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PREPARED BY
RESEARCH DIVISION
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WORK SESSION

Assembly Committee on Government Affairs

ASSEMBLY BILL 244

Eliminates prospective expiration of provisions for protection of rural preservation neighborhoods. (BDR S-919)

Sponsored by: Assemblyman Collins
Date Heard: March 11, 2003

Assembly Bill 244 eliminates the sunset date on the provisions for the protection of rural preservation neighborhoods.

Amendments: Irene Porter, representing the Southern Nevada Homebuilders Association, submitted proposed amendments to clarify the original intent of the bill. The bill sponsor requested further amendments.

The sections and new language proposed for addition to the bill are attached.

Opposition: None

Fiscal Impact: Local Government: No
State Government: No

4/7/2003

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ASSEMBLY GOVERNMENT AFFAIRS F1-2
DATE: 4/7/03 ROOM: 3143 EXHIBIT F
SUBMITTED BY: Susan Scholley

ADDITIONAL SECTIONS FOR ASSEMBLY BILL 244

April 5, 2003

Add the following additional new Section 2 and Section 3 to the original bill:

Section 2. NRS 278.0177 is hereby amended to read as follows:

278.0177 "Rural preservation neighborhood" defined. "Rural preservation neighborhood" means a subdivided or developed area:

1. Which consists of 10 or more residential dwelling units;
2. *Which is rural in character and lifestyle;*
- 2 3. Where the outer boundary of each lot that is used for residential purposes is not more than 330 feet from the outer boundary of any other lot that is used for residential purposes;
3. 4. Which has no more than two residential dwelling units per acre; and
4. 5. Which allows residents to raise or keep animals noncommercially.
6. *In which open space, the natural landscape and vegetation predominate over the built and landscaped environment.*

Section 3. NRS 278.261 is hereby amended to read as follows:

278.261 Rural preservation neighborhoods.

1. In a county with a population of 400,000 or more, the governing body shall take such actions as are necessary and appropriate to ensure that the rural character of each rural preservation neighborhood is preserved.

2. Unless a rural preservation neighborhood is located within 330 feet of an existing or proposed street or highway that is more than 99 feet wide, the governing body shall, to the extent practicable, adopt any zoning regulation or restriction that is necessary to:

(a) Maintain the rural character of the area developed as a low density residential development;

(b) Except as otherwise provided in subsection 4, ensure that the average residential density for that portion of the zoning request that is located within 330 feet of a rural preservation neighborhood does not exceed three residential dwelling units per acre; and

(c) Provide adequate buffer areas, adequate screening and an orderly and efficient transition of land uses, excluding raising or keeping animals commercially or noncommercially.

3. The governing body may modify the standards for the development of infrastructure to maintain the rural character of the rural preservation neighborhood.

4. The governing body may, for good cause shown, allow a greater density or intensity of use when that use is less than 330 feet from a rural preservation neighborhood.

Conceptual amendment: Add a subsection requiring the governing body to review the status of each rural preservation neighborhood "designated" for protection at the time of review or revision of the master plan, or not less than each five years after such designation, to determine if the neighborhood continues to exhibit the characteristics of a rural preservation neighborhood and is appropriate for continued protection, consistent with the definition of a rural preservation neighborhood, and as otherwise provided in this section.

Conceptual amendment: Add a subsection to allow a governing body to determine that a rural preservation neighborhood that exhibits the characteristics set forth in NRS 278.0177 is not appropriate for protection or may be "undesigned" if the following criteria are present: (1) The rural preservation neighborhood is less than 160 acres in size, and (2) The 330 foot buffer area for the rural preservation neighborhood is adjacent to existing or proposed roadway right-of-ways 120 feet or greater in width, on at least three sides of the neighborhood.