

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 and applications for granting of variances, special and conditional use permits and other special exceptions. (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 ~~for omitted material~~ is material to be omitted.

AN ACT relating to land use; making various changes to the provisions governing the notice required for certain amendments to a master plan or zoning regulation and applications for the granting of variances, special and conditional use permits and other special exceptions; 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 in

1 the city or county, or in the case of a regional planning commission, by one
2 publication in a newspaper in each county within the regional district, at
3 least 10 days before the day of the hearing.

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

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

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

16 (c) *To be mailed to each owner, as listed on the county assessor's*
17 *records, of real property located:*

18 (1) *Within 1,000 feet of the portion of the boundary line being*
19 *changed, if the property is located in a county whose population is*
20 *400,000 or more; or*

21 (2) *Within 500 feet of the portion of the boundary line being*
22 *changed, if the property is located in a county whose population is less*
23 *than 400,000;*

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

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

30 (f) *To be mailed to the superintendent of schools of the affected*
31 *school district or his designee; and*

32 (g) *To be sent by electronic means, if receipt of such an electronic*
33 *notice can be verified, to any governmental entity or a party to whom*
34 *notice must be provided pursuant to paragraphs (a) to (f), inclusive, that*
35 *requests such a notice.*

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

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

1 **OFFICIAL NOTICE OF PUBLIC HEARING**

2
3 **4.** The adoption of the master plan, or of any amendment, extension or
4 addition thereof, ~~{shall}~~ **must** be by resolution of the commission carried by
5 the affirmative votes of not less than two-thirds of the total membership of
6 the commission. The resolution ~~{shall}~~ **must** refer expressly to the maps,
7 descriptive matter and other matter intended by the commission to
8 constitute the plan or any amendment, addition or extension thereof, and
9 the action taken ~~{shall}~~ **must** be recorded on the map and plan and
10 descriptive matter by the identifying signatures of the secretary and
11 chairman of the commission.

12 ~~{3. No}~~

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

18 ~~{4.}~~ **6.** An attested copy of any part, amendment, extension of or
19 addition to the master plan adopted by the planning commission of any city,
20 county or region ~~{shall}~~ **must** be certified to the governing body of such
21 city, county ~~{}~~ or region.

22 ~~{5.}~~ **7.** An attested copy of any part, amendment, extension of or
23 addition to the master plan adopted by any regional planning commission
24 ~~{shall}~~ **must** be certified to the county planning commission and to the
25 board of county commissioners of each county within the regional district.

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

27 278.260 1. The governing body shall provide for the manner in
28 which zoning regulations and restrictions and the boundaries of zoning
29 districts are determined, established, enforced and amended.

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

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

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

39 3. If the proposed amendment involves a change in the boundary of a
40 zoning district in a county whose population is less than 400,000, the
41 governing body shall, to the extent this notice does not duplicate the notice
42 required by subsection 2, cause a notice to be sent by mail , or by

1 *electronic means if receipt of such an electronic notice can be verified*, at
2 least 10 days before the hearing to:

3 (a) The applicant;

4 (b) Each owner, as listed on the county assessor's records, of real
5 property located within ~~{300}~~ 500 feet of the portion of the boundary being
6 changed;

7 (c) Each ~~{owner,}~~ *of the owners*, as listed on the county assessor's
8 records, of at least *the* 30 parcels nearest to the portion of the boundary
9 being changed, to the extent this notice does not duplicate the notice given
10 pursuant to paragraph (b); ~~{and}~~

11 (d) Any advisory board which has been established for the affected area
12 by the governing body ~~{,}~~ ;

13 *(e) The superintendent of schools of the affected school district or his*
14 *designee; and*

15 *(f) Any governmental entity that requests such a notice.*

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

19 4. If the proposed amendment involves a change in the boundary of a
20 zoning district in a county whose population is 400,000 or more, the
21 governing body shall, to the extent this notice does not duplicate the notice
22 required by subsection 2, cause a notice to be sent by mail , *or by*
23 *electronic means if receipt of such an electronic notice can be verified*, at
24 least 10 days before the hearing to:

25 (a) The applicant;

26 (b) Each owner, as listed on the county assessor's records, of real
27 property located within ~~{500}~~ 1,000 feet from the portion of the boundary
28 being changed;

29 (c) Each ~~{owner,}~~ *of the owners*, as listed on the county assessor's
30 records, of at least *the* 30 parcels nearest to the portion of the boundary
31 being changed, to the extent this notice does not duplicate the notice given
32 pursuant to paragraph (b); ~~{and}~~

33 (d) Any advisory board which has been established for the affected area
34 by the governing body ~~{,}~~ ;

35 *(e) The superintendent of schools of the affected school district or his*
36 *designee; and*

37 *(f) Any governmental entity that requests such a notice.*

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

41 5. The exterior of the notice mailed pursuant to subsection 4 must bear
42 a statement printed in at least 10-point bold type in substantially the
43 following

form:

1 OFFICIAL NOTICE OF PUBLIC HEARING

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

- 11 (a) The existing zoning designation of the property in question;
- 12 (b) The proposed zoning designation of the property in question;
- 13 (c) The date, time and place of the public hearing;
- 14 (d) A telephone number which may be used by interested persons to
15 obtain additional information; and
- 16 (e) A statement which indicates whether the proposed zoning
17 designation of the property in question complies with the requirements of
18 the master plan of the city or county in which the property is located.

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

22 8. A governing body may charge an additional fee for each application
23 to amend an existing zoning regulation, restriction or boundary to cover the
24 actual costs resulting from the mailed notice required by this section and
25 the erection of not more than one of the signs required by subsection 6, if
26 any. The additional fee is not subject to the limitation imposed by NRS
27 354.5989.

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

32 **Sec. 3.** NRS 278.315 is hereby amended to read as follows:

33 278.315 1. The governing body may provide by ordinance for the
34 granting of variances, special use permits, conditional use permits or other
35 special exceptions by the board of adjustment, the planning commission or
36 a hearing examiner appointed pursuant to NRS 278.262. The governing
37 body may impose this duty entirely on the board, commission or examiner,
38 respectively, or provide for the granting of enumerated categories of
39 variances, special use permits, conditional use permits or special exceptions
40 by the board, commission or examiner.

41 2. A hearing to consider an application for the granting of a ~~[variance,]~~
42 special use permit, conditional use permit or special exception must be held
43 before the board of adjustment, planning commission or hearing examiner

1 within 65 days after the filing of the application, unless a longer time or a
2 different process of review is provided in an agreement entered into
3 pursuant to NRS 278.0201. A notice setting forth the time, place and
4 purpose of the hearing must be sent by mail , *or by electronic means if*
5 *receipt of such an electronic notice can be verified*, at least 10 days before
6 the hearing to:

7 (a) The applicant;

8 (b) Each owner , *as listed on the county assessor's records*, of real
9 property located ~~within 300~~ :

10 (1) *Within 500 feet of the property in question ~~H~~ , if the property is*
11 *located in a county whose population is 400,000 or more, unless the*
12 *application is for the issuance of a special use permit for an*
13 *establishment which serves alcoholic beverages for consumption on the*
14 *premises as its primary business, in which case the notice must be*
15 *provided to each owner, as listed on the county assessor's records, of real*
16 *property located within 1,000 feet of the property in question; or*

17 (2) *Within 300 feet of the property in question, if the property is*
18 *located in a county whose population is less than 400,000, unless the*
19 *application is for the issuance of a special use permit for an*
20 *establishment which serves alcoholic beverages for consumption on the*
21 *premises as its primary business, in which case the notice must be*
22 *provided to each owner, as listed on the county assessor's records, of real*
23 *property located within 500 feet of the property in question;*

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

26 (d) Any advisory board which has been established for the affected area
27 by the governing body ~~H~~ ; *and*

28 (e) *Any governmental entity that requests such a notice.*

29 The notice must be written in language which is easy to understand. It must
30 set forth the time, place and purpose of the hearing and a physical
31 description or map of the property in question.

32 3. *A hearing to consider an application for the granting of a*
33 *variance must be held before the board of adjustment, planning*
34 *commission or hearing examiner within 65 days after the filing of the*
35 *application, unless a longer time or a different process of review is*
36 *provided in an agreement entered into pursuant to NRS 278.0201. A*
37 *notice setting forth the time, place and purpose of the hearing must be*
38 *sent by mail, or by electronic means if receipt of such an electronic*
39 *notice can be verified, at least 10 days before the hearing to:*

40 (a) *The applicant;*

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

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

3 (d) Any governmental entity that requested such a notice.

4 The notice must be written in language which is easy to understand. It
5 must set forth the time, place and purpose of the hearing and a physical
6 description or map of the property in question.

7 4. If the application is for the issuance of a special use permit in a
8 county whose population is 100,000 or more, the governing body shall, to
9 the extent this notice does not duplicate the notice required by subsection
10 ~~{2,} 2 or 3~~, cause a notice to be sent by mail at least 10 days before the
11 hearing to each ~~owner,~~ of the owners, as listed on the county assessor's
12 records, of at least the 30 parcels nearest to the property in question. The
13 notice must be written in language which is easy to understand. It must set
14 forth the time, place and purpose of the hearing and a physical description
15 or map of the property in question.

16 ~~{4,} 5.~~ An ordinance adopted pursuant to this section must provide an
17 opportunity for the applicant or a protestant to appeal from a decision of
18 the board of adjustment, planning commission or hearing examiner to the
19 governing body.

20 ~~{5,} 6.~~ In a county whose population is 400,000 or more, if the
21 application is for the issuance of a special use permit for an establishment
22 which serves alcoholic beverages for consumption on or off of the premises
23 as its primary business in a district which is not a gaming enterprise district
24 as defined in NRS 463.0158, the governing body shall, in addition to
25 mailing the notice required pursuant to subsection ~~{3,} 4~~, not later than 10
26 days before the hearing, erect or cause to be erected on the property, at
27 least one sign not less than 2 feet high and 2 feet wide. The sign must be
28 made of material reasonably calculated to withstand the elements for 40
29 days. The governing body must be consistent in its use of colors for the
30 background and lettering of the sign. The sign must include the following
31 information:

32 (a) The existing permitted use and zoning designation of the property in
33 question;

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

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

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

38 ~~{6,} 7.~~ A sign required pursuant to subsection ~~{5,} 6~~ is for informational
39 purposes only, and must be erected regardless of any local ordinance
40 regarding the size, placement or composition of signs to the contrary.

41 ~~{7,} 8.~~ A governing body may charge an additional fee for each
42 application for a special use permit to cover the actual costs resulting from
43 the erection of not more than one sign required by subsection ~~{5,} 6~~, if any.

1 The additional fee is not subject to the limitation imposed by NRS
2 354.5989.

3 ~~18.1~~ 9. The governing body shall remove or cause to be removed any
4 sign required by subsection ~~5~~ 6 within 5 days after the final hearing for
5 the application for which the sign was erected. There must be no additional
6 charge to the applicant for such removal.

7 **Sec. 4.** This act becomes effective on July 1, 2000.

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