

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—Makes various changes concerning land use planning. (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; requiring certain governing bodies adopting any part of the master plan to adopt a land use plan; requiring the inclusion of a provision in the master plan and zoning regulations that allows the mixture of certain land uses; and providing other matters properly relating thereto.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

“Traditional neighborhood development” means a type of development that is designed to include a variety of types and values of housing, commercial uses, services, schools, public facilities, open space, places for the public to gather and places that provide occupational opportunities, and to encourage pedestrian traffic, reduce vehicular traffic and provide access to public transit. The development must include, without limitation:

1. Areas that contain single-family residences that have reduced setbacks and a garage or carport which is located at the rear of the residence;

2. Areas that integrate residential, commercial and service uses within one or a series of structures and which have reduced setbacks;

3. A transportation system that integrates pedestrians, bicycles, motor vehicles and public transit; and

1 **4. Civic buildings, open space and other visual features that serve as**
2 **focal points.**

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

4 278.010 As used in NRS 278.010 to 278.630, inclusive, **and section 1**
5 **of this act**, unless the context otherwise requires, the words and terms
6 defined in NRS 278.0105 to 278.0195, inclusive, **and section 1 of this act**
7 have the meanings ascribed to them in those sections.

8 **Sec. 3.** NRS 278.150 is hereby amended to read as follows:

9 278.150 1. The planning commission shall prepare and adopt a
10 comprehensive, long-term general plan for the physical development of the
11 city, county or region which in the commission's judgment bears relation to
12 the planning thereof.

13 2. The plan must be known as the master plan, and must be so prepared
14 that all or portions thereof, except as **otherwise** provided in subsection 3,
15 may be adopted by the governing body, as provided in NRS 278.010 to
16 278.630, inclusive, as a basis for the development of the city, county or
17 region for such reasonable period of time next ensuing after the adoption
18 thereof as may practically be covered thereby.

19 3. In counties whose population is 100,000 or more, if the governing
20 body of the city or county adopts only a portion of the master plan, it shall
21 include in that portion a conservation plan, a housing plan , **a land use plan**
22 and a population plan as provided in NRS 278.160.

23 **Sec. 4.** NRS 278.160 is hereby amended to read as follows:

24 278.160 1. The master plan, with the accompanying charts, drawings,
25 diagrams, schedules and reports, may include such of the following subject
26 matter or portions thereof as are appropriate to the city, county or region,
27 and as may be made the basis for the physical development thereof:

28 (a) Community design. Standards and principles governing the
29 subdivision of land and suggestive patterns for community design and
30 development.

31 (b) Conservation plan. For the conservation, development and utilization
32 of natural resources, including water and its hydraulic force, underground
33 water, water supply, forests, soils, rivers and other waters, harbors,
34 fisheries, wildlife, minerals and other natural resources. The plan must also
35 cover the reclamation of land and waters, flood control, prevention and
36 control of the pollution of streams and other waters, regulation of the use of
37 land in stream channels and other areas required for the accomplishment of
38 the conservation plan, prevention, control and correction of the erosion of
39 soils through proper clearing, grading and landscaping, beaches and shores,
40 and protection of watersheds. The plan must also indicate the maximum
41 tolerable level of air pollution.

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

4 (d) Historical properties preservation plan. An inventory of significant
5 historical, archaeological and architectural properties as defined by a city,
6 county or region, and a statement of methods to encourage the preservation
7 of those properties.

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

9 (1) An inventory of housing conditions, needs and plans and
10 procedures for improving housing standards and for providing adequate
11 housing.

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

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

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

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

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

20 (7) An analysis of the needs and appropriate methods for the
21 construction of affordable housing or the conversion or rehabilitation of
22 existing housing to affordable housing.

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

25 (f) Land use plan. An inventory and classification of types of natural
26 land and of existing land cover and uses, and comprehensive plans for the
27 most desirable utilization of land. The land use plan ~~may~~ :

28 ***(1) Must include a provision that allows for a mixture of at least***
29 ***residential and commercial land uses such as is characterized in a***
30 ***traditional neighborhood development.***

31 ***(2) May*** include a provision concerning the acquisition and use of
32 land that is under federal management within the city, county or region,
33 including, without limitation, a plan or statement of policy prepared
34 pursuant to NRS 321.7355.

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

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

1 (i) Public services and facilities. Showing general plans for sewage,
2 drainage and utilities, and rights of way, easements and facilities therefor,
3 including any utility projects required to be reported pursuant to NRS
4 278.145.

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

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

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

18 (m) Solid waste disposal plan. Showing general plans for the disposal of
19 solid waste.

20 (n) Streets and highways plan. Showing the general locations and widths
21 of a comprehensive system of major traffic thoroughfares and other traffic
22 ways and of streets and the recommended treatment thereof, building line
23 setbacks, and a system of naming or numbering streets and numbering
24 houses, with recommendations concerning proposed changes.

25 (o) Transit plan. Showing a proposed system of transit lines, including
26 rapid transit, streetcar, motorcoach and trolley coach lines and related
27 facilities.

28 (p) Transportation plan. Showing a comprehensive transportation
29 system, including locations of rights of way, terminals, viaducts and grade
30 separations. The plan may also include port, harbor, aviation and related
31 facilities.

32 2. The commission may prepare and adopt, as part of the master plan,
33 other and additional plans and reports dealing with such other subjects as
34 may in its judgment relate to the physical development of the city, county
35 or region, and nothing contained in NRS 278.010 to 278.630, inclusive,
36 prohibits the preparation and adoption of any such subject as a part of the
37 master plan.

38 **Sec. 5.** NRS 278.170 is hereby amended to read as follows:

39 278.170 1. The commission may prepare and adopt all or any part of
40 the master plan or any subject thereof, except as *otherwise* provided in
41 subsection 2, for all or any part of the city, county or region. Master
42 regional plans must be coordinated with similar plans of adjoining regions,

1 and master county and city plans within each region must be coordinated so
2 as to fit properly into the master plan for the region.

3 2. In counties whose population is 100,000 or more, if the commission
4 prepares and adopts less than all subjects of the master plan, as outlined in
5 NRS 278.160, it shall include, in its preparation and adoption, the
6 conservation, housing , *land use* and population plans described in that
7 section.

8 **Sec. 6.** NRS 278.250 is hereby amended to read as follows:

9 278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive,
10 the governing body may divide the city, county or region into zoning
11 districts of such number, shape and area as are best suited to carry out the
12 purposes of NRS 278.010 to 278.630, inclusive. Within the zoning district
13 it may regulate and restrict the erection, construction, reconstruction,
14 alteration, repair or use of buildings, structures or land.

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

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

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

20 (c) To provide for recreational needs.

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

23 (e) To conform to the adopted population plan, if required by NRS
24 278.170.

25 (f) To develop a timely, orderly and efficient arrangement of
26 transportation and public facilities and services, including facilities and
27 services for bicycles.

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

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

33 (i) To promote health and the general welfare.

34 (j) To ensure the development of an adequate supply of housing for the
35 community, including the development of affordable housing.

36 3. *The zoning regulations must include a provision that allows for a*
37 *mixture of at least residential and commercial land uses such as is*
38 *characterized in a traditional neighborhood development.*

39 4. The zoning regulations must be adopted with reasonable
40 consideration, among other things, to the character of the area and its
41 peculiar suitability for particular uses, and with a view to conserving the
42 value of buildings and encouraging the most appropriate use of land
43 throughout the city, county or region.

1 **Sec. 7.** This act becomes effective on January 1, 2001.

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