

ASSEMBLY BILL NO. 349—ASSEMBLYMEN THOMAS, PARNELL, SEGERBLOM, BUCKLEY, NEIGHBORS, LEE, PERKINS, HETTRICK, HUMKE, CHOWNING, DE BRAGA, CEGAVSKE, MORTENSON, CLABORN, GUSTAVSON, MCCLAIN, KOIVISTO, WILLIAMS, BEERS, LESLIE, FREEMAN, ANGLE, ARBERRY, GIUNCHIGLIANI, PARKS, COLLINS, MANENDO, OHRENSCHALL, PRICE, MARVEL, GIBBONS, GOLDWATER, EVANS, ANDERSON, BROWER, BERMAN, CARPENTER AND BACHE

MARCH 1, 1999

JOINT SPONSORS: SENATORS PORTER, TITUS AND WIENER

Referred to Committee on Government Affairs

SUMMARY—Makes changes to provisions governing notice of certain amendments to master plan or zoning regulation. (BDR 22-1339)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to land use; making various changes to the provisions governing the publication of notice of certain amendments to a master plan or to a zoning regulation; 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 278.210 is hereby amended to read as follows:
2 278.210 1. Before adopting the master plan or any part of it, or any
3 substantial amendment thereof, the commission shall hold at least one
4 public hearing thereon, notice of the time and place of which ~~shall~~ **must**
5 be given at least by one publication in a newspaper of general circulation
6 in the city or county, or in the case of a regional planning commission, by
7 one publication in a newspaper in each county within the regional district,
8 at least 10 days before the day of the hearing.

2. *Before adopting an amendment, extension or addition to a master plan in connection with a change in the boundary of a zoning district, a public hearing must be held at which parties in interest and other persons have an opportunity to be heard. At least 10 days before the hearing, the commission shall cause notice of the time and place of the hearing:*

(a) *To be published in an official newspaper, or a newspaper of general circulation, in the city or county, or in the case of a regional planning commission, by publication in a newspaper in each county within the regional district, to the extent that this notice does not duplicate notice given pursuant to subsection 1;*

(b) *To be mailed to the applicant for the change in the boundary;*

(c) *To be mailed to each owner, as listed on the county assessor's records, of real property located within 500 feet of the portion of the boundary line being changed;*

(d) *To be mailed to each owner, as listed on the county assessor's records, of at least 30 parcels nearest to the portion of the boundary line being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b);*

(e) *To be mailed to any advisory board that has been established for the affected area by a governing body; and*

(f) *To be mailed to the superintendent of schools of the affected school district.*

The notice must be written in language that is easy to understand. It must set forth the time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed change.

3. *The exterior of the notice mailed pursuant to subsection 2 must bear a statement printed in at least 10-point bold type in substantially the following form:*

OFFICIAL NOTICE OF PUBLIC HEARING

4. The adoption of the master plan, or of any amendment, extension or addition thereof, ~~{shall}~~ **must** be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission. The resolution ~~{shall}~~ **must** refer expressly to the maps, descriptive matter and other matter intended by the commission to constitute the plan or any amendment, addition or extension thereof, and the action taken ~~{shall}~~ **must** be recorded on the map and plan and descriptive matter by the identifying signatures of the secretary and chairman of the commission.

~~{3.—No}~~

1 **5.** A plan or map, hereafter, ~~{shall}~~ **must not** have indicated thereon
2 that it is a part of the master plan until it ~~{shall have}~~ **has** been adopted as
3 part of the master plan by the commission as herein provided for the
4 adoption thereof, whenever changed conditions or further studies by the
5 commission require such amendments, extension ~~{}~~ or addition.

6 ~~{4.}~~ **6.** An attested copy of any part, amendment, extension of or
7 addition to the master plan adopted by the planning commission of any
8 city, county or region ~~{shall}~~ **must** be certified to the governing body of
9 such city, county ~~{}~~ or region.

10 ~~{5.}~~ **7.** An attested copy of any part, amendment, extension of or
11 addition to the master plan adopted by any regional planning commission
12 ~~{shall}~~ **must** be certified to the county planning commission and to the
13 board of county commissioners of each county within the regional district.

14 **Sec. 2.** NRS 278.260 is hereby amended to read as follows:

15 278.260 1. The governing body shall provide for the manner in
16 which zoning regulations and restrictions and the boundaries of zoning
17 districts are determined, established, enforced and amended.

18 2. A zoning regulation, restriction or boundary must not become
19 effective until after a public hearing at which parties in interest and other
20 persons have an opportunity to be heard. The governing body shall cause
21 notice of the time and place of the hearing to be:

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

24 (b) Mailed to each tenant of a mobile home park if that park is located
25 within 300 feet of the property in question,
26 at least 10 days before the hearing.

27 3. If the proposed amendment involves a change in the boundary of a
28 zoning district in a county whose population is less than 400,000, the
29 governing body shall, to the extent this notice does not duplicate the notice
30 required by subsection 2, cause a notice to be sent by mail at least 10 days
31 before the hearing to:

32 (a) The applicant;

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

36 (c) Each owner, as listed on the county assessor's records, of at least 30
37 parcels nearest to the portion of the boundary being changed, to the extent
38 this notice does not duplicate the notice given pursuant to paragraph (b);

39 ~~{and}~~

40 (d) Any advisory board which has been established for the affected area
41 by the governing body ~~{}~~ ; **and**

1 ***(e) The superintendent of schools of the affected school district.***

2 The notice must be written in language which is easy to understand. It
3 must set forth the time, place and purpose of the hearing , and a physical
4 description of, or a map detailing, the proposed change.

5 4. If the proposed amendment involves a change in the boundary of a
6 zoning district in a county whose population is 400,000 or more, the
7 governing body shall, to the extent this notice does not duplicate the notice
8 required by subsection 2, cause a notice to be sent by mail at least 10 days
9 before the hearing to:

10 (a) The applicant;

11 (b) Each owner, as listed on the county assessor's records, of real
12 property located within 500 feet from the portion of the boundary being
13 changed;

14 (c) Each owner, as listed on the county assessor's records, of at least 30
15 parcels nearest to the portion of the boundary being changed, to the extent
16 this notice does not duplicate the notice given pursuant to paragraph (b);

17 ~~and~~
18 (d) Any advisory board which has been established for the affected area
19 by the governing body ~~and~~ ; and

20 ***(e) The superintendent of schools of the affected school district.***

21 The notice must be written in language which is easy to understand. It
22 must set forth the time, place and purpose of the hearing , and a physical
23 description of, or a map detailing, the proposed change.

24 5. The exterior of the notice mailed pursuant to subsection 4 must bear
25 a statement printed in at least 10-point bold type in substantially the
26 following form:

27
28 OFFICIAL NOTICE OF PUBLIC HEARING

29
30 6. In addition to mailing the notice required pursuant to subsection 4,
31 in a county whose population is 400,000 or more, the governing body
32 shall, no later than 10 days before the hearing, erect or cause to be erected
33 on the property, at least one sign not less than 2 feet high and 2 feet wide.
34 The sign must be made of material reasonably calculated to withstand the
35 elements for 40 days. The governing body must be consistent in its use of
36 colors for the background and lettering of the sign. The sign must include
37 the following information:

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

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

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

41 (d) A telephone number which may be used by interested persons to
42 obtain additional information;

and

1 (e) A statement which indicates whether the proposed zoning
2 designation of the property in question complies with the requirements of
3 the master plan of the city or county in which the property is located.

4 7. A sign required pursuant to subsection 6 is for informational
5 purposes only, and must be erected regardless of any local ordinance
6 regarding the size, placement or composition of signs to the contrary.

7 8. A governing body may charge an additional fee for each application
8 to amend an existing zoning regulation, restriction or boundary to cover
9 the actual costs resulting from the mailed notice required by this section
10 and the erection of not more than one of the signs required by subsection 6,
11 if any. The additional fee is not subject to the limitation imposed by NRS
12 354.5989.

13 9. The governing body shall remove or cause to be removed any sign
14 required by subsection 6 within 5 days after the final hearing for the
15 application for which the sign was erected. There must be no additional
16 charge to the applicant for such removal.