

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 ~~for omitted material~~ is material to be omitted.

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:

- 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 at least 10 days before
5 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 sent by mail or, if requested by a party to whom notice
17 must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic
18 means if receipt of such an electronic notice can be verified, and be written
19 in language which is easy to understand. The notice must set forth the time,
20 place and purpose of the hearing and a physical description of, or a map
21 detailing, the proposed change. *If the proposed amendment involves a
22 change in the boundary of the zoning district that would reduce the
23 density or intensity with which a parcel of land may be used, the notice
24 must include a section that an owner of property may complete and
25 return to the governing body to indicate his approval of or opposition to
26 the proposed amendment.*

27 4. If the proposed amendment involves a change in the boundary of a
28 zoning district in a county whose population is 400,000 or more, 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 at least 10 days before
31 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 500 feet from 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.

42 The notice must be sent by mail or, if requested by a party to whom notice
43 must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic

1 means if receipt of such an electronic notice can be verified, and be written
2 in language which is easy to understand. The notice must set forth the time,
3 place and purpose of the hearing and a physical description of, or a map
4 detailing, the proposed change. *If the proposed amendment involves a*
5 *change in the boundary of the zoning district that would reduce the*
6 *density or intensity with which a parcel of land may be used, the notice*
7 *must include a section that an owner of property may complete and*
8 *return to the governing body to indicate his approval of or opposition to*
9 *the proposed amendment.*

10 5. If a notice is required to be sent pursuant to subsection 4:

11 (a) The exterior of a notice sent by mail; or

12 (b) The cover sheet, heading or subject line of a notice sent by
13 electronic means,

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

16
17 OFFICIAL NOTICE OF PUBLIC HEARING
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19 6. In addition to sending the notice required pursuant to subsection 4,
20 in a county whose population is 400,000 or more, the governing body shall,
21 no later than 10 days before the hearing, erect or cause to be erected on the
22 property, at least one sign not less than 2 feet high and 2 feet wide. The
23 sign must be made of material reasonably calculated to withstand the
24 elements for 40 days. The governing body must be consistent in its use of
25 colors for the background and lettering of the sign. The sign must include
26 the following information:

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

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

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

30 (d) A telephone number which may be used by interested persons to
31 obtain additional information; and

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

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

38 8. A governing body may charge an additional fee for each application
39 to amend an existing zoning regulation, restriction or boundary to cover the
40 actual costs resulting from the mailed notice required by this section and
41 the erection of not more than one of the signs required by subsection 6, if
42 any. The additional fee is not subject to the limitation imposed by NRS
43 354.5989.

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

5 *10. If a proposed amendment involves a change in the boundary of a*
6 *zoning district in a county whose population is 400,000 or more that*
7 *would reduce the density or intensity with which a parcel of land may be*
8 *used and at least 20 percent of the property owners to whom notices were*
9 *sent pursuant to subsections 3 and 4 indicate in their responses*
10 *opposition to the proposed amendment, the governing body shall not*
11 *approve the proposed amendment unless the governing body:*

12 *(a) Considers separately the merits of each aspect of the proposed*
13 *amendment to which the owners expressed opposition; and*

14 *(b) Makes a written finding that the public interest and necessity will*
15 *be promoted by the approval of the proposed amendment.*

16 *11. The governing body of a county whose population is 400,000 or*
17 *more shall not approve a zoning regulation, restriction or boundary, or*
18 *amendment thereof, that affects any unincorporated area of the county*
19 *that is surrounded completely by the territory of an incorporated city*
20 *without sending a notice to the governing body of the city. The governing*
21 *body of the city, or its designee, must submit any recommendations to the*
22 *governing body of the county within 15 days after receiving the notice.*
23 *The governing body of the county shall consider any such*
24 *recommendations. If the governing body of the county does not accept a*
25 *recommendation, the governing body of the county, or its authorized*
26 *agent, shall specify for the record the reasons for its action.*

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

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

30 278.260 1. The governing body shall provide for the manner
31 in which zoning regulations and restrictions and the boundaries of
32 zoning districts are determined, established, enforced and amended.

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

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

40 (b) Mailed to each tenant of a mobile home park if that park is
41 located within 300 feet of the property in question,

42 at least 10 days before the hearing.

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

6 (a) The applicant;

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

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

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

16 The notice must be sent by mail or, if requested by a party to whom
17 notice must be provided pursuant to paragraphs (a) to (d), inclusive,
18 by electronic means if receipt of such an electronic notice can be
19 verified, and be written in language which is easy to understand.

20 The notice must set forth the time, place and purpose of the hearing
21 and a physical description of, or a map detailing, the proposed
22 change **H**, *must indicate the existing zoning designation, and the*

23 *proposed zoning designation, of the property in question, and*
24 *must contain a brief summary of the intent of the proposed*
25 *change.* If the proposed amendment involves a change in the

26 boundary of the zoning district that would reduce the density or
27 intensity with which a parcel of land may be used, the notice must
28 include a section that an owner of property may complete and return
29 to the governing body to indicate his approval of or opposition to
30 the proposed amendment.

31 4. If the proposed amendment involves a change in the
32 boundary of a zoning district in a county whose population is
33 400,000 or more, the governing body shall, to the extent this notice
34 does not duplicate the notice required by subsection 2, cause a
35 notice to be sent at least 10 days before the hearing to:

36 (a) The applicant;

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

40 (c) Each owner, as listed on the county assessor's records, of at
41 least 30 parcels nearest to the portion of the boundary being
42 changed, to the extent this notice does not duplicate the notice given
43 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.

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~~ *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:

- (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

1 requirements of the master plan of the city or county in which the
2 property is located.

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

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

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

17 10. If a proposed amendment involves a change in the
18 boundary of a zoning district in a county whose population is
19 400,000 or more that would reduce the density or intensity with
20 which a parcel of land may be used and at least 20 percent of the
21 property owners to whom notices were sent pursuant to subsections
22 3 and 4 indicate in their responses opposition to the proposed
23 amendment, the governing body shall not approve the proposed
24 amendment unless the governing body:

25 (a) Considers separately the merits of each aspect of the
26 proposed amendment to which the owners expressed opposition;
27 and

28 (b) Makes a written finding that the public interest and necessity
29 will be promoted by approval of the proposed amendment.

30 11. The governing body of a county whose population is
31 400,000 or more shall not approve a zoning regulation, restriction
32 or boundary, or the amendment thereof, that affects any
33 unincorporated area of the county that is surrounded completely by
34 the territory of an incorporated city without sending a notice to the
35 governing body of the city. The governing body of the city, or its
36 designee, must submit any recommendations to the governing body
37 of the county within 15 days after receiving the notice. The
38 governing body of the county shall consider any such
39 recommendations. If the governing body of the county does not
40 accept a recommendation, the governing body of the county, or its
41 authorized agent, shall specify for the record the reasons for its
42 action.

- 1 **Sec. 3.** 1. This section and section 1 of this act become
2 effective at 12:01 a.m. on October 1, 1999.
3 2. Section 2 of this act becomes effective at 12:02 a.m. on October 1,
4 1999.

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