

Assembly Bill No. 569—Assemblymen Williams

and Giunchigliani

CHAPTER.....

AN ACT relating to zoning; revising the type of notice that certain governing bodies must provide for certain proposed amendments to the boundary of a zoning district; revising the requirements for the approval of an amendment of the boundary of a zoning district in certain circumstances; requiring the governing body of certain counties to give notice to the governing body of a city of zoning regulations, restrictions or boundaries or amendments thereof in certain unincorporated areas; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 278.260 is hereby amended to read as follows:

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

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

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

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

3. If the proposed amendment involves a change in the boundary of a zoning district in a county whose population is less than 400,000, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice 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 300 feet of the portion of the boundary being changed;

(c) Each owner, as listed on the county assessor's records, of at least 30 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);
and

(d) 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 (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and 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. *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.*

4. If the proposed amendment involves a change in the boundary of a zoning district in a county whose population is 400,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice 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 500 feet from the portion of the boundary being changed;
- (c) Each owner, as listed on the county assessor's records, of at least 30 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); and
- (d) 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 (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and 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. *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. If a notice is required to be sent pursuant to subsection 4:

- (a) The exterior of a notice sent by mail; or
- (b) The cover sheet, heading or subject line of a notice sent by electronic means,

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

OFFICIAL NOTICE OF PUBLIC HEARING

6. In addition to sending the notice required pursuant to subsection 4, in a county whose population is 400,000 or more, the governing body shall, no later than 10 days before the hearing, erect or cause to be erected on the property, at least one sign not less than 2 feet high and 2 feet wide. The

sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:

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

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

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

9. The governing body shall remove or cause to be removed any sign required by subsection 6 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.

10. 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 subsections 3 and 4 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 the approval of the proposed amendment.*

11. The governing body of a county whose population is 400,000 or more shall not approve a zoning regulation, restriction or boundary, or 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.

Sec. 2. Section 3 of Senate Bill No. 121 of this session is hereby amended to read as follows:

Sec. 3. NRS 278.260 is hereby amended to read as follows:

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

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

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

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

3. If the proposed amendment involves a change in the boundary of a zoning district in a county whose population is less than 400,000, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice 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 300 feet of the portion of the boundary being changed;

(c) Each owner, as listed on the county assessor's records, of at least 30 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); and

(d) 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 (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and 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 ~~H~~, *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.

4. If the proposed amendment involves a change in the boundary of a zoning district in a county whose population is 400,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice 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 500 feet from the portion of the boundary being changed;
- (c) Each owner, as listed on the county assessor's records, of at least 30 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); and
- (d) 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 (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and 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 ~~H~~, ***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.

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- (a) The exterior of a notice sent by mail; or
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- must bear a statement in at least 10-point bold type or font in substantially the following form:

OFFICIAL NOTICE OF PUBLIC HEARING

6. In addition to sending the notice required pursuant to subsection 4, in a county whose population is 400,000 or more, the governing body shall, ~~not~~ ***not*** later than 10 days before the hearing,

erect or cause to be erected on the property, at least one sign not less than 2 feet high and 2 feet wide. The sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:

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

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

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

9. The governing body shall remove or cause to be removed any sign required by subsection 6 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.

10. 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 subsections 3 and 4 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.

11. The governing body of a county whose population is 400,000 or more shall not approve a zoning regulation, restriction or boundary, or the 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.

Sec. 3. 1. This section and section 1 of this act become effective at 12:01 a.m. on October 1, 1999.

2. Section 2 of this act becomes effective at 12:02 a.m. on October 1, 1999.

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