

ASSEMBLY BILL NO. 569—ASSEMBLYMEN WILLIAMS
AND GIUNCHIGLIANI

MARCH 15, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to zoning regulations, restrictions or boundaries in certain circumstances. (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; revising the type of notice that a governing body 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 approval by 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:

- 1 **Section 1.** NRS 278.260 is hereby amended to read as follows:
2 278.260 1. The governing body shall provide for the manner in
3 which zoning regulations and restrictions and the boundaries of zoning
4 districts are determined, established, enforced and amended.
5 2. A zoning regulation, restriction or boundary must not become
6 effective until after a public hearing at which parties in interest and other
7 persons have an opportunity to be heard. The governing body shall cause
8 notice of the time and place of the hearing to be:
9 (a) Published in an official newspaper, or a newspaper of general
10 circulation, in the city, county or region; and
11 (b) Mailed to each tenant of a mobile home park if that park is located
12 within 300 feet of the property in question,
13 at least 10 days before the hearing.

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

6 (a) The applicant;

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

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

14 (d) Any advisory board which has been established for the affected area
15 by the governing body.

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. *If the proposed*
19 *amendment involves a change in the boundary of the zoning district that*
20 *would reduce the density or intensity with which a parcel of land may be*
21 *used, the notice must include a section that an owner of property may*
22 *complete and return to the governing body to indicate his approval of or*
23 *opposition to the proposed amendment.*

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

29 (a) The applicant;

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

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

37 (d) Any advisory board which has been established for the affected area
38 by the governing body.

39 The notice must be written in language which is easy to understand. It must
40 set forth the time, place and purpose of the hearing and a physical
41 description of, or a map detailing, the proposed change. *If the proposed*
42 *amendment involves a change in the boundary of the zoning district that*
43 *would reduce the density or intensity with which a parcel of land may be*

1 *used, the notice must include a section that an owner of property may*
2 *complete and return to the governing body to indicate his approval of or*
3 *opposition to the proposed amendment.*

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

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8 OFFICIAL NOTICE OF PUBLIC HEARING

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

- 18 (a) The existing zoning designation of the property in question;
19 (b) The proposed zoning designation of the property in question;
20 (c) The date, time and place of the public hearing;
21 (d) A telephone number which may be used by interested persons to
22 obtain additional information; and

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

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

29 8. A governing body may charge an additional fee for each application
30 to amend an existing zoning regulation, restriction or boundary to cover the
31 actual costs resulting from the mailed notice required by this section and
32 the erection of not more than one of the signs required by subsection 6, if
33 any. The additional fee is not subject to the limitation imposed by NRS
34 354.5989.

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

39 *10. If a proposed amendment involves a change in the boundary of a*
40 *zoning district that would reduce the density or intensity with which a*
41 *parcel of land may be used and at least 20 percent of the property owners*
42 *to whom notices were sent pursuant to subsections 3 and 4 indicate in*
43 *their responses opposition to the proposed amendment, the governing*

- 1 *body shall not approve the proposed amendment unless the governing*
2 *body:*
3 *(a) Considers separately the merits of each aspect of the proposed*
4 *amendment to which the owners expressed opposition; and*
5 *(b) Makes a written finding that the public interest and necessity will*
6 *be promoted by the approval of the proposed amendment.*
7 *11. The governing body of the county shall not approve a zoning*
8 *regulation, restriction or boundary, or amendment thereof, that affects*
9 *any unincorporated area of the county that is surrounded completely by*
10 *the territory of an incorporated city without the approval of the*
11 *governing body of the city.*