with the
40 character and the physical limitations of the land.

41 (h) To take into account the immediate and long-range financial impact
42 of the application of particular land to particular kinds of development, and
43 the relative suitability of the land for development.

- 1 (i) To promote health and the general welfare.
- 2 (j) To ensure the development of an adequate supply of housing for the
- 3 community, including the development of affordable housing.

4 ***(k) To promote the construction of traditional neighborhood***
5 ***developments.***

6 3. The zoning regulations must be adopted with reasonable
7 consideration, among other things, to the character of the area and its
8 peculiar suitability for particular uses, and with a view to conserving the
9 value of buildings and encouraging the most appropriate use of land
10 throughout the city, county or region.

11 **Sec. 5.** Chapter 278B of NRS is hereby amended by adding thereto a
12 new section to read as follows:

13 ***1. If a local government intends to impose an impact fee pursuant to***
14 ***NRS 278B.160 for new development that consists of a traditional***
15 ***neighborhood development of at least 40 acres in size, the local***
16 ***government shall:***

17 ***(a) Create a separate service area for the traditional neighborhood***
18 ***development to ensure that the owner of the traditional neighborhood***
19 ***development is not required to pay the cost of impacts properly***
20 ***attributable to other new development; or***

21 ***(b) If the local government does not create a separate service area for***
22 ***the traditional neighborhood development, impose an impact fee that***
23 ***does not exceed 90 percent of the cost of constructing a capital***
24 ***improvement or facility expansion necessitated by and attributable to the***
25 ***traditional neighborhood development.***

26 ***2. As used in this section, "traditional neighborhood development"***
27 ***has the meaning ascribed to it in section 1 of this act.***

28 **Sec. 6.** NRS 278B.160 is hereby amended to read as follows:

29 278B.160 1. ~~1A~~ ***Except as otherwise provided in section 5 of this***
30 ***act, a*** local government may by ordinance impose an impact fee in a
31 service area to pay the cost of constructing a capital improvement or
32 facility expansion necessitated by and attributable to new development.
33 Except as otherwise provided in NRS 278B.220, the cost may include
34 only:

- 35 (a) The estimated cost of actual construction;
- 36 (b) Estimated fees for professional services;
- 37 (c) The estimated cost to acquire the land; and
- 38 (d) The fees paid for professional services required for the preparation
- 39 or revision of a capital improvements plan in anticipation of the imposition
- 40 of an impact fee.

41 2. All property owned by a school district is exempt from the
42 requirement of paying impact fees imposed pursuant to this chapter.

