

ASSEMBLY BILL NO. 244—ASSEMBLYMEN COLLINS,
GIBBONS, CLABORN, HORNE, KOIVISTO, MANENDO
AND MORTENSON (BY REQUEST)

MARCH 6, 2003

Referred to Committee on Government Affairs

SUMMARY—Eliminates prospective expiration of provisions for protection of rural preservation neighborhoods and revises provisions relating to protection of rural preservation neighborhoods. (BDR 22-919)

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 rural preservation neighborhoods; revising the requirements for the protection of an area as a rural preservation neighborhood; requiring that the designation of an area as a rural preservation neighborhood be reviewed periodically; authorizing a governing body to revoke the designation of an area as a rural preservation neighborhood under certain circumstances; eliminating the prospective expiration of certain provisions for the protection of rural preservation neighborhoods; 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.** NRS 278.261 is hereby amended to read as follows:
2 278.261 1. In a county with a population of 400,000 or more,
3 the governing body *shall designate as a rural preservation*
4 *neighborhood a subdivided or developed area:*
5 (a) *Which consists of 10 or more residential dwelling units;*
6 (b) *Which is rural both as to the character of the area and as*
7 *to the lifestyle of the residents of the area;*



* A B 2 4 4 R 3 *

- 1 (c) *Where the outer boundary of each lot that is used for*
- 2 *residential purposes is not more than 330 feet from the outer*
- 3 *boundary of any other lot that is used for residential purposes;*
- 4 (d) *Which has no more than two residential dwelling units per*
- 5 *acre;*
- 6 (e) *In which residents are allowed to raise or keep animals*
- 7 *noncommercially; and*
- 8 (f) *In which open space, the natural landscape and vegetation*
- 9 *predominate in comparison to structures and the artificially*
- 10 *landscaped environment.*
- 11 2. *If a governing body designates a subdivided or developed*
- 12 *area as a rural preservation neighborhood pursuant to subsection*
- 13 *1, the governing body shall take such actions as are necessary and*
- 14 *appropriate to ensure that the rural character of ~~each~~ the rural*
- 15 *preservation neighborhood is preserved.*
- 16 ~~2.~~ 3. *Unless a rural preservation neighborhood is located*
- 17 *within 330 feet of an existing or proposed street or highway that is*
- 18 *more than 99 feet wide, the governing body shall, to the extent*
- 19 *practicable, adopt any zoning regulation or restriction that is*
- 20 *necessary to:*
- 21 (a) *Maintain the rural character of the area developed as a low*
- 22 *density residential development;*
- 23 (b) *Except as otherwise provided in subsection ~~4.~~ 5, ensure*
- 24 *that the average residential density for that portion of the zoning*
- 25 *request that is located within 330 feet of a rural preservation*
- 26 *neighborhood does not exceed three residential dwelling units per*
- 27 *acre; and*
- 28 (c) *Provide adequate buffer areas, adequate screening and an*
- 29 *orderly and efficient transition of land uses, excluding raising or*
- 30 *keeping animals commercially or noncommercially.*
- 31 ~~3.~~ 4. *The governing body may modify the standards for the*
- 32 *development of infrastructure to maintain the rural character of the*
- 33 *rural preservation neighborhood.*
- 34 ~~4.~~ 5. *The governing body may, for good cause shown, allow a*
- 35 *greater density or intensity of use when that use is less than 330 feet*
- 36 *from a rural preservation neighborhood.*
- 37 6. *The governing body shall review the designation of each*
- 38 *rural preservation neighborhood each time the applicable master*
- 39 *plan is reviewed or revised or once each 5-year period following*
- 40 *the designation of a rural preservation neighborhood pursuant to*
- 41 *subsection 1, whichever occurs earlier. If, after such a review, the*
- 42 *governing body determines that a rural preservation neighborhood*
- 43 *no longer meets the requirements of subsection 1,*
- 44 *the governing body may revoke the designation of the area as a*
- 45 *rural preservation neighborhood.*



- 1 **Sec. 2.** Section 36 of chapter 619, Statutes of Nevada 1999, at
- 2 page 3376, is hereby amended to read as follows:
- 3 Sec. 36. 1. This section and sections 1 to 13,
- 4 inclusive, and 14 of this act become effective on October 1,
- 5 1999.
- 6 2. Sections 15 and 33 of this act become effective at
- 7 12:01 a.m. on October 1, 1999.
- 8 3. Sections 23, 28 and 35 of this act become effective on
- 9 December 31, 1999.
- 10 4. Section 30 of this act becomes effective on January 1,
- 11 2000.
- 12 5. Sections 24 to 27, inclusive, 29, 31 and 32 of this act
- 13 become effective at 12:01 a.m. on January 1, 2000.
- 14 6. Section 13.3 of this act becomes effective on July 1,
- 15 2000.
- 16 7. Section 34 of this act becomes effective at 12:01 a.m.
- 17 on July 1, 2001.
- 18 ~~8. The provisions of section 8 of this act expire by~~
- 19 ~~limitation on June 1, 2004.]~~
- 20 **Sec. 3.** NRS 278.0177 is hereby repealed.
- 21 **Sec. 4.** The provisions of NRS 278.261, as amended by
- 22 section 1 of this act, apply to a rural preservation neighborhood in
- 23 existence on July 1, 2003.
- 24 **Sec. 5.** This act becomes effective on July 1, 2003.

TEXT OF REPEALED SECTION

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

- 1. Which consists of 10 or more residential dwelling units;
- 2. Where the outer boundary of each lot that is used for residential purposes is not more than 330 feet from the outer boundary of any other lot that is used for residential purposes;
- 3. Which has no more than two residential dwelling units per acre; and
- 4. Which allows residents to raise or keep animals noncommercially.

