

ASSEMBLY BILL NO. 425—ASSEMBLYMEN GIUNCHIGLIANI,  
PARKS AND ATKINSON

MARCH 24, 2005

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JOINT SPONSOR: SENATOR TITUS

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Referred to Committee on Government Affairs

SUMMARY—Establishes policies and incentives for urban design, mixed use development and environmentally friendly construction. (BDR 22-1084)

FISCAL NOTE: Effect on Local Government: No.  
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.

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AN ACT relating to development; requiring certain counties to restrict building heights in certain areas; requiring an impact analysis be conducted on certain buildings; requiring incentives for certain types of development; authorizing certain counties to develop an urban growth boundary in cooperation with incorporated cities within the county; establishing the Account for Smart Growth Development; requiring zoning regulations to protect certain resources and ensure smart growth; requiring applicants to hold a neighborhood meeting before applying for an amendment or variance in certain circumstances; requiring certain developments to conduct an analysis of the impact of the development on certain public resources; requiring a partial abatement from impact fees in certain circumstances; 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 the provisions set forth as sections 2 to 6, inclusive, of this act.

**Sec. 2.** *“Mixed-use development” means a building which contains both commercial and residential space.*

**Sec. 3.** *“Neighborhood meeting” means an informal meeting held by a person who intends to apply for an amendment or variance pursuant to NRS 278.260 or 278.315.*

**Sec. 4.** *“Transit-oriented development” means a commercial or residential building located near centers for public transportation or near regularly scheduled routes established by a provider of public transportation.*

**Sec. 5.** *In any county whose population is 100,000 or more, the governing body must:*

*1. Restrict the construction of buildings more than five stories in height to the urban core of the city; and*

*2. Require the owner of the land to produce a written analysis of the impact of a building which is more than five stories in height on its surrounding environment, including, without limitation, the impact on access to solar resources and the impact of shadows cast from the building.*

*↪ The governing body shall define the area constituting the “urban core” of each incorporated city.*

**Sec. 6.** *The regional planning commission shall study and develop methods to provide incentives for:*

*1. Mixed-use development, transit-oriented development, the development of a brownfield site and development which minimizes the negative impact on the environment. As used in this subsection, “brownfield site” has the meaning ascribed to it in 42 U.S.C. § 9601.*

*2. Large commercial development which provides employee parking at a site other than the commercial development. Such incentives must be developed in cooperation with the regional transportation commission.*

**Sec. 7.** NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2 to 6, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, *and sections 2, 3 and 4 of this act* have the meanings ascribed to them in those sections.



**Sec. 8.** NRS 278.0201 is hereby amended to read as follows:

278.0201 1. In the manner prescribed by ordinance, a governing body may, upon application of any person having a legal or equitable interest in land, enter into an agreement with that person concerning the development of that land. This agreement must describe the land which is the subject of the agreement and specify the duration of the agreement, the permitted uses of the land, the density or intensity of its use, the maximum height and size of the proposed buildings and any provisions for the dedication of any portion of the land for public use. The agreement may fix the period within which construction must commence and provide for an extension of that deadline.

2. Unless the agreement otherwise provides, the ordinances, resolutions or regulations applicable to that land and governing the permitted uses of that land, density and standards for design, improvements and construction are those in effect at the time the agreement is made.

3. This section does not prohibit the governing body from adopting new ordinances, resolutions or regulations applicable to that land which do not conflict with those ordinances, resolutions and regulations in effect at the time the agreement is made, except that any subsequent action by the governing body must not prevent the development of the land as set forth in the agreement. The governing body is not prohibited from denying or conditionally approving any other plan for development pursuant to any ordinance, resolution or regulation in effect at the time of that denial or approval.

4. The provisions of subsection ~~2~~ 3 of NRS 278.315 and NRS 278.350 and 278.360 do not apply if an agreement entered into pursuant to this section contains provisions which are contrary to the respective sections.

**Sec. 9.** NRS 278.02521 is hereby amended to read as follows:

278.02521 1. The Legislature recognizes the need for innovative strategies of planning and development that:

(a) Address the anticipated needs and demands of continued urbanization and the corresponding need to protect environmentally sensitive areas; ~~and~~

(b) Will allow the development of less populous regions of this State if such regions:

(1) Seek increased economic development; and

(2) Have sufficient resources of land and water to accommodate development in a manner that is environmentally sound ~~and~~; and

*(c) Address the concerns of constructing high-rise buildings and the impact of such construction on surrounding areas.*



2. The Legislature further recognizes that innovative strategies of planning and development may be superior to conventional strategies of planning and development with respect to:

- (a) Protecting environmentally sensitive areas;
- (b) Maintaining the economic viability of agricultural and other predominantly rural land uses; and
- (c) Providing cost-effective public facilities and services.

3. It is the intent of the Legislature that each comprehensive regional policy plan adopted or amended pursuant to this chapter should set forth a process of planning which:

(a) Allows for:

- (1) The efficient use of land within existing urban areas; and
- (2) The conversion of rural lands to other uses, if such other uses are appropriate and consistent with the provisions of this chapter and the master plan of each affected city and county.

(b) Uses innovative and flexible strategies of planning and development and creative techniques of land use planning which promote sustainable growth, including, without limitation, establishment of new towns, the maintenance of open space and mixed-use development.

4. It is the further intent of the Legislature that when the governing body of a local government adopts a master plan or zoning regulation, the plan or regulation should promote a strategy of maximizing the use of existing facilities and services through redevelopment, interspersing of new housing and businesses in established neighborhoods and other mechanisms for urban revitalization.

5. It is the further intent of the Legislature that the construction of public facilities and the provision of services necessary to support development should be coordinated with activities of development to ensure that demand for such facilities and services can be met at the time the demand is created. In carrying out this intent, local and regional governmental entities are encouraged to construct public facilities, provide services or carry out development in phases. Public facilities constructed and services provided to accommodate new development should be consistent with plans for capital improvements prepared pursuant to NRS 278.0226.

**Sec. 10.** NRS 278.02528 is hereby amended to read as follows:

278.02528 1. The regional planning coalition shall develop a comprehensive regional policy plan for the balanced economic, social, physical, environmental and fiscal development and orderly management of the growth of the region for a period of at least 20 years. The comprehensive regional policy plan must contain recommendations of policy to carry out each part of the plan.



- 1        2. In developing the plan, the coalition:  
2        (a) May consult with other entities that are interested or  
3 involved in regional planning within the county.  
4        (b) Shall ensure that the comprehensive regional policy plan  
5 includes goals, policies, maps and other documents relating to:  
6        (1) Conservation, including, without limitation, policies  
7 relating to the use and protection of natural resources.  
8        (2) Population, including, without limitation, standardized  
9 projections for population growth in the region.  
10        (3) Land use and development, including, without limitation,  
11 a map of land use plans that have been adopted by local  
12 governmental entities within the region.  
13        (4) Transportation.  
14        (5) The efficient provision of public facilities and services,  
15 including, without limitation, roads, water and sewer service, police  
16 and fire protection, mass transit, libraries and parks.  
17        (6) Air quality.  
18        (7) Strategies to promote and encourage:  
19        (I) The interspersing of new housing and businesses in  
20 established neighborhoods; and  
21        (II) Development in areas in which public services are  
22 available.  
23        *(c) May consult with each incorporated city located within the*  
24 *county to develop an urban growth boundary. An urban growth*  
25 *boundary must:*  
26        *(1) Designate the outermost area surrounding a city which*  
27 *may be urbanized;*  
28        *(2) Promote the utilization of transit services;*  
29        *(3) Restrict the expansion of infrastructure beyond the*  
30 *urban growth boundary; and*  
31        *(4) Disallow or discourage new development beyond the*  
32 *urban growth boundary.*  
33        3. The regional planning coalition shall not adopt or amend the  
34 comprehensive regional policy plan unless the adoption or  
35 amendment is by resolution of the regional planning coalition:  
36        (a) Carried by the affirmative votes of not less than two-thirds of  
37 its total membership; and  
38        (b) Ratified by the board of county commissioners of the county  
39 and the city council of each city that jointly established the regional  
40 planning coalition pursuant to NRS 278.02514.  
41        **Sec. 11.** NRS 278.02535 is hereby amended to read as  
42 follows:  
43        278.02535 1. The regional planning coalition shall study and  
44 develop methods to provide incentives for ~~the~~ :



(a) *The interspersions of new housing and businesses in established neighborhoods, including, without limitation, the:*

~~(a)~~ (1) Creation of an expedited process for granting necessary permits for a development that features such interspersions; and

~~(b)~~ (2) Imposition of a fee for the extension of infrastructure to encourage such interspersions.

(b) *Mixed-use development, transit-oriented development, the development of a brownfield site and development which minimizes the negative impact on the environment. As used in this paragraph, "brownfield site" has the meaning ascribed to it in 42 U.S.C. § 9601.*

(c) *Large commercial development which provides employee parking at a site other than the commercial development. Such incentives must be developed in cooperation with the regional transportation commission.*

2. As used in this section, "infrastructure" means publicly owned or publicly supported facilities that are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, libraries, community centers, police and fire protection, sanitary sewers, facilities for mass transit and facilities for the conveyance of water and the treatment of wastewater.

**Sec. 12.** NRS 278.02542 is hereby amended to read as follows:

278.02542 1. The regional planning coalition may:

(a) Coordinate sources of information. ~~(f)~~

(b) Recommend measures to increase the efficiency of governmental entities and services. ~~(f)~~

(c) Make recommendations regarding the disposal of federal land. ~~(f)~~

(d) Establish methods for resolving issues related to annexation, boundaries and other matters that arise between jurisdictions. ~~(f)~~

(e) At least every 5 years, review:

(1) Master plans, facilities plans and other similar plans, and amendments thereto, adopted by a governing body, regional agency, state agency or public utility that is located in whole or in part within the region; and

(2) The annual plan for capital improvements that is prepared by each local government in the region pursuant to NRS 278.0226.

~~(f)~~

(f) Develop and recommend, to the extent practicable, standardized classifications for land use for the region. ~~(f)~~

(g) Consider and take necessary action with respect to any issue that the regional planning coalition determines will have a



1 significant impact on the region, including, without limitation,  
2 projects of regional significance. ~~[-]~~

3 (h) Review, consider and make recommendations regarding  
4 applications submitted to agencies of the Federal Government and  
5 applications for federal assistance for federally assisted programs or  
6 projects. ~~[-and]~~

7 (i) Designate allowable future land uses for each part of the  
8 county, including, without limitation, the identification of each  
9 category of land use in which the construction and operation of a  
10 public school is permissible. The identification of a category of land  
11 use in which the construction and operation of a public school is  
12 permissible must be carried out in consultation with the county  
13 school district and include a determination of whether there is  
14 sufficient land in the proximity of a residential development to meet  
15 projected needs for public schools.

16 *(j) Apply for any available grants and accept any gifts, grants*  
17 *or donations for deposit in the Account for Smart Growth*  
18 *Development created pursuant to section 27 of this act.*

19 2. The regional planning coalition shall establish a definition  
20 for the term "project of regional significance." In establishing the  
21 definition, the regional planning coalition shall consider:

22 (a) Existing definitions of the term within the Nevada Revised  
23 Statutes; and

24 (b) That a project may have regional significance for several  
25 reasons, including, without limitation, the potential impact that the  
26 project may have on historic, archaeological, cultural, scenic and  
27 natural resources, public facilities and public services within the  
28 region.

29 **Sec. 13.** NRS 278.026 is hereby amended to read as follows:

30 278.026 As used in NRS 278.026 to 278.029, inclusive, *and*  
31 *section 6 of this act*, unless the context otherwise requires:

32 1. "Affected entity" means a public utility, franchise holder,  
33 local or regional agency, or any other entity having responsibility  
34 for planning or providing public facilities relating to transportation,  
35 solid waste, energy generation and transmission, conventions and  
36 the promotion of tourism, air quality or public education. The term  
37 does not include:

38 (a) A state agency; or

39 (b) A public utility which is subject to regulation by the Public  
40 Utilities Commission of Nevada.

41 2. "Facilities plan" means a plan for the development of public  
42 facilities which will have a regional impact or which will aid in  
43 accomplishing regional goals relating to transportation, solid waste,  
44 energy generation and transmission, conventions and the promotion  
45 of tourism, air quality or public education. The term does not



1 include a plan for the development of a specific site or regulations  
2 adopted by an affected entity to implement the comprehensive  
3 regional plan.

4 3. "Governing board" means the governing board for regional  
5 planning created pursuant to NRS 278.0264.

6 4. "Joint planning area" means an area that is the subject of  
7 common study and planning by the governing body of a county and  
8 one or more cities.

9 5. "Project of regional significance," with respect to a project  
10 proposed by any person other than a public utility, means a project  
11 which:

12 (a) Has been identified in the guidelines of the regional planning  
13 commission as a project which will result in the loss or significant  
14 degradation of a designated historic, archeological, cultural or  
15 scenic resource;

16 (b) Has been identified in the guidelines of the regional planning  
17 commission as a project which will result in the creation of  
18 significant new geothermal or mining operations;

19 (c) Has been identified in the guidelines of the regional planning  
20 commission as a project which will have a significant effect on the  
21 natural resources, public services, public facilities or the adopted  
22 regional form of the region; or

23 (d) Will require a change in zoning, a special use permit, an  
24 amendment to a master plan, a tentative map or other approval for  
25 the use of land which, if approved, will have an effect on the region  
26 of increasing:

27 (1) Employment by not less than 938 employees;

28 (2) Housing by not less than 625 units;

29 (3) Hotel accommodations by not less than 625 rooms;

30 (4) Sewage by not less than 187,500 gallons per day;

31 (5) Water usage by not less than 625 acre feet per year; or

32 (6) Traffic by not less than an average of 6,250 trips daily.

33 ➔ The term does not include any project for which a request for an  
34 amendment to a master plan, a change in zoning, a tentative map or  
35 a special use permit has been approved by the local planning  
36 commission before June 17, 1989.

37 6. "Project of regional significance," with respect to a project  
38 proposed by a utility, includes:

39 (a) An electric substation;

40 (b) A transmission line that carries 60 kilovolts or more;

41 (c) A facility that generates electricity greater than 5 megawatts;

42 (d) Natural gas storage and peak shaving facilities; and

43 (e) Gas regulator stations and mains that operate over 100  
44 pounds per square inch.





7. "Sphere of influence" means an area into which a city plans to expand as designated in the comprehensive regional plan within the time designated in the comprehensive regional plan.

**Sec. 14.** NRS 278.0261 is hereby amended to read as follows:

278.0261 The Legislature hereby finds and declares that:

1. The process of regional planning in a county whose population is 100,000 or more but less than 400,000, as set forth in NRS 278.026 to 278.029, inclusive, *and section 6 of this act* ensures that comprehensive planning will be carried out with respect to population, conservation, land use and transportation, public facilities and services, annexation and intergovernmental coordination.

2. The process of regional planning set forth in NRS 278.026 to 278.029, inclusive, *and section 6 of this act* does not specifically limit the premature expansion of development into undeveloped areas or address the unique needs and opportunities that are characteristic of older neighborhoods in a county whose population is 100,000 or more but less than 400,000.

3. The problem of the premature expansion of development into undeveloped areas and the unique needs and opportunities that are characteristic of older neighborhoods may be addressed through:

(a) Cooperative efforts to preserve and revitalize urban areas and older neighborhoods; and

(b) Review of the master plans, facilities plans and other similar plans of local governments and other affected entities.

4. It is the intent of the Legislature with respect to NRS 278.026 to 278.029, inclusive, *and section 6 of this act* that each local government and affected entity shall ~~exercise~~:

(a) *Exercise* its powers and duties in a manner that is in harmony with the powers and duties exercised by other local governments and affected entities to enhance the long-term health and welfare of the county and all its residents.

(b) *Address the concerns of constructing high-rise buildings and the impact of such construction on surrounding areas.*

**Sec. 15.** NRS 278.0265 is hereby amended to read as follows:

278.0265 The governing board:

1. Shall adopt such regulations as are necessary to carry out its specific powers and duties.

2. Shall prescribe an appropriate course of at least 12 hours of training in land use planning for the members of the regional planning commission. The course of training must include, without limitation, training relating to:

(a) State statutes and regulations and local ordinances, resolutions and regulations concerning land use planning; and

(b) The provisions of chapter 241 of NRS.



3. May establish and collect reasonable fees for the provision of any service that is authorized pursuant to the provisions of NRS 278.026 to 278.029, inclusive ~~[1]~~, and *section 6 of this act.*

4. May enter into an agreement pursuant to NRS 277.045 or 277.080 to 277.180, inclusive, for a purpose that is consistent with the provisions of NRS 278.026 to 278.029, inclusive ~~[1]~~, and *section 6 of this act.*

*5. May apply for any available grants and accept any gifts, grants or donations for deposit in the Account for Smart Growth Development created pursuant to section 27 of this act.*

**Sec. 16.** NRS 278.0274 is hereby amended to read as follows:

278.0274 **1.** The comprehensive regional plan must include goals, policies, maps and other documents relating to:

~~[1-1]~~ **(a)** Population, including a projection of population growth in the region and the resources that will be necessary to support that population.

~~[2-1]~~ **(b)** Conservation, including policies relating to the use and protection of air, land, water and other natural resources, ambient air quality, natural recharge areas, floodplains and wetlands, and a map showing the areas that are best suited for development based on those policies.

~~[3-1]~~ **(c)** The limitation of the premature expansion of development into undeveloped areas, preservation of neighborhoods and revitalization of urban areas, including, without limitation, policies that relate to the interspersions of new housing and businesses in established neighborhoods and set forth principles by which growth will be directed to older urban areas.

~~[4-1]~~ **(d)** Land use and transportation, including the classification of future land uses by density or intensity of development based upon the projected necessity and availability of public facilities and services and natural resources, and the compatibility of development in one area with that of other areas in the region. This portion of the plan must allow for a variety of uses, describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses and must be based upon the policies and map relating to conservation that are developed pursuant to ~~[subsection 2-1]~~ *paragraph (b)*, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the population of the area projected pursuant to ~~[subsection 1-1]~~ *paragraph (a)*, and the characteristics of undeveloped land in the area.

~~[5-1]~~ **(e)** Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and ground-water aquifer recharge which are correlated with principles and guidelines for future land uses, and



1 which specify ways to satisfy the requirements created by those  
2 future uses. This portion of the plan must:

3 ~~[(a)]~~ (1) Describe the problems and needs of the area relating to  
4 public facilities and services and the general facilities that will be  
5 required for their solution and satisfaction;

6 ~~[(b)]~~ (2) Identify the providers of public services within the  
7 region and the area within which each must serve, including service  
8 territories set by the Public Utilities Commission of Nevada for  
9 public utilities;

10 ~~[(c)]~~ (3) Establish the time within which those public facilities  
11 and services necessary to support the development relating to land  
12 use and transportation must be made available to satisfy the  
13 requirements created by that development; and

14 ~~[(4)]~~ (4) Contain a summary prepared by the regional planning  
15 commission regarding the plans for capital improvements that:

16 ~~[(1)]~~ (I) Are required to be prepared by each local  
17 government in the region pursuant to NRS 278.0226; and

18 ~~[(2)]~~ (II) May be prepared by the water planning  
19 commission of the county, the regional transportation commission  
20 and the county school district.

21 ~~[(f)]~~ (f) Annexation, including the identification of spheres of  
22 influence for each unit of local government, improvement district or  
23 other service district and specifying standards and policies for  
24 changing the boundaries of a sphere of influence and procedures for  
25 the review of development within each sphere of influence. As used  
26 in this subsection, "sphere of influence" means an area into which a  
27 political subdivision may expand in the foreseeable future.

28 ~~[(g)]~~ (g) Intergovernmental coordination, including the  
29 establishment of guidelines for determining whether local master  
30 plans and facilities plans conform with the comprehensive regional  
31 plan.

32 ~~[(h)]~~ (h) Any utility project required to be reported pursuant to  
33 NRS 278.145.

34 *2. As part of the comprehensive regional plan, the regional*  
35 *planning commission may consult with each incorporated city*  
36 *located within the county and include in the plan an urban growth*  
37 *boundary for each incorporated city. The urban growth boundary*  
38 *must:*

39 *(a) Designate the outermost area surrounding the city which*  
40 *may be urbanized;*

41 *(b) Promote the utilization of transit services;*

42 *(c) Restrict the expansion of infrastructure beyond the urban*  
43 *growth boundary; and*

44 *(d) Disallow or discourage new development beyond the urban*  
45 *growth boundary.*



**Sec. 17.** NRS 278.0278 is hereby amended to read as follows:

278.0278 1. Before a project of regional significance is approved finally by the county or city and before construction on a project of regional significance may begin, the regional planning commission must make a finding that the project is in conformance with the adopted regional plan. In making its determination, the commission shall limit its review to the substance and content of the adopted comprehensive regional plan and shall not consider the merits or deficiencies of a project in a manner other than is necessary to enable it to make that determination.

2. If the commission fails to make any finding regarding a project of regional significance within 60 days after the project is submitted to it, it shall be deemed that the commission has made a finding that the project conforms with the regional plan.

3. If the commission determines that the project is not in conformance with the regional plan, the determination may be appealed to the governing board within 45 days after the determination is made. The governing board shall consider the appeal and may reverse the determination of the commission or recommend that the county or city take actions to make the proposal consistent with the comprehensive regional plan. The county or city shall, within 45 days after receipt, consider any such recommendations and direct such changes in the project as are necessary to assure the consistency of the proposal with the adopted regional plan.

4. The limits on time imposed in subsection ~~2~~ 3 of NRS 278.315, subsection 5 of NRS 278.330 and subsection 2 of NRS 278.349 are extended by 60 days or such period as may be necessary to complete the review and any appeal provided for in this section.

**Sec. 18.** NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in subsection 4 of NRS 278.150 and subsection 3 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

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

(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and



1 control of the pollution of streams and other waters, regulation of  
2 the use of land in stream channels and other areas required for the  
3 accomplishment of the conservation plan, prevention, control and  
4 correction of the erosion of soils through proper clearing, grading  
5 and landscaping, beaches and shores, and protection of watersheds.  
6 The plan must also indicate the maximum tolerable level of air  
7 pollution.

8 (c) Economic plan. Showing recommended schedules for the  
9 allocation and expenditure of public money in order to provide for  
10 the economical and timely execution of the various components of  
11 the plan.

12 (d) Historical properties preservation plan. An inventory of  
13 significant historical, archaeological and architectural properties as  
14 defined by a city, county or region, and a statement of methods to  
15 encourage the preservation of those properties.

16 (e) Housing plan. The housing plan must include, without  
17 limitation:

18 (1) An inventory of housing conditions, needs and plans and  
19 procedures for improving housing standards and for providing  
20 adequate housing.

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

22 (3) An analysis of the demographic characteristics of the  
23 community.

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

26 (5) An analysis of any impediments to the development of  
27 affordable housing and the development of policies to mitigate those  
28 impediments.

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

31 (7) An analysis of the needs and appropriate methods for the  
32 construction of affordable housing or the conversion or  
33 rehabilitation of existing housing to affordable housing.

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

36 (f) Land use plan. An inventory and classification of types of  
37 natural land and of existing land cover and uses, and comprehensive  
38 plans for the most desirable utilization of land. The land use plan  
39 may include a provision concerning the acquisition and use of land  
40 that is under federal management within the city, county or region,  
41 including, without limitation, a plan or statement of policy prepared  
42 pursuant to NRS 321.7355.

43 (g) *Microclimate plan. An analysis of the impact of new*  
44 *structures, additional lot coverage, or the installation of*  
45 *machinery or equipment which emits heat, vapor, fumes or noise*



1 *on the surrounding environment. The analysis must include*  
2 *provisions to minimize the adverse impact, if any, on light, air,*  
3 *water resources, noise and temperature levels of the surrounding*  
4 *environment.*

5 (h) Population plan. An estimate of the total population which  
6 the natural resources of the city, county or region will support on a  
7 continuing basis without unreasonable impairment.

8 ~~(h)~~ (i) Public buildings. Showing locations and arrangement of  
9 civic centers and all other public buildings, including the  
10 architecture thereof and the landscape treatment of the grounds  
11 thereof.

12 ~~(h)~~ (j) Public services and facilities. Showing general plans for  
13 sewage, drainage and utilities, and rights-of-way, easements and  
14 facilities therefor, including, without limitation, any utility projects  
15 required to be reported pursuant to NRS 278.145.

16 ~~(h)~~ (k) Recreation plan. Showing a comprehensive system of  
17 recreation areas, including, without limitation, natural reservations,  
18 parks, parkways, trails, reserved riverbank strips, beaches,  
19 playgrounds and other recreation areas, including, when practicable,  
20 the locations and proposed development thereof.

21 ~~(h)~~ (l) Rural neighborhoods preservation plan. In any county  
22 whose population is 400,000 or more, showing general plans to  
23 preserve the character and density of rural neighborhoods.

24 ~~(h)~~ (m) Safety plan. In any county whose population is 400,000  
25 or more, identifying potential types of natural and man-made  
26 hazards, including, without limitation, hazards from floods,  
27 landslides or fires, or resulting from the manufacture, storage,  
28 transfer or use of bulk quantities of hazardous materials. The plan  
29 may set forth policies for avoiding or minimizing the risks from  
30 those hazards.

31 ~~(h)~~ (n) School facilities plan. Showing the general locations of  
32 current and future school facilities based upon information furnished  
33 by the appropriate local school district.

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

37 ~~(h)~~ (p) *Shadow impact plan. An analysis showing the*  
38 *general pattern and impact of shadows cast from a building which*  
39 *is more than five stories in height and a plan to minimize such*  
40 *impact.*

41 (q) Solid waste disposal plan. Showing general plans for the  
42 disposal of solid waste.

43 ~~(h)~~ (r) Streets and highways plan. Showing the general  
44 locations and widths of a comprehensive system of major traffic  
45 thoroughfares and other traffic ways and of streets and the



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

4 ~~[(e)]~~ (s) Transit plan. Showing a proposed multimodal system of  
5 transit lines, including mass transit, streetcar, motorcoach and  
6 trolley coach lines, paths for bicycles and pedestrians, and related  
7 facilities.

8 ~~[(e)]~~ (t) Transportation plan. Showing a comprehensive  
9 transportation system, including, without limitation, locations of  
10 rights-of-way, terminals, viaducts and grade separations. The plan  
11 may also include port, harbor, aviation and related facilities.

12 2. The commission may prepare and adopt, as part of the  
13 master plan, other and additional plans and reports dealing with such  
14 other subjects as may in its judgment relate to the physical  
15 development of the city, county or region, and nothing contained in  
16 NRS 278.010 to 278.630, inclusive, *and sections 2 to 6, inclusive,*  
17 *of this act* prohibits the preparation and adoption of any such subject  
18 as a part of the master plan.

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

20 278.250 1. For the purposes of NRS 278.010 to 278.630,  
21 inclusive, *and sections 2 to 6, inclusive, of this act*, the governing  
22 body may divide the city, county or region into zoning districts of  
23 such number, shape and area as are best suited to carry out the  
24 purposes of NRS 278.010 to 278.630, inclusive ~~[(e)]~~, *and sections 2*  
25 *to 6, inclusive, of this act.* Within the zoning district it may regulate  
26 and restrict the erection, construction, reconstruction, alteration,  
27 repair or use of buildings, structures or land.

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

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

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

34 (c) *To protect existing views and access to solar resources by*  
35 *restricting the height of new buildings which will cast shadows on*  
36 *surrounding residential and commercial developments.*

37 (d) To provide for recreational needs.

38 ~~[(e)]~~ (e) To protect life and property in areas subject to floods,  
39 landslides and other natural disasters.

40 ~~[(e)]~~ (f) To conform to the adopted population plan, if required  
41 by NRS 278.170.

42 ~~[(e)]~~ (g) To develop a timely, orderly and efficient arrangement  
43 of transportation and public facilities and services, including *public*  
44 *access and sidewalks for pedestrians, and* facilities and services for  
45 bicycles.





~~[(e)]~~ (h) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

~~[(h)]~~ (i) *To ensure that the development is commensurate with the character, scale and architecture of existing buildings in the immediately surrounding area, including the functional and visual aspects of the building.*

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

~~[(j)]~~ (k) To promote health and the general welfare.

~~[(k)]~~ (l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

~~[(l)]~~ (m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods.

(n) *To protect natural vegetation and soil, requiring that the removal of soil be minimized and vegetation be replaced or incorporated as part of the permanent landscape whenever practicable.*

(o) *To protect natural resources and reduce the consumption of energy by using products and materials which maximize energy efficiency in the construction of buildings.*

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

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a





1 developer who builds residential dwellings to build a certain  
2 percentage of those dwellings as affordable housing.

3 (c) "Minimum density zoning" means a type of zoning pursuant  
4 to which development must be carried out at or above a certain  
5 density to maintain conformance with the master plan.

6 **Sec. 20.** NRS 278.260 is hereby amended to read as follows:

7 278.260 1. The governing body shall provide for the manner  
8 in which zoning regulations and restrictions and the boundaries of  
9 zoning districts are determined, established, enforced and amended.

10 2. A zoning regulation, restriction or boundary, or an  
11 amendment thereto, must not become effective until after transmittal  
12 of a copy of the relevant application to the town board, citizens'  
13 advisory council or town advisory board pursuant to subsection ~~5.7~~  
14 6, if applicable, and after a public hearing at which parties in interest  
15 and other persons have an opportunity to be heard. The governing  
16 body shall cause notice of the time and place of the hearing to be:

17 (a) Published in an official newspaper, or a newspaper of  
18 general circulation, in the city, county or region; and

19 (b) Mailed to each tenant of a mobile home park if that park is  
20 located within 300 feet of the property in question,

21 ➔ at least 10 days before the hearing.

22 3. *Before an applicant may submit an application for an*  
23 *amendment to a zoning regulation, restriction or boundary in a*  
24 *county whose population is 100,000 or more, the applicant shall*  
25 *hold a neighborhood meeting to inform the owners of real*  
26 *property in the neighborhood of the intent of the applicant to seek*  
27 *an amendment. Notice of the neighborhood meeting must be given*  
28 *to:*

29 (a) *Each owner, as listed on the county assessor's records, of*  
30 *real property located within 750 feet of the portion of the*  
31 *boundary being changed;*

32 (b) *The owner, as listed on the county assessor's records, of*  
33 *each of the 30 separately owned parcels nearest to the portion of*  
34 *the boundary being changed, to the extent this notice does not*  
35 *duplicate the notice given pursuant to paragraph (a); and*

36 (c) *Each tenant of a mobile home park if that park is located*  
37 *within 750 feet of the property in question.*

38 ➔ *The notice must be sent by mail at least 10 days before the*  
39 *neighborhood meeting and include the time, place and purpose of*  
40 *the neighborhood meeting.*

41 4. If a proposed amendment involves a change in the boundary  
42 of a zoning district in a county whose population is less than  
43 100,000, the governing body shall, to the extent this notice does not  
44 duplicate the notice required by subsection 2, cause a notice of the  
45 hearing to be sent at least 10 days before the hearing to:



- 1 (a) The applicant;
- 2 (b) Each owner, as listed on the county assessor's records, of
- 3 real property located within 300 feet of the portion of the boundary
- 4 being changed;
- 5 (c) The owner, as listed on the county assessor's records, of each
- 6 of the 30 separately owned parcels nearest to the portion of the
- 7 boundary being changed, to the extent this notice does not duplicate
- 8 the notice given pursuant to paragraph (b); and
- 9 (d) Any advisory board which has been established for the
- 10 affected area by the governing body.
- 11 ➤ The notice must be sent by mail or, if requested by a party to
- 12 whom notice must be provided pursuant to paragraphs (a) to (d),
- 13 inclusive, by electronic means if receipt of such an electronic notice
- 14 can be verified, and must be written in language which is easy to
- 15 understand. The notice must set forth the time, place and purpose of
- 16 the hearing and a physical description of or a map detailing the
- 17 proposed change, must indicate the existing zoning designation and
- 18 the proposed zoning designation of the property in question, and
- 19 must contain a brief summary of the intent of the proposed change.
- 20 If the proposed amendment involves a change in the boundary of the
- 21 zoning district that would reduce the density or intensity with which
- 22 a parcel of land may be used, the notice must include a section that
- 23 an owner of property may complete and return to the governing
- 24 body to indicate his approval of or opposition to the proposed
- 25 amendment.
- 26 **[4-] 5.** If a proposed amendment involves a change in the
- 27 boundary of a zoning district in a county whose population is
- 28 100,000 or more, the governing body shall, to the extent this notice
- 29 does not duplicate the notice required by subsection 2, cause a
- 30 notice of the hearing to be sent at least 10 days before the hearing
- 31 to:
- 32 (a) The applicant;
- 33 (b) Each owner, as listed on the county assessor's records, of
- 34 real property located within 750 feet of the portion of the boundary
- 35 being changed;
- 36 (c) The owner, as listed on the county assessor's records, of each
- 37 of the 30 separately owned parcels nearest to the portion of the
- 38 boundary being changed, to the extent this notice does not duplicate
- 39 the notice given pursuant to paragraph (b);
- 40 (d) Each tenant of a mobile home park if that park is located
- 41 within 750 feet of the property in question; and
- 42 (e) Any advisory board which has been established for the
- 43 affected area by the governing body.
- 44 ➤ The notice must be sent by mail or, if requested by a party to
- 45 whom notice must be provided pursuant to paragraphs (a) to (e),



1 inclusive, by electronic means if receipt of such an electronic notice  
2 can be verified, and must be written in language which is easy to  
3 understand. The notice must set forth the time, place and purpose of  
4 the hearing and a physical description of or a map detailing the  
5 proposed change, must indicate the existing zoning designation and  
6 the proposed zoning designation of the property in question, and  
7 must contain a brief summary of the intent of the proposed change.  
8 If the proposed amendment involves a change in the boundary of the  
9 zoning district that would reduce the density or intensity with which  
10 a parcel of land may be used, the notice must include a section that  
11 an owner of property may complete and return to the governing  
12 body to indicate his approval of or opposition to the proposed  
13 amendment.

14 ~~[5-]~~ 6. If an application is filed with the governing body and the  
15 application involves a change in the boundary of a zoning district  
16 within an unincorporated town that is located more than 10 miles  
17 from an incorporated city, the governing body shall, at least 10 days  
18 before the hearing on the application is held pursuant to subsection  
19 2, transmit a copy of any information pertinent to the application to  
20 the town board, citizens' advisory council or town advisory board,  
21 whichever is applicable, of the unincorporated town. The town  
22 board, citizens' advisory council or town advisory board may make  
23 recommendations regarding the application and submit its  
24 recommendations before the hearing on the application is held  
25 pursuant to subsection 2. The governing body or other authorized  
26 person or entity conducting the hearing shall consider any  
27 recommendations submitted by the town board, citizens' advisory  
28 council or town advisory board regarding the application and, within  
29 10 days after making its decision on the application, shall transmit a  
30 copy of its decision to the town board, citizens' advisory council or  
31 town advisory board.

32 ~~[6-]~~ 7. In a county whose population is 400,000 or more, if a  
33 notice is required to be sent pursuant to subsection ~~[4-]~~ 5:

34 (a) The exterior of a notice sent by mail; or

35 (b) The cover sheet, heading or subject line of a notice sent by  
36 electronic means,

37 ➡ must bear a statement, in at least 10-point bold type or font, in  
38 substantially the following form:

39  
40 OFFICIAL NOTICE OF PUBLIC HEARING  
41

42 ~~[7-]~~ 8. In addition to sending the notice required pursuant to  
43 subsection ~~[4-]~~ 5, in a county whose population is 400,000 or more,  
44 the governing body shall, not later than 10 days before the hearing,  
45 erect or cause to be erected on the property at least one sign not less



1 than 2 feet high and 2 feet wide. The sign must be made of material  
2 reasonably calculated to withstand the elements for 40 days. The  
3 governing body must be consistent in its use of colors for  
4 the background and lettering of the sign. The sign must include the  
5 following information:

- 6 (a) The existing zoning designation of the property in question;
- 7 (b) The proposed zoning designation of the property in question;
- 8 (c) The date, time and place of the public hearing;
- 9 (d) A telephone number which may be used by interested  
10 persons to obtain additional information; and

11 (e) A statement which indicates whether the proposed zoning  
12 designation of the property in question complies with the  
13 requirements of the master plan of the city or county in which the  
14 property is located.

15 ~~[8-]~~ 9. A sign required pursuant to subsection ~~[7]~~ 8 is for  
16 informational purposes only and must be erected regardless of any  
17 local ordinance regarding the size, placement or composition of  
18 signs to the contrary.

19 ~~[9-]~~ 10. A governing body may charge an additional fee for  
20 each application to amend an existing zoning regulation, restriction  
21 or boundary to cover the actual costs resulting from the mailed  
22 notice required by this section and the erection of not more than one  
23 of the signs required by subsection ~~[7-]~~ 8, if any. The additional fee  
24 is not subject to the limitation imposed by NRS 354.5989.

25 ~~[10-]~~ 11. The governing body shall remove or cause to be  
26 removed any sign required by subsection ~~[7]~~ 8 within 5 days after  
27 the final hearing for the application for which the sign was erected.  
28 There must be no additional charge to the applicant for such  
29 removal.

30 ~~[11-]~~ 12. If a proposed amendment involves a change in the  
31 boundary of a zoning district in a county whose population is  
32 400,000 or more that would reduce the density or intensity with  
33 which a parcel of land may be used and at least 20 percent of the  
34 property owners to whom notices were sent pursuant to subsection  
35 ~~[4]~~ 5 indicate in their responses opposition to the proposed  
36 amendment, the governing body shall not approve the proposed  
37 amendment unless the governing body:

38 (a) Considers separately the merits of each aspect of the  
39 proposed amendment to which the owners expressed opposition;  
40 and

41 (b) Makes a written finding that the public interest and necessity  
42 will be promoted by approval of the proposed amendment.

43 ~~[12-]~~ 13. The governing body of a county whose population is  
44 400,000 or more shall not approve a zoning regulation, restriction or  
45 boundary, or an amendment thereof, that affects any unincorporated



1 area of the county that is surrounded completely by the territory of  
2 an incorporated city without sending a notice to the governing body  
3 of the city. The governing body of the city, or its designee, must  
4 submit any recommendations to the governing body of the county  
5 within 15 days after receiving the notice. The governing body of the  
6 county shall consider any such recommendations. If the governing  
7 body of the county does not accept a recommendation, the  
8 governing body of the county, or its authorized agent, shall specify  
9 for the record the reasons for its action.

10 **Sec. 21.** NRS 278.315 is hereby amended to read as follows:

11 278.315 1. ~~[The]~~ *Except as otherwise provided in subsection*  
12 *14, the* governing body may provide by ordinance for the granting  
13 of variances, special use permits, conditional use permits or other  
14 special exceptions by the board of adjustment, the planning  
15 commission or a hearing examiner appointed pursuant to NRS  
16 278.262. The governing body may impose this duty entirely on the  
17 board, commission or examiner, respectively, or provide for the  
18 granting of enumerated categories of variances, special use permits,  
19 conditional use permits or special exceptions by the board,  
20 commission or examiner.

21 2. *Before an applicant may submit an application for a*  
22 *variance in a county whose population is 100,000 or more, the*  
23 *applicant shall hold a neighborhood meeting to inform the owners*  
24 *of real property in the neighborhood of the intent of the applicant*  
25 *to seek an amendment. Notice of the neighborhood meeting must*  
26 *be given to:*

27 (a) *Each owner, as listed on the county assessor's records, of*  
28 *real property located within 750 feet of the portion of the*  
29 *boundary being changed;*

30 (b) *The owner, as listed on the county assessor's records, of*  
31 *each of the 30 separately owned parcels nearest to the portion of*  
32 *the boundary being changed, to the extent this notice does not*  
33 *duplicate the notice given pursuant to paragraph (a); and*

34 (c) *Each tenant of a mobile home park if that park is located*  
35 *within 750 feet of the property in question.*

36 *↪ The notice must be sent by mail at least 10 days before the*  
37 *neighborhood meeting and include the time, place and purpose of*  
38 *the neighborhood meeting.*

39 3. A hearing to consider an application for the granting of a  
40 variance, special use permit, conditional use permit or special  
41 exception must be held before the board of adjustment, planning  
42 commission or hearing examiner within 65 days after the filing of  
43 the application, unless a longer time or a different process of review  
44 is provided in an agreement entered into pursuant to NRS 278.0201.



~~[3-]~~ 4. In a county whose population is less than 100,000, notice setting forth the time, place and purpose of the hearing must be sent at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner of real property, as listed on the county assessor's records, located within 300 feet of the property in question;

(c) If a mobile home park is located within 300 feet of the property in question, each tenant of that mobile home park; and

(d) Any advisory board which has been established for the affected area by the governing body.

~~[4-]~~ 5. Except as otherwise provided in subsection ~~[7-]~~ 9, in a county whose population is 100,000 or more, a notice setting forth the time, place and purpose of the hearing must be sent at least 10 days before the hearing to:

(a) The applicant;

(b) If the application is for a deviation of at least 10 percent but not more than 30 percent from a standard for development:

(1) Each owner, as listed on the county assessor's records, of real property located within 100 feet of the property in question; and

(2) Each tenant of a mobile home park located within 100 feet of the property in question;

(c) If the application is for a special use permit or a deviation of more than 30 percent from a standard for development:

(1) Each owner, as listed on the county assessor's records, of real property located within 500 feet of the property in question;

(2) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (1); and

(3) Each tenant of a mobile home park located within 500 feet of the property in question;

(d) If the application is for a project of regional significance, as that term is described in NRS 278.02542:

(1) Each owner, as listed on the county assessor's records, of real property located within 750 feet of the property in question;

(2) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (1); and

(3) Each tenant of a mobile home park located within 750 feet of the property in question; and

(e) Any advisory board which has been established for the affected area by the governing body.



~~[5-]~~ 6. *If the application is for the granting of a variance and the proposed development:*

(a) *Contains more than 200 houses, the application must include an analysis of the impact on the costs of infrastructure, traffic and schools.*

(b) *Is located within 100 miles of an incorporated city and is a suburb of that incorporated city, the application must include an analysis of the impact on the costs of infrastructure and public transportation of the incorporated city of which it is a suburb.*

7. If an application is filed with the governing body for the issuance of a special use permit with regard to property situated within an unincorporated town that is located more than 10 miles from an incorporated city, the governing body shall, at least 10 days before the hearing on the application is held pursuant to subsection ~~[2-]~~ 3, transmit a copy of any information pertinent to the application to the town board, citizens' advisory council or town advisory board, whichever is applicable, of the unincorporated town. The town board, citizens' advisory council or town advisory board may make recommendations regarding the application and submit its recommendations before the hearing on the application is held pursuant to subsection ~~[2-]~~ 3. The governing body or other authorized person or entity conducting the hearing shall consider any recommendations submitted by the town board, citizens' advisory council or town advisory board regarding the application and, within 10 days after making its decision on the application, shall transmit a copy of its decision to the town board, citizens' advisory council or town advisory board.

~~[6-]~~ 8. An applicant or a protestant may appeal a decision of the board of adjustment, planning commission or hearing examiner in accordance with the ordinance adopted pursuant to NRS 278.3195.

~~[7-]~~ 9. In a county whose population is 400,000 or more, if the application is for the issuance of a special use permit for an establishment which serves alcoholic beverages for consumption on or off of the premises as its primary business in a district which is not a gaming enterprise district as defined in NRS 463.0158, the governing body shall, at least 10 days before the hearing:

(a) Send a notice setting forth the time, place and purpose of the hearing to:

- (1) The applicant;
- (2) Each owner, as listed on the county assessor's records, of real property located within 1,500 feet of the property in question;
- (3) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (2);





(4) Each tenant of a mobile home park located within 1,500 feet of the property in question; and

(5) Any advisory board which has been established for the affected area by the governing body; and

(b) Erect or cause to be erected on the property, at least one sign not less than 2 feet high and 2 feet wide. The sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:

(1) The existing permitted use and zoning designation of the property in question;

(2) The proposed permitted use of the property in question;

(3) The date, time and place of the public hearing; and

(4) A telephone number which may be used by interested persons to obtain additional information.

~~[8-]~~ **10.** A sign required pursuant to subsection ~~[7]~~ **9** is for informational purposes only and must be erected regardless of any local ordinance regarding the size, placement or composition of signs to the contrary.

~~[9-]~~ **11.** A governing body may charge an additional fee for each application for a special use permit to cover the actual costs resulting from the erection of not more than one sign required by subsection ~~[7-]~~ **9**, if any. The additional fee is not subject to the limitation imposed by NRS 354.5989.

~~[10-]~~ **12.** The governing body shall remove or cause to be removed any sign required by subsection ~~[7]~~ **9** within 5 days after the final hearing for the application for which the sign was erected. There must be no additional charge to the applicant for such removal.

~~[11-]~~ **13.** The notice required to be provided pursuant to subsections ~~[3, 4 and 7]~~ **4, 5 and 9** must be sent by mail or, if requested by a party to whom notice must be provided pursuant to those subsections, by electronic means if receipt of such an electronic notice can be verified, and must be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.

~~[12-]~~ **14.** *No variance may be granted for an ordinance restricting building height in counties whose population is 100,000 or more.*

**15.** The provisions of this section do not apply to an application for a conditional use permit filed pursuant to NRS 278.147.





**Sec. 22.** NRS 278.4787 is hereby amended to read as follows:

278.4787 1. Except as otherwise provided in subsection 5, a person who proposes to divide land for transfer or development into four or more lots pursuant to NRS 278.360 to 278.460, inclusive, or chapter 278A of NRS, may, in lieu of providing for the creation of an association for a common-interest community, request the governing body of the jurisdiction in which the land is located to assume the maintenance of one or more of the following improvements located on the land:

(a) Landscaping;

(b) Public lighting;

(c) Security walls; and

(d) Trails, parks and open space which provide a substantial public benefit or which are required by the governing body for the primary use of the public.

2. A governing body shall establish by ordinance a procedure pursuant to which a request may be submitted pursuant to subsection 1 in the form of a petition, which must be signed by a majority of the owners whose property will be assessed and which must set forth descriptions of all tracts of land or residential units that would be subject to such an assessment.

3. The governing body may by ordinance designate a person to approve or disapprove a petition submitted pursuant to this section. If the governing body adopts such an ordinance, the ordinance must provide, without limitation:

(a) Procedures pursuant to which the petition must be reviewed to determine whether it would be desirable for the governing body to assume the maintenance of the proposed improvements.

(b) Procedures for the establishment of a maintenance district or unit of assessment.

(c) A method for:

(1) Determining the relative proportions in which the assumption of the maintenance of the proposed improvements by the governing body will:

(I) Benefit the development or subdivision in which the improvements are located; and

(II) Benefit the public;

(2) Assessing the tracts of land or residential units in the development or subdivision to pay the costs that will be incurred by the governing body in assuming the maintenance of the proposed improvements, in the proportion that such maintenance will benefit the development or subdivision in which the improvements are located; and

(3) Allocating an amount of public money to pay the costs that will be incurred by the governing body in assuming the



1 maintenance of the proposed improvements, in the proportion that  
2 such maintenance will benefit the public.

3 (d) Procedures for a petitioner or other aggrieved person to  
4 appeal to the governing body a decision of the person designated by  
5 the governing body by ordinance adopted pursuant to this subsection  
6 to approve or disapprove a petition.

7 4. If the governing body does not designate by an ordinance  
8 adopted pursuant to subsection 3 a person to approve or disapprove  
9 a petition, the governing body shall, after receipt of a complete  
10 petition submitted at least 120 days before the approval of the final  
11 map for the land, hold a public hearing at least 90 days before the  
12 approval of the final map for the land, unless otherwise waived by  
13 the governing body, to determine the desirability of assuming the  
14 maintenance of the proposed improvements. If the governing body  
15 determines that it would be undesirable for the governing body to  
16 assume the maintenance of the proposed improvements, the  
17 governing body shall specify for the record its reasons for that  
18 determination. If the governing body determines that it would be  
19 desirable for the governing body to assume the maintenance of the  
20 proposed improvements, the governing body shall by ordinance:

21 (a) Determine the relative proportions in which the assumption  
22 of the maintenance of the proposed improvements by the governing  
23 body will:

24 (1) Benefit the development or subdivision in which the  
25 improvements are located; and

26 (2) Benefit the public.

27 (b) Create a maintenance district or unit of assessment  
28 consisting of the tracts of land or residential units set forth in the  
29 petition or include the tracts of land or residential units set forth in  
30 the petition in an existing maintenance district or unit of assessment.

31 (c) Establish the method or, if the tracts or units are included  
32 within an existing maintenance district or unit of assessment, apply  
33 an existing method for determining:

34 (1) The amount of an assessment to pay the costs that will be  
35 incurred by the governing body in assuming the maintenance of the  
36 proposed improvements. The amount of the assessment must be  
37 determined in accordance with the proportion to which such  
38 maintenance will benefit the development or subdivision in which  
39 the improvements are located.

40 (2) The time and manner of payment of the assessment.

41 (d) Provide that the assessment constitutes a lien upon the tracts  
42 of land or residential units within the maintenance district or unit of  
43 assessment. The lien must be executed, and has the same priority, as  
44 a lien for property taxes.

45 (e) Prescribe the levels of maintenance to be provided.



1 (f) Allocate to the cost of providing the maintenance the  
2 appropriate amount of public money to pay for that part of the  
3 maintenance which creates the public benefit.

4 (g) Address any other matters that the governing body  
5 determines to be relevant to the maintenance of the improvements,  
6 including, without limitation, matters relating to the ownership of  
7 the improvements and the land on which the improvements are  
8 located and any exposure to liability associated with the  
9 maintenance of the improvements.

10 5. If the governing body requires an owner of land to dedicate a  
11 tract of land as a trail identified in the recreation plan of the  
12 governing body adopted pursuant to paragraph ~~(f)~~ (k) of subsection  
13 1 of NRS 278.160, the governing body shall:

14 (a) Accept ownership of the tract; and

15 (b) Assume the maintenance of the tract and any other  
16 improvement located on the land that is authorized in subsection 1.

17 6. The governing body shall record, in the office of the county  
18 recorder for the county in which the tracts of land or residential  
19 units included in a petition approved pursuant to this section are  
20 located, a notice of the creation of the maintenance district or unit of  
21 assessment that is sufficient to advise the owners of the tracts of  
22 land or residential units that the tracts of land or residential units are  
23 subject to the assessment. The costs of recording the notice must be  
24 paid by the petitioner.

25 7. The provisions of this section apply retroactively to a  
26 development or subdivision with respect to which:

27 (a) An agreement or agreements between the owners of tracts of  
28 land within the development or subdivision and the developer allow  
29 for the provision of services in the manner set forth in this section;  
30 or

31 (b) The owners of affected tracts of land or residential units  
32 agree to dissolve the association for their common-interest  
33 community in accordance with the governing documents of the  
34 common-interest community upon approval by the governing body  
35 of a petition filed by the owners pursuant to this section.

36 **Sec. 23.** NRS 278.610 is hereby amended to read as follows:

37 278.610 1. After a building official is appointed pursuant to  
38 NRS 278.570, it is unlawful to erect, construct, reconstruct, alter or  
39 change the use of any building or other structure within the territory  
40 covered by the building code or zoning regulations without  
41 obtaining a building permit from the building official.

42 2. The building official shall not issue any permit unless the  
43 plans of and for the proposed erection, construction, reconstruction,  
44 alteration or use fully:



(a) Conform to all building code and zoning regulations then in effect.

(b) If applicable, comply with the provisions of NRS 393.110.

3. *In a county whose population is 100,000 or more, a building official shall not issue a building permit for a building which is more than five stories in height unless the applicant proves that the building is located in the urban core of the city and a written analysis has been submitted to the governing body pursuant to section 5 of this act.*

4. A building official shall not issue a building permit to a person acting for another unless the applicant proves to the satisfaction of the building official that he is licensed as a contractor for that work pursuant to the provisions of chapter 624 of NRS.

**Sec. 24.** Chapter 278B of NRS is hereby amended by adding thereto a new section to read as follows:

*A local government shall provide a partial abatement of an impact fee imposed pursuant to this chapter for any developer who builds residential homes which are:*

1. *Sold to a low-income household as defined in NRS 279.397;*

2. *Located in a mixed-use development as defined in section 2 of this act;*

3. *Located in a transit-oriented development as defined in section 4 of this act; or*

4. *Certified at the silver level or higher of the Leadership in Energy and Environmental Design Green Building Rating System as adopted by the U.S. Green Building Council.*

**Sec. 25.** NRS 279.608 is hereby amended to read as follows:

279.608 1. If, at any time after the adoption of a redevelopment plan by the legislative body, the agency desires to take an action that will constitute a material deviation from the plan or otherwise determines that it would be necessary or desirable to amend the plan, the agency must recommend the amendment of the plan to the legislative body. An amendment may include the addition of one or more areas to any redevelopment area.

2. Before recommending amendment of the plan, the agency shall hold a public hearing on the proposed amendment. Notice of that hearing must be published at least 10 days before the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing must include a legal description of the boundaries of the area designated in the plan to be amended and a general statement of the purpose of the amendment.

3. In addition to the notice published pursuant to subsection 2, the agency shall cause a notice of hearing on a proposed amendment



1 to the plan to be sent by mail at least 10 days before the date of the  
2 hearing to each owner of real property, as listed in the records of the  
3 county assessor, whom the agency determines is likely to be directly  
4 affected by the proposed amendment. The notice must:

5 (a) Set forth the date, time, place and purpose of the hearing and  
6 a physical description of, or a map detailing, the proposed  
7 amendment; and

8 (b) Contain a brief summary of the intent of the proposed  
9 amendment.

10 4. If after the public hearing, the agency recommends  
11 substantial changes in the plan which affect the master or  
12 community plan adopted by the planning commission or the  
13 legislative body, those changes must be submitted by the agency to  
14 the planning commission for its report and recommendation. The  
15 planning commission shall give its report and recommendations to  
16 the legislative body within 30 days after the agency submitted the  
17 changes to the planning commission.

18 5. After receiving the recommendation of the agency  
19 concerning the changes in the plan, the legislative body shall hold a  
20 public hearing on the proposed amendment, notice of which must be  
21 published in a newspaper in the manner designated for notice of  
22 hearing by the agency. If after that hearing the legislative body  
23 determines that the amendments in the plan, proposed by the  
24 agency, are necessary or desirable, the legislative body shall adopt  
25 an ordinance amending the ordinance adopting the plan.

26 6. As used in this section, "material deviation" means an action  
27 that, if taken, would alter significantly one or more of the aspects of  
28 a redevelopment plan that are required to be shown in the  
29 redevelopment plan pursuant to NRS 279.572. The term includes,  
30 without limitation, the vacation of a street that is depicted in the  
31 streets and highways plan of the master plan described in paragraph  
32 ~~(p)~~ (r) of subsection 1 of NRS 278.160 which has been adopted for  
33 the community and the relocation of a public park. The term does  
34 not include the vacation of a street that is not depicted in the streets  
35 and highways plan of the master plan described in paragraph ~~(p)~~  
36 (r) of subsection 1 of NRS 278.160 which has been adopted for the  
37 community.

38 **Sec. 26.** Chapter 319 of NRS is hereby amended by adding  
39 thereto the provisions set forth as sections 27, 28 and 29 of this act.

40 **Sec. 27. 1. *There is hereby created in the State General***  
41 ***Fund the Account for Smart Growth Development, to be***  
42 ***administered by the Division. All money that is collected for the***  
43 ***use of the Account from any source, including pursuant to a***  
44 ***specific statute, legislative appropriation, gift or grant, or from***



1 *interest earned on specific public or private accounts, must be*  
2 *deposited in the Account.*

3 *2. The money in the Account must be invested as provided in*  
4 *chapters 355 and 356 of NRS. The interest and income earned on*  
5 *the money in the Account, after deducting any applicable charges,*  
6 *must be credited to the Account. All claims against the Account*  
7 *must be paid as other claims against the State are paid.*

8 **Sec. 28.** *Money deposited in the Account for Smart Growth*  
9 *Development created pursuant to section 27 of this act must be*  
10 *used to provide assistance to or guarantee the payment of*  
11 *mortgages or deposits as security for mortgages for persons to*  
12 *enable the purchase of residential housing in a:*

13 *1. Mixed-use development as defined in section 2 of this act;*  
14 *or*

15 *2. Transit-oriented development as defined in section 4 of this*  
16 *act.*

17 **Sec. 29.** *1. The Administrator shall consult with*  
18 *representatives from the regional planning coalition in a county*  
19 *whose population is 400,000 or more, the regional planning*  
20 *commission in a county whose population is 100,000 or more but*  
21 *less than 400,000, financial institutions and other persons*  
22 *interested in the provision of mixed-use development and transit-*  
23 *oriented development, and adopt regulations establishing:*

24 *(a) Criteria for the distribution and use of money from the*  
25 *Account for Smart Growth Development created pursuant to*  
26 *section 27 of this act; and*

27 *(b) Procedures for the Division to monitor the use of money*  
28 *from the Account and to enforce the provisions of this section and*  
29 *sections 27 and 28 of this act.*

30 *↪ The regulations must be designed to maximize the efficient use*  
31 *of money in the Account and to promote the participation and*  
32 *assistance of regional planning coalitions and regional planning*  
33 *commissions.*

34 *2. A recipient of money from the Account shall comply with*  
35 *the regulations of the Administrator and provide such reports to*  
36 *the Division, the regional planning coalition and regional*  
37 *planning commission upon the use of the money as the*  
38 *Administrator requires.*

39 **Sec. 30.** *Section 8.010 of the Charter of the City of Las Vegas,*  
40 *being chapter 517, Statutes of Nevada 1983, at page 1420, is hereby*  
41 *amended to read as follows:*

42 *Sec. 8.010 Legislative declaration. The Legislature by*  
43 *the inclusion of this article in this Charter declares that:*

44 *1. All of the property which is to be acquired by the City*  
45 *pursuant to this article must be owned, operated, administered*



1 and maintained for and on behalf of all of the people of the  
2 City.

3 2. The exercise by the City of the purposes, powers,  
4 rights, privileges, immunities and duties which are  
5 established, granted, conferred and imposed in this article  
6 promotes the public health, safety, prosperity, security,  
7 comfort, convenience and general welfare of all of the people  
8 of the State and will be of special benefit to the inhabitants of  
9 the City and the property within the City.

10 3. The provisions in this article which involve the  
11 purposes, powers, rights, privileges, immunities, liabilities,  
12 duties and disabilities with respect to the City will serve a  
13 public purpose.

14 4. The necessity for this article results from:

15 (a) The large population growth in the urban areas which  
16 are included within the City and its environs, which  
17 constitutes in the aggregate a significant portion of the State's  
18 population;

19 (b) The numerous capital improvements and large amount  
20 of improved real property which is situate within the urban  
21 areas;

22 (c) The need for capital improvements within certain  
23 areas within the City to provide needed services, facilities and  
24 other improvements for public use;

25 (d) The existence of blighted or deteriorating areas within  
26 the City which constitutes a serious and growing menace  
27 which is condemned as injurious and inimical to the public  
28 health, safety and general welfare of the people of the State,  
29 and particularly of the City;

30 (e) The lack of municipally owned capital improvements  
31 and the blighted or deteriorating areas which present  
32 difficulties and handicaps beyond remedy and control solely  
33 by the regulatory processes in the exercise of the police  
34 power;

35 (f) Deficiencies which contribute substantially and  
36 increasingly to the problems of, and necessitate excessive and  
37 disproportionate expenditures for, crime prevention and the  
38 preservation of the public health, safety and general welfare;

39 (g) Deficiencies which also constitute an economic and  
40 social liability which imposes onerous municipal burdens  
41 which decrease the tax base and reduce tax revenues,  
42 aggravate traffic hazards and the improvement of the traffic  
43 facilities; and

44 (h) The fact that the areas in which these deficiencies  
45 exist consume an excessive proportion of the City's revenues



1 because of the extra services which are required for police,  
2 fire, accident, hospitalization and other forms of public  
3 protection.

4 5. The menace which results from the foregoing factors  
5 is becoming increasingly direct and substantial in its  
6 significance and effect.

7 6. The benefits which the City will derive from the  
8 remedying of these deficiencies by making available  
9 additional revenues to defray indirectly the costs of  
10 undertakings within the City which are authorized by NRS  
11 268.672 to 268.740, inclusive, *the development of mixed-use*  
12 *and transit-oriented communities*, and the redevelopment of  
13 blighted or deteriorating areas within the City will inure to the  
14 inhabitants and the property owners of the City as a whole,  
15 will be of general benefit to those people and will be of  
16 special benefit to the taxable real property within a tax  
17 increment area and to the owners of that property.

18 7. The method of paying the bond requirements of the  
19 securities which are issued pursuant to this article is equitable  
20 and enables the City to issue securities to defray the cost of  
21 any project.

22 8. A general law cannot be made applicable to the City  
23 or to the properties, powers, rights, privileges, immunities,  
24 liabilities, duties and disabilities which pertain to the City, as  
25 provided in this article, because of the number of atypical  
26 factors and special conditions with respect to them.

27 9. For the accomplishment of the purposes which are  
28 provided in this section, each of the provisions of this article  
29 must be broadly construed.

30 **Sec. 31.** Section 8.110 of the Charter of the City of Las Vegas,  
31 being chapter 517, Statutes of Nevada 1983, as amended by chapter  
32 639, Statutes of Nevada 1985, at page 2087, is hereby amended to  
33 read as follows:

34 Sec. 8.110 "Undertaking" defined. "Undertaking"  
35 means any enterprise to acquire, *develop*, improve or equip,  
36 or any combination thereof, any project which is authorized  
37 in NRS 268.672 to 268.740, inclusive, *which is a mixed-use*  
38 *or transit-oriented community*, or which could be undertaken  
39 by a redevelopment agency pursuant to NRS 279.382 to  
40 279.680, inclusive, and to defray the cost of that enterprise,  
41 wholly or in part, by the issuance of the City's bonds or other  
42 securities which are payable, wholly or in part, from tax  
43 proceeds which are allocated to any Tax Increment Account  
44 that pertains to the enterprise pursuant to section 8.230 of this  
45 Charter.





1     **Sec. 32.** Section 7A.010 of the Charter of the City of North  
2 Las Vegas, being chapter 584, Statutes of Nevada 1983, at page  
3 1850, is hereby amended to read as follows:

4         Sec. 7A.010 Legislative declaration. The Legislature  
5 by the inclusion of this article in this Charter declares that:

6         1. All of the property which is to be acquired by the city  
7 pursuant to this article must be owned, operated, administered  
8 and maintained for and on behalf of all of the people of the  
9 City.

10        2. The exercise by the City of the purposes, powers,  
11 rights, privileges, immunities and duties which are  
12 established, granted, conferred and imposed in this article  
13 promotes the public health, safety, prosperity, security,  
14 comfort, convenience and general welfare of all of the people  
15 of the State and will be of special benefit to the inhabitants of  
16 the City and the property within the City.

17        3. The provisions in this article which involve the  
18 purposes, powers, rights, privileges, immunities, liabilities,  
19 duties and disabilities with respect to the City will serve a  
20 public purpose.

21        4. The necessity for this article results from:

22        (a) The large population growth in the urban areas which  
23 are included within the City and its environs, which  
24 constitutes in the aggregate a significant portion of the State's  
25 population;

26        (b) The numerous capital improvements and large amount  
27 of improved real property which is situate within the urban  
28 areas;

29        (c) The need for capital improvements within certain  
30 areas within the City to provide needed services, facilities and  
31 other improvements for public use;

32        (d) The existence of blighted or deteriorating areas within  
33 the City which constitutes a serious and growing menace  
34 which is condemned as injurious and inimical to the public  
35 health, safety and general welfare of the people of the State,  
36 and particularly of the City;

37        (e) The lack of municipally owned capital improvements  
38 and the blighted or deteriorating areas which present  
39 difficulties and handicaps beyond remedy and control solely  
40 by the regulatory processes in the exercise of the police  
41 power; and

42        (f) Deficiencies which also constitute an economic and  
43 social liability which imposes onerous municipal burdens  
44 which decrease the tax base and reduce tax revenues,



1 aggravate traffic hazards and the improvement of the traffic  
2 facilities.

3 5. The menace which results from the foregoing factors  
4 is becoming increasingly direct and substantial in its  
5 significance and effect.

6 6. The benefits which the City will derive from the  
7 remedying of these deficiencies by making available  
8 additional revenues to defray indirectly the costs of  
9 undertakings within the City which are authorized by NRS  
10 268.672 to 268.740, inclusive, *the development of mixed-use*  
11 *and transit-oriented communities*, and the redevelopment of  
12 blighted or deteriorating areas within the City will inure to the  
13 inhabitants and the property owners of the City as a whole,  
14 will be of general benefit to those people and will be of  
15 special benefit to the taxable real property within a tax  
16 increment area and to the owners of that property.

17 7. The method of paying the bond requirements of the  
18 securities which are issued pursuant to this article is equitable  
19 and enables the City to issue securities to defray the cost of  
20 any project.

21 8. A general law cannot be made applicable to the City  
22 or to the properties, powers, rights, privileges, immunities,  
23 liabilities, duties and disabilities which pertain to the City, as  
24 provided in this article, because of the number of atypical  
25 factors and special conditions with respect to them.

26 9. For the accomplishment of the purposes which are  
27 provided in this section, each of the provisions of this article  
28 must be broadly construed.

29 **Sec. 33.** Section 7A.110 of the Charter of the City of North  
30 Las Vegas, being chapter 584, Statutes of Nevada 1983, at page  
31 1853, is hereby amended to read as follows:

32 Sec. 7A.110 "Undertaking" defined. "Undertaking"  
33 means any enterprise to acquire, *develop*, improve or equip ,  
34 ~~or~~ or any combination thereof , ~~or~~ any project which is  
35 authorized in NRS 268.672 to 268.740, inclusive, *or which is*  
36 *a mixed-use or transit-oriented community*, and to defray the  
37 cost of that enterprise, wholly or in part, by the issuance of  
38 the City's bonds or other securities which are payable, wholly  
39 or in part, from tax proceeds which are allocated to any tax  
40 increment account that pertains to the enterprise pursuant to  
41 section 7A.230 of this Charter.



1     **Sec. 34.** Section 7A.120 of the Charter of the City of Reno,  
2 being chapter 460, Statutes of Nevada 1979, at page 862, is hereby  
3 amended to read as follows:

4         Sec. 7A.120 “Undertaking” defined. “Undertaking”  
5 means any enterprise to acquire, *develop*, improve or equip ,  
6 ~~or~~ or any combination thereof , ~~or~~ any project or projects  
7 authorized in the City Bond Law *or which is a mixed-use or*  
8 *transit-oriented community*, and to defray the cost of such  
9 enterprise wholly or in part by the issuance of the City’s  
10 bonds or other securities payable wholly or in part from tax  
11 proceeds allocated to the Tax Increment Account pertaining  
12 to such enterprise pursuant to section 7A.190.

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\* A B 4 2 5 \*

