

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

MARCH 24, 2005

JOINT SPONSOR: SENATOR TITUS

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.

AN ACT relating to development; authorizing incentives for certain types of development; authorizing certain counties to develop urban villages in cooperation with incorporated cities within the county; requiring zoning regulations to protect certain resources and ensure smart growth; requiring applicants to hold a neighborhood meeting before applying for an amendment to a zoning regulation, restriction or boundary 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:

1 **Section 1.** Chapter 278 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 1.5 and 6 of this act.

3 **Sec. 1.5.** *“Gaming enterprise district” has the meaning*
4 *ascribed to it in NRS 463.0158.*

5 **Secs. 2-5.** (Deleted by amendment.)

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



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

6 ***2. Large commercial development which provides employee***
7 ***parking at a site other than the commercial development. Such***
8 ***incentives may be developed in cooperation with the regional***
9 ***transportation commission and other local governmental entities.***

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

11 278.010 As used in NRS 278.010 to 278.630, inclusive, ***and***
12 ***sections 1.5 and 6 of this act***, unless the context otherwise requires,
13 the words and terms defined in NRS 278.0105 to 278.0195,
14 inclusive, ***and section 1.5 of this act*** have the meanings ascribed to
15 them in those sections.

16 **Sec. 8.** (Deleted by amendment.)

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

18 278.02521 1. The Legislature recognizes the need for
19 innovative strategies of planning and development that:

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

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

25 (1) Seek increased economic development; and

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

29 ***(c) Address the concerns of constructing buildings more than***
30 ***30 feet in height and the impact of such construction on***
31 ***surrounding areas.***

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

35 (a) Protecting environmentally sensitive areas;

36 (b) Maintaining the economic viability of agricultural and other
37 predominantly rural land uses; and

38 (c) Providing cost-effective public facilities and services.

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

42 (a) Allows for:

43 (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, *including, without limitation, buildings that are certified in accordance with the Leadership in Energy and Environmental Design Green Building System or its equivalent*, 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.

2. In developing the plan, the coalition:

(a) May consult with other entities that are interested or involved in regional planning within the county.

(b) Shall ensure that the comprehensive regional policy plan includes goals, policies, maps and other documents relating to:

(1) Conservation, including, without limitation, policies relating to the use and protection of natural resources.

(2) Population, including, without limitation, standardized projections for population growth in the region.



(3) Land use and development, including, without limitation, a map of land use plans that have been adopted by local governmental entities within the region ~~[H]~~, *and that the plan addresses, if applicable, shadowing, mixed-use development, transit-oriented development, master-planned communities, urban villages, gaming enterprise districts and the location of buildings more than 30 feet in height.*

(4) Transportation.

(5) The efficient provision of public facilities and services, including, without limitation, roads, water and sewer service, police and fire protection, mass transit, libraries and parks.

(6) Air quality.

(7) Strategies to promote and encourage:

(I) The interspersation of new housing and businesses in established neighborhoods; and

(II) Development in areas in which public services are available.

(c) May consult with each incorporated city located within the county to develop urban villages. If an urban village is developed, the urban village must:

(1) Designate the areas in which the construction of buildings more than 30 feet in height is authorized;

(2) Promote the utilization of transit services;

(3) Prohibit the establishment of a gaming enterprise district in a residential area or within 2,500 feet of a school; and

(4) Discourage the expansion of infrastructure beyond the boundaries of the urban village.

3. The regional planning coalition shall not adopt or amend the comprehensive regional policy plan unless the adoption or amendment is by resolution of the regional planning coalition:

(a) Carried by the affirmative votes of not less than two-thirds of its total membership; and

(b) Ratified by the board of county commissioners of the county and the city council of each city that jointly established the regional planning coalition pursuant to NRS 278.02514.

Sec. 11. NRS 278.02535 is hereby amended to read as follows:

278.02535 1. The regional planning coalition shall study and develop methods to provide incentives for ~~[the]~~:

(a) The interspersation 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 interspersation; and*

~~[(b)]~~ *(2) Imposition of a fee for the extension of infrastructure to encourage such interspersation.*



(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 may be developed in cooperation with the regional transportation commission and other governmental entities.

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. ~~§~~

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

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

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

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

(g) Consider and take necessary action with respect to any issue that the regional planning coalition determines will have a significant impact on the region, including, without limitation, projects of regional significance. ~~§~~

(h) Review, consider and make recommendations regarding applications submitted to agencies of the Federal Government and applications for federal assistance for federally assisted programs or projects. ~~§; and~~



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

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

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

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

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

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

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

(a) A state agency; or

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

2. "Facilities plan" means a plan for the development of public facilities which will have a regional impact or which will aid in accomplishing regional goals relating to transportation, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality or public education. The term does not include a plan for the development of a specific site or regulations adopted by an affected entity to implement the comprehensive regional plan.

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

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



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

4 (a) Has been identified in the guidelines of the regional planning
5 commission as a project which will result in the loss or significant
6 degradation of a designated historic, archeological, cultural or
7 scenic resource;

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

11 (c) Has been identified in the guidelines of the regional planning
12 commission as a project which will have a significant effect on the
13 natural resources, public services, public facilities , *including,*
14 *without limitation, schools,* or the adopted regional form of the
15 region; or

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

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

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

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

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

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

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

26 ➤ The term does not include any project for which a request for an
27 amendment to a master plan, a change in zoning, a tentative map or
28 a special use permit has been approved by the local planning
29 commission before June 17, 1989.

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

32 (a) An electric substation;

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

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

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

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

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

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

42 278.0261 The Legislature hereby finds and declares that:

43 1. The process of regional planning in a county whose
44 population is 100,000 or more but less than 400,000, as set forth in
45 NRS 278.026 to 278.029, inclusive, *and section 6 of this act*



1 ensures that comprehensive planning will be carried out with respect
2 to population, conservation, land use and transportation, public
3 facilities and services, annexation and intergovernmental
4 coordination.

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

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

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

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

18 4. It is the intent of the Legislature with respect to NRS
19 278.026 to 278.029, inclusive, *and section 6 of this act* that each
20 local government and affected entity shall ~~exercise~~:

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

25 (b) *Address the concerns of constructing buildings more than*
26 *30 feet in height and the impact of such construction on*
27 *surrounding areas.*

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

29 278.0265 The governing board:

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

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

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

38 (b) The provisions of chapter 241 of NRS.

39 3. May establish and collect reasonable fees for the provision
40 of any service that is authorized pursuant to the provisions of NRS
41 278.026 to 278.029, inclusive ~~H~~, *and section 6 of this act.*

42 4. May enter into an agreement pursuant to NRS 277.045 or
43 277.080 to 277.180, inclusive, for a purpose that is consistent with
44 the provisions of NRS 278.026 to 278.029, inclusive ~~H~~, *and*
45 *section 6 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-]~~ **(a)** Population, including a projection of population growth in the region and the resources that will be necessary to support that population.

~~[2-]~~ **(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-]~~ **(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 interspersion of new housing and businesses in established neighborhoods and set forth principles by which growth will be directed to older urban areas.

~~[4-]~~ **(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, *including, without limitation, schools,* 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]~~:

(1) Address, if applicable, shadowing, mixed-use development, transit-oriented development, master-planned communities, urban villages, gaming enterprise districts and the location of buildings more than 30 feet in height;

(2) Allow for a variety of uses ~~[, describe]~~;

(3) Describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses; and ~~[must be]~~

(4) Be based upon the policies and map relating to conservation that are developed pursuant to ~~[subsection—2,]~~ *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,]~~ *paragraph (a),* and the characteristics of undeveloped land in the area.

~~[5-]~~ **(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 which specify ways to satisfy the requirements created by those future uses. This portion of the plan must:



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

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

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

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

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

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

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

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

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

2. As part of the comprehensive regional plan, the regional planning commission may consult with each incorporated city located within the county and include in the plan urban villages for each incorporated city. If an urban village is established, the urban village must:

(a) Designate the areas in which the construction of buildings more than 30 feet in height is authorized;

(b) Promote the utilization of transit services;

(c) Prohibit the establishment of a gaming enterprise district in a residential area or within 2,500 feet of a school; and

(d) Discourage the expansion of infrastructure beyond the boundaries of the urban village.

Sec. 17. (Deleted by amendment.)



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

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

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

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

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

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

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

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

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



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

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

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

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

(1) Must address, if applicable, shadowing, mixed-use development, transit-oriented development, master-planned communities, urban villages, gaming enterprise districts and the location of buildings more than 30 feet in height.

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

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

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

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

(j) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

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

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



(m) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

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

(o) Solid waste disposal plan. Showing general plans for the disposal of solid waste.


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

(q) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, *satellite parking* and related facilities.

(r) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, *and sections 1.5 and 6 of this act* prohibits the preparation and adoption of any such subject as a part of the master plan.

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

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, *and sections 1.5 and 6 of this act*, the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive , *and sections 1.5 and 6 of this act*. Within the zoning district it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

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

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

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



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

(d) *To ensure that the development is commensurate with the character, scale and architecture of existing buildings in the immediately surrounding area, including, without limitation, the functional and visual aspects of the building.*

(e) *To minimize the impact of shadows cast from buildings.*

(f) *To minimize the adverse impact of new structures, additional lot coverage, or the installation of machinery or equipment that emits heat, vapor, fumes or noise.*

(g) *To protect natural vegetation and soil by requiring that the removal of soil be minimized and that such soil be replaced or incorporated as part of the permanent landscape whenever possible.*

(h) *To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.*

(i) To provide for recreational needs.

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

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

~~[(f)]~~ (l) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including *public access and sidewalks for pedestrians, and* facilities and services for bicycles.

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

~~[(h)]~~ (n) 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.

~~[(i)]~~ (o) To promote health and the general welfare.

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

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

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



1 conserving the value of buildings and encouraging the most
2 appropriate use of land throughout the city, county or region.

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

8 5. As used in this section:

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

16 (b) "Inclusionary zoning" means a type of zoning pursuant to
17 which a governing body requires or provides incentives to a
18 developer who builds residential dwellings to build a certain
19 percentage of those dwellings as affordable housing.

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

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

24 278.260 1. The governing body shall provide for the manner
25 in which zoning regulations and restrictions and the boundaries of
26 zoning districts are determined, established, enforced and amended.

27 2. A zoning regulation, restriction or boundary, or an
28 amendment thereto, must not become effective until after transmittal
29 of a copy of the relevant application to the town board, citizens'
30 advisory council or town advisory board pursuant to subsection ~~5~~
31 **6**, if applicable, and after a public hearing at which parties in interest
32 and other persons have an opportunity to be heard. The governing
33 body shall cause notice of the time and place of the hearing to be:

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

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

38 ➔ at least 10 days before the hearing.

39 3. *Before an applicant may submit an application for an*
40 *amendment to a zoning regulation, restriction or boundary,*
41 *including, without limitation, a gaming enterprise district, in a*
42 *county whose population is 100,000 or more, the applicant shall*
43 *hold a neighborhood meeting to inform the owners of real*
44 *property in the neighborhood of the intent of the applicant to seek*



1 *an amendment. Notice of the neighborhood meeting must be given*
2 *to:*

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

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

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

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

15 **4.** If a proposed amendment involves a change in the boundary
16 of a zoning district in a county whose population is less than
17 100,000, the governing body shall, to the extent this notice does not
18 duplicate the notice required by subsection 2, cause a notice of the
19 hearing to be sent at least 10 days before the hearing to:

20 (a) The applicant;

21 (b) Each owner, as listed on the county assessor's records, of
22 real property located within 300 feet of the portion of the boundary
23 being changed;

24 (c) The owner, as listed on the county assessor's records, of each
25 of the 30 separately owned parcels nearest to the portion of the
26 boundary being changed, to the extent this notice does not duplicate
27 the notice given pursuant to paragraph (b); and

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

30 *↪ The notice must be sent by mail or, if requested by a party to*
31 *whom notice must be provided pursuant to paragraphs (a) to (d),*
32 *inclusive, by electronic means if receipt of such an electronic notice*
33 *can be verified, and must be written in language which is easy to*
34 *understand. The notice must set forth the time, place and purpose of*
35 *the hearing and a physical description of or a map detailing the*
36 *proposed change, must indicate the existing zoning designation and*
37 *the proposed zoning designation of the property in question, and*
38 *must contain a brief summary of the intent of the proposed change.*
39 *If the proposed amendment involves a change in the boundary of the*
40 *zoning district that would reduce the density or intensity with which*
41 *a parcel of land may be used, the notice must include a section that*
42 *an owner of property may complete and return to the governing*
43 *body to indicate his approval of or opposition to the proposed*
44 *amendment.*



~~[4-]~~ 5. If a proposed amendment involves a change in the boundary of a zoning district in a county whose population is 100,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice of the hearing to be sent at least 10 days before the hearing to:

(a) The applicant;

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

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

(d) Each tenant of a mobile home park if that park is 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.

➤ The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (e), inclusive, 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 of or a map detailing the proposed change, must indicate the existing zoning designation and the proposed zoning designation of the property in question, and must contain a brief summary of the intent of the proposed change. If the proposed amendment involves a change in the boundary of the zoning district that would reduce the density or intensity with which a parcel of land may be used, the notice must include a section that an owner of property may complete and return to the governing body to indicate his approval of or opposition to the proposed amendment.

~~[5-]~~ 6. If an application is filed with the governing body and the application involves a change in the boundary of a zoning district 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, 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. The governing body or other authorized



1 person or entity conducting the hearing shall consider any
2 recommendations submitted by the town board, citizens' advisory
3 council or town advisory board regarding the application and, within
4 10 days after making its decision on the application, shall transmit a
5 copy of its decision to the town board, citizens' advisory council or
6 town advisory board.

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

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

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

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

14
15 OFFICIAL NOTICE OF PUBLIC HEARING
16

17 ~~[7:]~~ 8. In addition to sending the notice required pursuant to
18 subsection ~~[4:]~~ 5, in a county whose population is 400,000 or more,
19 the governing body shall, not later than 10 days before the hearing,
20 erect or cause to be erected on the property at least one sign not less
21 than 2 feet high and 2 feet wide. The sign must be made of material
22 reasonably calculated to withstand the elements for 40 days. The
23 governing body must be consistent in its use of colors for
24 the background and lettering of the sign. The sign must include the
25 following information:

26 (a) The existing zoning designation of the property in question;

27 (b) The proposed zoning designation of the property in question;

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

29 (d) A telephone number which may be used by interested
30 persons to obtain additional information; and

31 (e) A statement which indicates whether the proposed zoning
32 designation of the property in question complies with the
33 requirements of the master plan of the city or county in which the
34 property is located.

35 ~~[8:]~~ 9. A sign required pursuant to subsection ~~[7:]~~ 8 is for
36 informational purposes only and must be erected regardless of any
37 local ordinance regarding the size, placement or composition of
38 signs to the contrary.

39 ~~[9:]~~ 10. A governing body may charge an additional fee for
40 each application to amend an existing zoning regulation, restriction
41 or boundary to cover the actual costs resulting from the mailed
42 notice required by this section and the erection of not more than one
43 of the signs required by subsection ~~[7:]~~ 8, if any. The additional fee
44 is not subject to the limitation imposed by NRS 354.5989.



~~10.1~~ 11. The governing body shall remove or cause to be removed any sign required by subsection ~~7.1~~ 8 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.

~~11.1~~ 12. If a proposed amendment involves a change in the boundary of a zoning district in a county whose population is 400,000 or more that would reduce the density or intensity with which a parcel of land may be used and at least 20 percent of the property owners to whom notices were sent pursuant to subsection ~~4.1~~ 5 indicate in their responses opposition to the proposed amendment, the governing body shall not approve the proposed amendment unless the governing body:

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

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

~~12.1~~ 13. The governing body of a county whose population is 400,000 or more shall not approve a zoning regulation, restriction or boundary, or an amendment thereof, that affects any unincorporated area of the county that is surrounded completely by the territory of an incorporated city without sending a notice to the governing body of the city. The governing body of the city, or its designee, must submit any recommendations to the governing body of the county within 15 days after receiving the notice. The governing body of the county shall consider any such recommendations. If the governing body of the county does not accept a recommendation, the governing body of the county, or its authorized agent, shall specify for the record the reasons for its action.

Secs. 21-29. (Deleted by amendment.)

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

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

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

2. The exercise by the City of the purposes, powers, rights, privileges, immunities and duties which are established, granted, conferred and imposed in this article promotes the public health, safety, prosperity, security, comfort, convenience and general welfare of all of the people



of the State and will be of special benefit to the inhabitants of the City and the property within the City.

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

4. The necessity for this article results from:

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

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

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

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

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

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

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

(h) The fact that the areas in which these deficiencies exist consume an excessive proportion of the City's revenues because of the extra services which are required for police, fire, accident, hospitalization and other forms of public protection.

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



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

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

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

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

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

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

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

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



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

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

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

16 4. The necessity for this article results from:

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

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

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

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

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

37 (f) Deficiencies which also constitute an economic and
38 social liability which imposes onerous municipal burdens
39 which decrease the tax base and reduce tax revenues,
40 aggravate traffic hazards and the improvement of the traffic
41 facilities.

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



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

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

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

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

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

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

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

Sec. 7A.120 "Undertaking" defined. "Undertaking" means any enterprise to acquire, *develop*, improve or equip, ~~or~~ or any combination thereof, ~~or~~ any project or projects authorized in the City Bond Law *or which is a mixed-use or transit-oriented community*, and to defray the cost of such enterprise wholly or in part by the issuance of the City's



1 bonds or other securities payable wholly or in part from tax
2 proceeds allocated to the Tax Increment Account pertaining
3 to such enterprise pursuant to section 7A.190.

③⑩

