

ASSEMBLY BILL NO. 569—ASSEMBLYMEN WILLIAMS
AND GIUNCHIGLIANI

MARCH 15, 1999

Referred to Committee on Government Affairs

SUMMARY—Requires express written consent of certain owners of land to certain amendments to zoning ordinances, regulations, classifications, restrictions or boundaries. (BDR 22-151)

FISCAL NOTE: Effect on Local Government: No.
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 zoning; providing in skeleton form for a requirement that a governing body obtain the express written consent of certain owners of land to certain amendments to zoning ordinances, regulations, classifications, restrictions or boundaries; 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 thereto
2 a new section to read as follows:
3 ***1. A governing body shall not amend a zoning ordinance, regulation,***
4 ***classification, restriction or boundary if such an amendment will reduce:***
5 ***(a) The density with which a parcel of land may be developed; or***
6 ***(b) The intensity with which a parcel of land may be used,***
7 ***unless the governing body first obtains express written consent to the***
8 ***amendment from each owner whose land will be so affected by the***
9 ***amendment. If an owner does not consent or withdraws his consent***
10 ***before the governing body adopts the amendment, the amendment must***
11 ***not be applicable to the land owned by that owner.***
12 ***2. As used in this section, “governing body” means:***
13 ***(a) A city council or other legislative body of a city;***
14 ***(b) A board of county commissioners;***
15 ***(c) In the case of Carson City, the board of supervisors;***

1 (d) *The governor, when amending a zoning regulation pursuant to*
2 *NRS 278.645; or*

3 (e) *Any other person or entity authorized to amend a zoning*
4 *ordinance, regulation, classification, restriction or boundary.*

5 **Sec. 2.** NRS 278.250 is hereby amended to read as follows:

6 278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive,
7 *and section 1 of this act*, the governing body may divide the city, county
8 or region into zoning districts of such number, shape and area as are best
9 suited to carry out the purposes of NRS 278.010 to 278.630, inclusive ~~[-~~
10 ~~Within]~~, *and section 1 of this act. Except as otherwise provided in*
11 *section 1 of this act, within* the zoning district ~~[-]~~ *the governing body* may
12 regulate and restrict the erection, construction, reconstruction, alteration,
13 repair or use of buildings, structures or land.

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

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

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

19 (c) To provide for recreational needs.

20 (d) To protect life and property in areas subject to floods, landslides and
21 other natural disasters.

22 (e) To conform to the adopted population plan, if required by NRS
23 278.170.

24 (f) To develop a timely, orderly and efficient arrangement of
25 transportation and public facilities and services, including facilities and
26 services for bicycles.

27 (g) To ensure that the development on land is commensurate with the
28 character and the physical limitations of the land.

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

32 (i) To promote health and the general welfare.

33 (j) To ensure the development of an adequate supply of housing for the
34 community, including the development of affordable housing.

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