

SENATE BILL NO. 391—SENATORS PORTER AND JAMES

MARCH 12, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes various changes concerning land use planning. (BDR 22-1197)

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 ~~{omitted material}~~ is material to be omitted.

AN ACT relating to land use planning; providing for the establishment of provisions to preserve the rural character and density of certain areas in larger counties; providing for a governing body to establish an analysis of the cost to construct infrastructure in certain areas; authorizing the governing body to enter into agreements to carry out the plan for the development of infrastructure in certain areas; requiring certain governing bodies adopting any part of the master plan to adopt a land use plan; establishing provisions to promote infill development in smart growth zones; revising the limitation on local control over the location of housing for persons with disabilities; requiring the health division of the department of human resources to maintain a registry of residential facilities for groups; limiting the number of annual amendments to the land use plan of the master plan in certain circumstances; providing that zoning regulations, restrictions and boundaries adopted by a governing body must strictly conform to the master plan; revising provisions governing applications for special use permits with regard to property located within certain unincorporated towns; 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 the provisions set forth as sections 2 to 12.5, inclusive, of this act.
- 3 **Sec. 2.** *“Average residential density” means the number of lots*
- 4 *intended for residential dwelling units within the boundaries of a*
- 5 *subdivided or developed area, divided by the total number of acres within*
- 6 *the boundaries of the subdivision or developed area.*
- 7 **Sec. 3.** *“Coalition” means the regional planning coalition created*
- 8 *pursuant to section 10 of this act.*

1 **Sec. 3.5.** *“Infill development” means development that fills in an*
2 *existing pattern of development on land that is:*

3 1. *Improved or unimproved; and*

4 2. *Surrounded completely by infrastructure and other development.*

5 **Sec. 4.** *“Infrastructure” means publicly owned or publicly supported*
6 *facilities that are necessary or desirable to support intense habitation*
7 *within a region, including, without limitation, parks, roads, schools,*
8 *police stations, fire stations, community centers, sanitary sewers,*
9 *facilities for mass transit and facilities for the conveyance of power,*
10 *water and the treatment of wastewater.*

11 **Sec. 5.** *“Residential dwelling unit” has the meaning ascribed to it in*
12 *NRS 278.4977.*

13 **Sec. 6.** *“Rural preservation neighborhood” means a subdivided or*
14 *developed area:*

15 1. *Which consists of 10 or more residential dwelling units;*

16 2. *Where the outer boundary of each lot that is used for residential*
17 *purposes is not more than 330 feet from the outer boundary of any other*
18 *lot that is used for residential purposes;*

19 3. *Which has no more than two residential dwelling units per acre;*
20 *and*

21 4. *Which allows residents to raise or keep animals noncommercially.*

22 **Sec. 6.5.** *“Smart growth zone” means an area designated pursuant*
23 *to section 12.5 of this act.*

24 **Sec. 7.** *“Used for residential purposes” means a lot or parcel of land*
25 *that is 5 acres or less in area and contains a residential dwelling unit of a*
26 *permanent nature.*

27 **Sec. 8. 1.** *In a county with a population of 400,000 or more, the*
28 *governing body shall take such actions as are necessary and appropriate*
29 *to ensure that the rural character of each rural preservation*
30 *neighborhood is preserved.*

31 2. *Unless a rural preservation neighborhood is located within 330*
32 *feet of an existing or proposed street or highway that is more than 99 feet*
33 *wide, the governing body shall, to the extent practicable, adopt any*
34 *zoning regulation or restriction that is necessary to:*

35 (a) *Maintain the rural character of the area developed as a low*
36 *density residential development;*

37 (b) *Except as otherwise provided in subsection 4, ensure that the*
38 *average residential density for that portion of the zoning request that is*
39 *located within 330 feet of a rural preservation neighborhood does not*
40 *exceed three residential dwelling units per acre; and*

41 (c) *Provide adequate buffer areas, adequate screening and an orderly*
42 *and efficient transition of land uses, excluding raising or keeping*
43 *animals commercially or noncommercially.*

1 **3. The governing body may modify the standards for the**
2 **development of infrastructure to maintain the rural character of the**
3 **rural preservation neighborhood.**

4 **4. The governing body may, for good cause shown, allow a greater**
5 **density or intensity of use when that use is less than 330 feet from a rural**
6 **preservation neighborhood.**

7 **Sec. 9. The provisions of sections 10, 11 and 12 of this act apply**
8 **only to counties whose population is 400,000 or more and cities located**
9 **within those counties.**

10 **Sec. 10. The board of county commissioners and the city council of**
11 **each of the four largest cities in the county shall establish a regional**
12 **planning coalition by cooperative agreement pursuant to chapter 277 of**
13 **NRS. The regional planning coalition may:**

14 **1. Develop policies for the region, including, without limitation, the**
15 **promotion of orderly development, coordinated land use planning and**
16 **the efficient provision of services to urban areas, including, without**
17 **limitation, roads, water and sewer service, police and fire protection,**
18 **mass transit, libraries and parks;**

19 **2. Coordinate sources of information;**

20 **3. Establish standardized projections for population;**

21 **4. Recommend measures to increase the efficiency of governmental**
22 **entities and services;**

23 **5. Make recommendations regarding the disposal of federal land;**

24 **6. Establish methods for resolving disputes regarding annexation**
25 **and other matters that arise between jurisdictions;**

26 **7. Periodically review the master plans adopted by the governing**
27 **body of the county and each city; and**

28 **8. Periodically review the annual plan for capital improvements**
29 **prepared by the governing body of each local government in the county**
30 **pursuant to NRS 278.0226.**

31 **Sec. 11. 1. A governing body may establish, independently or in**
32 **conjunction with another governing body, an analysis of the cost to**
33 **construct infrastructure in an area which is relatively undeveloped and**
34 **which is likely to become developed.**

35 **2. The analysis of the cost to construct infrastructure in an area that**
36 **is relatively undeveloped must include, without limitation:**

37 **(a) A precise description of the area, either in the form of a legal**
38 **description or by reference to roadways, lakes and waterways, railroads**
39 **or similar landmarks, and township, county or city boundaries;**

40 **(b) An estimate of the expected total population of the area when the**
41 **land becomes fully developed;**

1 (c) An assessment of the infrastructure that will be necessary to
2 support the area when it becomes fully developed according to the master
3 plan adopted by the governing body pursuant to NRS 278.220; and

4 (d) A plan for the development of the infrastructure which includes,
5 without limitation:

6 (1) Any minimum requirements for the development of
7 infrastructure that have been determined by the coalition;

8 (2) A plan to meet the anticipated needs of the area for police and
9 fire protection, parks, roads, regional transportation and flood control
10 facilities when the land becomes fully developed;

11 (3) An estimate of the date on which each phase of the development
12 will occur;

13 (4) The manner in which the plan for the development of the
14 infrastructure will be implemented; and

15 (5) An economic analysis of the cost to plan and develop fully the
16 infrastructure for the area.

17 3. The governing body may, if it finds that the analysis of the
18 projected need for infrastructure is consistent with the master plan,
19 approve the analysis by ordinance.

20 4. The governing body shall provide the necessary copies of the
21 analysis to the coalition for review and information.

22 **Sec. 12. 1.** A governing body may carry out the plan for
23 infrastructure by negotiating master development agreements,
24 independently or in conjunction with an interlocal agreement for the
25 area.

26 2. As used in this section, “master development agreement” means a
27 written agreement:

28 (a) Between a governing body and a person who has a legal or
29 equitable interest in land that is entered into upon the application of the
30 person who wishes to develop that land;

31 (b) To enable the governing body to distribute equitably the costs to
32 develop infrastructure for an area of land that is largely undeveloped;
33 and

34 (c) That is based on an analysis of the need for infrastructure that is
35 prepared pursuant to section 11 of this act.

36 **Sec. 12.5. 1.** In a county whose population is 100,000 or more, the
37 governing body of the county and each city in the county shall designate
38 as a smart growth zone each area within its jurisdiction that is likely to
39 benefit from infill development. The governing body shall review such
40 zones periodically and adjust the zones as it deems necessary.

41 2. In a county whose population is less than 100,000, the governing
42 body of the county and each city in the county may designate as a smart

1 *growth zone each area within its jurisdiction that is likely to benefit from*
2 *infill development. The governing body may review and adjust such*
3 *zones periodically as it deems necessary.*

4 **Sec. 13.** NRS 278.010 is hereby amended to read as follows:

5 278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2*
6 *to 12.5, inclusive, of this act*, unless the context otherwise requires, the
7 words and terms defined in NRS 278.0105 to 278.0195, inclusive, *and*
8 *sections 2 to 7, inclusive, of this act* have the meanings ascribed to them in
9 those sections.

10 **Sec. 13.3.** NRS 278.021 is hereby amended to read as follows:

11 278.021 1. ~~1. [The purpose of this section is to remove obstacles~~
12 ~~imposed by zoning ordinances, declarations of restrictions, deed~~
13 ~~restrictions, restrictive covenants and equitable servitudes which prevent~~
14 ~~persons who are mentally retarded from living in normal residences.~~
15 ~~—2.]~~ In any ordinance adopted by a city or county, the definition of
16 “single-family residence” must include a ~~[home in which six or fewer~~
17 ~~unrelated persons who are mentally retarded reside with one or two~~
18 ~~additional persons to act as house parents or guardians who need not be~~
19 ~~related to each other or any of the mentally retarded persons who reside in~~
20 ~~the house.~~

21 ~~—3.—This section does] :~~

22 *(a) Residential facility for groups.*

23 *(b) Home for individual residential care.*

24 2. *The provisions of subsection 1 do* not prohibit a definition of
25 “single-family residence” which permits more persons to reside in the
26 house, nor does it prohibit regulation of homes which are operated on a
27 commercial basis.

28 ~~[4.—For the purposes of subsection 1, a residence for mentally retarded~~
29 ~~persons is not a commercial activity.]~~ *For the purposes of this subsection,*
30 *a residential facility for groups or a home for individual residential care*
31 *shall not be deemed to be a home that is operated on a commercial basis*
32 *for any purposes relating to building codes or zoning.*

33 3. *The health division of the department of human resources shall*
34 *compile and maintain a registry of information relating to each*
35 *residential facility for groups that exists in this state and shall make*
36 *available for access on the Internet or its successor, if any, the*
37 *information contained in the registry. The registry must include with*
38 *respect to each residential facility for groups:*

39 *(a) The name of the owner of the facility;*

40 *(b) The name of the administrator of the facility;*

41 *(c) The address of the facility; and*

42 *(d) The number of clients for which the facility is licensed.*

1 Any department or agency of a county or city that becomes aware of the
2 existence of a residential facility for groups that is not included in the
3 registry shall transmit such information to the health division, as is
4 necessary, for inclusion in the registry within 30 days after obtaining the
5 information.

6 4. The governing body of a county whose population is 100,000 or
7 more or the governing body of a city in such a county or any department
8 or agency of the city or county shall approve the first application
9 submitted on or after October 1, 1999, to operate a residential facility for
10 groups within a particular neighborhood in the jurisdiction of the
11 governing body, including, without limitation, an application submitted
12 as a result of the change in ownership of a residential facility for groups.
13 If, on or after October 1, 1999, a subsequent application is submitted to
14 operate an additional residential facility for groups at a location that is
15 within 660 feet from an existing residential facility for groups, the
16 governing body shall review the application based on applicable zoning
17 ordinances. Except as a result of a change in ownership of a residential
18 facility for groups on or after October 1, 1999, the requirements of this
19 subsection do not require the relocation or displacement of any
20 residential facility for groups which existed before October 1, 1999, from
21 its location on that date. The provisions of this subsection do not create
22 or impose a presumption that the location of more than one residential
23 facility for groups within 660 feet of each other is inappropriate under all
24 circumstances with respect to the enforcement of zoning ordinances and
25 regulations.

26 5. The governing body of a county or city shall not require a special
27 use permit for a residential facility for groups.

28 6. The provisions of this section must not be applied in any manner
29 which would result in a loss of money from the Federal Government for
30 programs relating to housing.

31 7. As used in this section:

32 (a) "Change in ownership" means any transfer of ownership except a
33 transfer of ownership between any persons related within the third degree
34 of consanguinity or affinity.

35 (b) "Home for individual residential care" has the meaning ascribed
36 to it in NRS 449.0105.

37 (c) "Person with a disability" means a person:

38 (1) With a physical or mental impairment that substantially limits
39 one or more of the major life activities of the person;

40 (2) With a record of such an impairment; or

41 (3) Who is regarded as having such an impairment.

42 (d) "Residential facility for groups" has the meaning ascribed to it in
43 NRS 449.017.

1 **Sec. 13.7.** NRS 278.150 is hereby amended to read as follows:

2 278.150 1. The planning commission shall prepare and adopt a
3 comprehensive, long-term general plan for the physical development of the
4 city, county or region which in the commission's judgment bears relation to
5 the planning thereof.

6 2. The plan must be known as the master plan, and must be so prepared
7 that all or portions thereof, except as *otherwise* provided in subsection 3,
8 may be adopted by the governing body, as provided in NRS 278.010 to
9 278.630, inclusive, as a basis for the development of the city, county or
10 region for such reasonable period of time next ensuing after the adoption
11 thereof as may practically be covered thereby.

12 3. In counties whose population is 100,000 or more, if the governing
13 body of the city or county adopts only a portion of the master plan, it shall
14 include in that portion a conservation plan, a housing plan , *a land use plan*
15 and a population plan as provided in NRS 278.160.

16 **Sec. 14.** NRS 278.160 is hereby amended to read as follows:

17 278.160 1. The master plan, with the accompanying charts, drawings,
18 diagrams, schedules and reports, may include such of the following subject
19 matter or portions thereof as are appropriate to the city, county or region,
20 and as may be made the basis for the physical development thereof:

21 (a) Community design. Standards and principles governing the
22 subdivision of land and suggestive patterns for community design and
23 development.

24 (b) Conservation plan. For the conservation, development and utilization
25 of natural resources, including water and its hydraulic force, underground
26 water, water supply, forests, soils, rivers and other waters, harbors,
27 fisheries, wildlife, minerals and other natural resources. The plan must also
28 cover the reclamation of land and waters, flood control, prevention and
29 control of the pollution of streams and other waters, regulation of the use of
30 land in stream channels and other areas required for the accomplishment of
31 the conservation plan, prevention, control and correction of the erosion of
32 soils through proper clearing, grading and landscaping, beaches and shores,
33 and protection of watersheds. The plan must also indicate the maximum
34 tolerable level of air pollution.

35 (c) Economic plan. Showing recommended schedules for the allocation
36 and expenditure of public money in order to provide for the economical
37 and timely execution of the various components of the plan.

38 (d) Historical properties preservation plan. An inventory of significant
39 historical, archaeological and architectural properties as defined by a city,
40 county or region, and a statement of methods to encourage the preservation
41 of those properties.

42 (e) Housing plan. The housing plan must include, but is not limited to:

1 (1) An inventory of housing conditions, needs and plans and
2 procedures for improving housing standards and for providing adequate
3 housing.

4 (2) An inventory of affordable housing in the community.

5 (3) An analysis of the demographic characteristics of the community.

6 (4) A determination of the present and prospective need for
7 affordable housing in the community.

8 (5) An analysis of any impediments to the development of affordable
9 housing and the development of policies to mitigate those impediments.

10 (6) An analysis of the characteristics of the land that is the most
11 appropriate for the construction of affordable housing.

12 (7) An analysis of the needs and appropriate methods for the
13 construction of affordable housing or the conversion or rehabilitation of
14 existing housing to affordable housing.

15 (8) A plan for maintaining and developing affordable housing to meet
16 the housing needs of the community.

17 (f) Land use plan. An inventory and classification of types of natural
18 land and of existing land cover and uses, and comprehensive plans for the
19 most desirable utilization of land. The land use plan may include a
20 provision concerning the acquisition and use of land that is under federal
21 management within the city, county or region, including, without limitation,
22 a plan or statement of policy prepared pursuant to NRS 321.7355.

23 (g) Population plan. An estimate of the total population which the
24 natural resources of the city, county or region will support on a continuing
25 basis without unreasonable impairment.

26 (h) Public buildings. Showing locations and arrangement of civic centers
27 and all other public buildings, including the architecture thereof and the
28 landscape treatment of the grounds thereof.

29 (i) Public services and facilities. Showing general plans for sewage,
30 drainage and utilities, and rights of way, easements and facilities therefor,
31 including any utility projects required to be reported pursuant to NRS
32 278.145.

33 (j) Recreation plan. Showing a comprehensive system of recreation
34 areas, including natural reservations, parks, parkways, reserved riverbank
35 strips, beaches, playgrounds and other recreation areas, including, when
36 practicable, the locations and proposed development thereof.

37 (k) *Rural neighborhoods preservation plan. In any county whose*
38 *population is 400,000 or more, showing general plans to preserve the*
39 *character and density of rural neighborhoods.*

40 (l) Safety plan. In any county whose population is 400,000 or more,
41 identifying potential types of natural and man-made hazards, including
42 hazards from floods, landslides or fires, or resulting from the manufacture,

1 storage, transfer or use of bulk quantities of hazardous materials. The plan
2 may set forth policies for avoiding or minimizing the risks from those
3 hazards.

4 ~~(m)~~ (m) Seismic safety plan. Consisting of an identification and
5 appraisal of seismic hazards such as susceptibility to surface ruptures from
6 faulting, to ground shaking or to ground failures.

7 ~~(m)~~ (n) Solid waste disposal plan. Showing general plans for the
8 disposal of solid waste.

9 ~~(n)~~ (o) Streets and highways plan. Showing the general locations and
10 widths of a comprehensive system of major traffic thoroughfares and other
11 traffic ways and of streets and the recommended treatment thereof, building
12 line setbacks, and a system of naming or numbering streets and numbering
13 houses, with recommendations concerning proposed changes.

14 ~~(o)~~ (p) Transit plan. Showing a proposed system of transit lines,
15 including rapid transit, streetcar, motorcoach and trolley coach lines and
16 related facilities.

17 ~~(p)~~ (q) Transportation plan. Showing a comprehensive transportation
18 system, including locations of rights of way, terminals, viaducts and grade
19 separations. The plan may also include port, harbor, aviation and related
20 facilities.

21 2. The commission may prepare and adopt, as part of the master plan,
22 other and additional plans and reports dealing with such other subjects as
23 may in its judgment relate to the physical development of the city, county
24 or region, and nothing contained in NRS 278.010 to 278.630, inclusive,
25 prohibits the preparation and adoption of any such subject as a part of the
26 master plan.

27 **Sec. 14.3.** NRS 278.170 is hereby amended to read as follows:

28 278.170 1. The commission may prepare and adopt all or any part of
29 the master plan or any subject thereof, except as *otherwise* provided in
30 subsection 2, for all or any part of the city, county or region. Master
31 regional plans must be coordinated with similar plans of adjoining regions,
32 and master county and city plans within each region must be coordinated so
33 as to fit properly into the master plan for the region.

34 2. In counties whose population is 100,000 or more, if the commission
35 prepares and adopts less than all subjects of the master plan, as outlined in
36 NRS 278.160, it shall include, in its preparation and adoption, the
37 conservation, housing , *land use* and population plans described in that
38 section.

39 **Sec. 14.7.** NRS 278.210 is hereby amended to read as follows:

40 278.210 1. Before adopting the master plan or any part of it, or any
41 substantial amendment thereof, the commission shall hold at least one
42 public hearing thereon, notice of the time and place of which shall be given
43 at least by one publication in a newspaper of general circulation in the city

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

13 3. No plan or map, hereafter, ~~{shall}~~ **must** have indicated thereon that it
14 is a part of the master plan until it ~~{shall have}~~ **has** been adopted as part of
15 the master plan by the commission as herein provided for the adoption
16 thereof, whenever changed conditions or further studies by the commission
17 require such amendments, extension, or addition.

18 4. *Except as otherwise provided in this subsection, the commission*
19 *shall not amend the land use plan of the master plan set forth in*
20 *paragraph (f) of subsection 1 of NRS 278.160 more than four times in a*
21 *calendar year. The provisions of this subsection do not apply to a change*
22 *in the land use designated for a particular area if the change does not*
23 *affect more than 25 percent of the area.*

24 5. An attested copy of any part, amendment, extension of or addition to
25 the master plan adopted by the planning commission of any city, county or
26 region ~~{shall}~~ **must** be certified to the governing body of ~~{such}~~ **the** city,
27 county or region.

28 ~~{5.}~~ 6. An attested copy of any part, amendment, extension of or
29 addition to the master plan adopted by any regional planning commission
30 ~~{shall}~~ **must** be certified to the county planning commission and to the
31 board of county commissioners of each county within the regional district.

32 **Sec. 15.** NRS 278.250 is hereby amended to read as follows:

33 278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive,
34 the governing body may divide the city, county or region into zoning
35 districts of such number, shape and area as are best suited to carry out the
36 purposes of NRS 278.010 to 278.630, inclusive. Within the zoning district
37 it may regulate and restrict the erection, construction, reconstruction,
38 alteration, repair or use of buildings, structures or land.

39 2. The zoning regulations must ~~{be adopted in accordance with}~~ **strictly**
40 **conform to** the master plan for land use and be designed:

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

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

1 (c) To provide for recreational needs.

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

4 (e) To conform to the adopted population plan, if required by NRS
5 278.170.

6 (f) To develop a timely, orderly and efficient arrangement of
7 transportation and public facilities and services, including facilities and
8 services for bicycles.

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

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

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

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

17 *(k) To ensure the protection of existing neighborhoods and*
18 *communities, including the protection of rural preservation*
19 *neighborhoods.*

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

25 **Sec. 16.** NRS 278.260 is hereby amended to read as follows:

26 278.260 1. The governing body shall provide for the manner in
27 which zoning regulations and restrictions and the boundaries of zoning
28 districts are determined, established, enforced and amended.

29 2. A zoning regulation, restriction or boundary must *strictly conform*
30 *to the master plan and must* not become effective until after a public
31 hearing at which parties in interest and other persons have an opportunity to
32 be heard. The governing body shall cause notice of the time and place of
33 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 at least 10 days before
43 the hearing to:

- 1 (a) The applicant;
 - 2 (b) Each owner, as listed on the county assessor's records, of real
3 property located within 300 feet of the portion of the boundary being
4 changed;
 - 5 (c) Each owner, as listed on the county assessor's records, of at least 30
6 parcels nearest to the portion of the boundary being changed, to the extent
7 this notice does not duplicate the notice given pursuant to paragraph (b);
8 and
 - 9 (d) Any advisory board which has been established for the affected area
10 by the governing body.
- 11 The notice must be sent by mail or, if requested by a party to whom notice
12 must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic
13 means if receipt of such an electronic notice can be verified, and be written
14 in language which is easy to understand. The notice must set forth the time,
15 place and purpose of the hearing and a physical description of, or a map
16 detailing, the proposed change.
- 17 4. If the proposed amendment involves a change in the boundary of a
18 zoning district in a county whose population is 400,000 or more, the
19 governing body shall, to the extent this notice does not duplicate the notice
20 required by subsection 2, cause a notice to be sent at least 10 days before
21 the hearing to:
- 22 (a) The applicant;
 - 23 (b) Each owner, as listed on the county assessor's records, of real
24 property located within 500 feet from the portion of the boundary being
25 changed;
 - 26 (c) Each owner, as listed on the county assessor's records, of at least 30
27 parcels nearest to the portion of the boundary being changed, to the extent
28 this notice does not duplicate the notice given pursuant to paragraph (b);
29 and
 - 30 (d) Any advisory board which has been established for the affected area
31 by the governing body.
- 32 The notice must be sent by mail or, if requested by a party to whom notice
33 must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic
34 means if receipt of such an electronic notice can be verified, and be written
35 in language which is easy to understand. The notice must set forth the time,
36 place and purpose of the hearing and a physical description of, or a map
37 detailing, the proposed change.
- 38 5. If a notice is required to be sent pursuant to subsection 4:
- 39 (a) The exterior of a notice sent by mail; or
 - 40 (b) The cover sheet, heading or subject line of a notice sent by
41 electronic means,
42 must bear a statement in at least 10-point bold type or font in substantially
43 the following form:

1 OFFICIAL NOTICE OF PUBLIC HEARING

2
3 6. In addition to sending 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. 17.** 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 at least 10 days before the hearing to:

5 (a) The applicant;

6 (b) Each owner of real property located within 300 feet of the property
7 in question;

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

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

12 The notice must be sent by mail or, if requested by a party to whom notice
13 must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic
14 means if receipt of such an electronic notice can be verified, and be written
15 in language which is easy to understand. The notice must set forth the time,
16 place and purpose of the hearing and a physical description or map of the
17 property in question.

18 3. If the application is for the issuance of a special use permit in a
19 county whose population is 100,000 or more, the governing body shall, to
20 the extent this notice does not duplicate the notice required by subsection 2,
21 cause a notice to be sent at least 10 days before the hearing to each owner,
22 as listed on the county assessor's records, of at least 30 parcels nearest to
23 the property in question. The notice must be sent by mail or, if requested by
24 an owner to whom notice must be provided, by electronic means if receipt
25 of such an electronic notice can be verified, and be written in language
26 which is easy to understand. The notice must set forth the time, place and
27 purpose of the hearing and a physical description or map of the property in
28 question.

29 4. *If an application is for the issuance of a special use permit with*
30 *regard to property that is located within an unincorporated town that is*
31 *rural in character and not located within an urbanized area of the*
32 *county, as determined by the board of county commissioners, the*
33 *applicant shall present the information contained in the application at a*
34 *meeting of the town board, citizens' advisory council or town advisory*
35 *board, whichever is applicable, before a hearing is held on the*
36 *application pursuant to subsection 2. The town board, citizens' advisory*
37 *council or town advisory board may make recommendations regarding*
38 *the application and submit its recommendations for consideration at the*
39 *hearing held pursuant to subsection 2. The governing body or other*
40 *person or entity that is authorized to take action on the application at the*
41 *hearing held pursuant to subsection 2 shall not take action on the*
42 *application until it receives recommendations from the town board,*
43 *citizens' advisory council or town advisory board regarding the*

1 *application or evidence from the applicant that he presented the*
2 *information contained in the application at a meeting of the town board,*
3 *citizens' advisory council or town advisory board, unless the town board,*
4 *citizens' advisory council or town advisory board failed to discuss the*
5 *application because of the absence of a quorum present at the scheduled*
6 *meeting. The governing body or other authorized person or entity shall*
7 *consider any recommendations made by the town board, citizens'*
8 *advisory council or town advisory board regarding the application. If the*
9 *governing body or other authorized person or entity does not concur with*
10 *the recommendation, if any, the governing body or other authorized*
11 *person or entity shall specify for the record the reasons for its action.*

12 5. An ordinance adopted pursuant to this section must provide an
13 opportunity for the applicant or a protestant to appeal from a decision of
14 the board of adjustment, planning commission or hearing examiner to the
15 governing body.

16 ~~15.1~~ 6. In a county whose population is 400,000 or more, if the
17 application is for the issuance of a special use permit for an establishment
18 which serves alcoholic beverages for consumption on or off of the premises
19 as its primary business in a district which is not a gaming enterprise district
20 as defined in NRS 463.0158, the governing body shall, in addition to
21 sending the notice required pursuant to subsection 3, not later than 10 days
22 before the hearing, erect or cause to be erected on the property, at least one
23 sign not less than 2 feet high and 2 feet wide. The sign must be made of
24 material reasonably calculated to withstand the elements for 40 days. The
25 governing body must be consistent in its use of colors for the background
26 and lettering of the sign. The sign must include the following information:

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

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

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

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

33 ~~16.1~~ 7. A sign required pursuant to subsection ~~15.1~~ 6 is for informational
34 purposes only, and must be erected regardless of any local ordinance
35 regarding the size, placement or composition of signs to the contrary.

36 ~~17.1~~ 8. A governing body may charge an additional fee for each
37 application for a special use permit to cover the actual costs resulting from
38 the erection of not more than one sign required by subsection ~~15.1~~ 6, if any.
39 The additional fee is not subject to the limitation imposed by NRS
40 354.5989.

41 ~~18.1~~ 9. The governing body shall remove or cause to be removed any
42 sign required by subsection ~~15.1~~ 6 within 5 days after the final hearing for

1 the application for which the sign was erected. There must be no additional
2 charge to the applicant for such removal.

3 ~~19.1~~ 10. The provisions of this section do not apply to an application
4 for a conditional use permit filed pursuant to section 1 of ~~this act.~~
5 *Assembly Bill No. 603 of this session.*

6 **Sec. 18.** NRS 231.067 is hereby amended to read as follows:

7 231.067 The commission on economic development shall:

8 1. Develop a state plan for industrial development and diversification.

9 *The state plan must include a provision that promotes infill development*
10 *in smart growth zones designated pursuant to section 12.5 of this act.*

11 2. Promote, encourage and aid the development of commercial,
12 industrial, agricultural, mining and other vital economic interests of this
13 state, except for travel and tourism, except that in a county whose
14 population is less than 35,000, the county may include community
15 development and the development of the nongaming recreation and tourism
16 industry in its economic development efforts.

17 3. Identify sources of financing and assist businesses and industries
18 which wish to locate in Nevada in obtaining financing.

19 4. Provide and administer grants of money to political subdivisions of
20 the state and to local or regional organizations for economic development
21 to assist them in promoting the advantages of their communities and in
22 recruiting businesses to relocate in those communities. Each recipient must
23 provide an amount of money, at least equal to the grant, for the same
24 purpose, except, in a county whose population is less than 35,000, the
25 commission may, if convinced that the recipient is financially unable to do
26 so, provide such a grant with less than equal matching money provided by
27 the recipient.

28 5. Encourage and assist state, county and city agencies in planning and
29 preparing projects for economic or industrial development and financing
30 those projects with revenue bonds.

31 6. Coordinate and assist the activities of counties, cities, local and
32 regional organizations for economic development and fair and recreation
33 boards in the state which affect industrial development, except for travel
34 and tourism, except that in a county whose population is less than 35,000,
35 the county may include community development and the development of
36 the nongaming recreation and tourism industry in its economic
37 development efforts.

38 7. Arrange by cooperative agreements with local governments to serve
39 as the single agency in the state where relocating or expanding businesses
40 may obtain all required permits.

41 8. Promote close cooperation between public agencies and private
42 persons who have an interest in industrial development and diversification
43 in Nevada.

1 9. Organize and coordinate the activities of a group of volunteers
2 which will aggressively select and recruit businesses and industries,
3 especially small industries, to locate their offices and facilities in Nevada.

4 **Sec. 19.** NRS 319.160 is hereby amended to read as follows:

5 319.160 **1.** The division may provide advice, technical information,
6 training and educational services, conduct research and promote the
7 development of housing, building technology and related fields.

8 **2.** *The division shall develop and carry out policies to promote infill*
9 *development in smart growth zones designated pursuant to section 12.5*
10 *of this act.*

11 **Sec. 20.** Section 14 of this act is hereby amended to read as follows:

12 **Sec. 14.** NRS 278.160 is hereby amended to read as follows:

13 278.160 **1.** The master plan, with the accompanying charts,
14 drawings, diagrams, schedules and reports, may include such of the
15 following subject matter or portions thereof as are appropriate to
16 the city, county or region, and as may be made the basis for the
17 physical development thereof:

18 (a) Community design. Standards and principles governing the
19 subdivision of land and suggestive patterns for community design
20 and development.

21 (b) Conservation plan. For the conservation, development and
22 utilization of natural resources, including water and its hydraulic
23 force, underground water, water supply, forests, soils, rivers and
24 other waters, harbors, fisheries, wildlife, minerals and other natural
25 resources. The plan must also cover the reclamation of land and
26 waters, flood control, prevention and control of the pollution of
27 streams and other waters, regulation of the use of land in stream
28 channels and other areas required for the accomplishment of the
29 conservation plan, prevention, control and correction of the erosion
30 of soils through proper clearing, grading and landscaping, beaches
31 and shores, and protection of watersheds. The plan must also
32 indicate the maximum tolerable level of air pollution.

33 (c) Economic plan. Showing recommended schedules for the
34 allocation and expenditure of public money in order to provide for
35 the economical and timely execution of the various components of
36 the plan.

37 (d) Historical properties preservation plan. An inventory of
38 significant historical, archaeological and architectural properties as
39 defined by a city, county or region, and a statement of methods to
40 encourage the preservation of those properties.

41 (e) Housing plan. The housing plan must include, but is not
42 limited to:

1 (1) An inventory of housing conditions, needs and plans and
2 procedures for improving housing standards and for providing
3 adequate housing.

4 (2) An inventory of affordable housing in the community.

5 (3) An analysis of the demographic characteristics of the
6 community.

7 (4) A determination of the present and prospective need for
8 affordable housing in the community.

9 (5) An analysis of any impediments to the development of
10 affordable housing and the development of policies to mitigate
11 those impediments.

12 (6) An analysis of the characteristics of the land that is the
13 most appropriate for the construction of affordable housing.

14 (7) An analysis of the needs and appropriate methods for the
15 construction of affordable housing or the conversion or
16 rehabilitation of existing housing to affordable housing.

17 (8) A plan for maintaining and developing affordable housing
18 to meet the housing needs of the community.

19 (f) Land use plan. An inventory and classification of types of
20 natural land and of existing land cover and uses, and comprehensive
21 plans for the most desirable utilization of land. The land use plan

22 ~~may~~ :

23 (1) *Must show each smart growth zone that has been*
24 *designated pursuant to section 12.5 of this act;*

25 (2) *Must identify policies that would assist in promoting*
26 *infill development in such zones; and*

27 (3) *May* include a provision concerning the acquisition and
28 use of land that is under federal management within the city, county
29 or region, including, without limitation, a plan or statement of
30 policy prepared pursuant to NRS 321.7355.

31 (g) Population plan. An estimate of the total population which
32 the natural resources of the city, county or region will support on a
33 continuing basis without unreasonable impairment.

34 (h) Public buildings. Showing locations and arrangement of civic
35 centers and all other public buildings, including the architecture
36 thereof and the landscape treatment of the grounds thereof.

37 (i) Public services and facilities. Showing general plans for
38 sewage, drainage and utilities, and rights of way, easements and
39 facilities therefor, including any utility projects required to be
40 reported pursuant to NRS 278.145.

41 (j) Recreation plan. Showing a comprehensive system of
42 recreation areas, including natural reservations, parks, parkways,

1 reserved riverbank strips, beaches, playgrounds and other recreation
2 areas, including, when practicable, the locations and proposed
3 development thereof.

4 (k) Rural neighborhoods preservation plan. In any county whose
5 population is 400,000 or more, showing general plans to preserve
6 the character and density of rural neighborhoods.

7 (l) Safety plan. In any county whose population is 400,000 or
8 more, identifying potential types of natural and man-made hazards,
9 including hazards from floods, landslides or fires, or resulting from
10 the manufacture, storage, transfer or use of bulk quantities of
11 hazardous materials. The plan may set forth policies for avoiding or
12 minimizing the risks from those hazards.

13 (m) Seismic safety plan. Consisting of an identification and
14 appraisal of seismic hazards such as susceptibility to surface
15 ruptures from faulting, to ground shaking or to ground failures.

16 (n) Solid waste disposal plan. Showing general plans for the
17 disposal of solid waste.

18 (o) Streets and highways plan. Showing the general locations
19 and widths of a comprehensive system of major traffic
20 thoroughfares and other traffic ways and of streets and the
21 recommended treatment thereof, building line setbacks, and a
22 system of naming or numbering streets and numbering houses, with
23 recommendations concerning proposed changes.

24 (p) Transit plan. Showing a proposed system of transit lines,
25 including rapid transit, streetcar, motorcoach and trolley coach lines
26 and related facilities.

27 (q) Transportation plan. Showing a comprehensive
28 transportation system, including locations of rights of way,
29 terminals, viaducts and grade separations. The plan may also
30 include port, harbor, aviation and related facilities.

31 2. The commission may prepare and adopt, as part of the
32 master plan, other and additional plans and reports dealing with
33 such other subjects as may in its judgment relate to the physical
34 development of the city, county or region, and nothing contained in
35 NRS 278.010 to 278.630, inclusive, prohibits the preparation and
36 adoption of any such subject as a part of the master plan.

37 **Sec. 21.** Section 3 of Senate Bill No. 121 of this session is hereby
38 amended to read as follows:

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

40 278.260 1. The governing body shall provide for the manner
41 in which zoning regulations and restrictions and the boundaries of
42 zoning districts are determined, established, enforced and amended.

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

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

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

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

16 (a) The applicant;

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

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

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

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

30 The notice must set forth the time, place and purpose of the hearing
31 and a physical description of, or a map detailing, the proposed
32 change **H**, *must indicate the existing zoning designation, and the*
33 *proposed zoning designation, of the property in question, and*
34 *must contain a brief summary of the intent of the proposed*
35 *change.*

36 4. If the proposed amendment involves a change in the
37 boundary of a zoning district in a county whose population is
38 400,000 or more, the governing body shall, to the extent this notice
39 does not duplicate the notice required by subsection 2, cause a
40 notice to be sent at least 10 days before the hearing to:

41 (a) The applicant;

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

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

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

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

14 The notice must set forth the time, place and purpose of the hearing
15 and a physical description of, or a map detailing, the proposed
16 change **H**, *must indicate the existing zoning designation, and the*
17 *proposed zoning designation, of the property in question, and*
18 *must contain a brief summary of the intent of the proposed*
19 *change.*

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

23
24 OFFICIAL NOTICE OF PUBLIC HEARING

25
26 6. In addition to sending the notice required pursuant to
27 subsection 4, in a county whose population is 400,000 or more, the
28 governing body shall, *not* later than 10 days before the hearing,
29 erect or cause to be erected on the property, at least one sign not
30 less than 2 feet high and 2 feet wide. The sign must be made of
31 material reasonably calculated to withstand the elements for 40
32 days. The governing body must be consistent in its use of colors for
33 the background and lettering of the sign. The sign must include the
34 following information:

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

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

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

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

15 **Sec. 22.** On or before January 1, 2001:

16 1. The governing body of a county whose population is 100,000 or
17 more shall designate initial smart growth zones as required pursuant to
18 subsection 1 of section 12.5 of this act.

19 2. The commission on economic development shall amend the state
20 plan for industrial development and diversification to include a provision
21 that promotes infill development in smart growth zones as required
22 pursuant to NRS 231.067, as amended by section 18 of this act.

23 3. The housing division of the department of business and industry
24 shall develop the policies to promote infill development in smart growth
25 zones as required pursuant to subsection 2 of NRS 319.160, as amended by
26 section 19 of this act.

27 **Sec. 23.** 1. This section and sections 1, 2, 3, 4, 5, 6, 7 to 12,
28 inclusive, 13, 14 and 15 of this act become effective on October 1, 1999.

29 2. Sections 3.5, 6.5, 12.5, 13.7, 14.3 and 18 to 20, inclusive, and 22 of
30 this act become effective on October 1, 1999, for the purposes of
31 preparations relating to the designation of smart growth zones pursuant to
32 subsection 1 of section 12.5 of this act, the amendment of the state plan for
33 industrial development and diversification pursuant to section 18 of this act
34 and the development of policies to promote infill development pursuant to
35 section 19 of this act and on January 1, 2001, for all other purposes.

36 3. Section 16 of this act becomes effective at 12:01 a.m. on October 1,
37 1999.

38 4. Sections 17 and 21 of this act become effective at 12:02 a.m. on
39 October 1, 1999.

40 5. Section 13.3 of this act becomes effective on January 1, 2000, for
41 the purposes of the compilation of the registry required pursuant to
42 subsection 3 of NRS 278.021 as amended by section 13.3 of this act and on
43 October 1, 1999, for all other purposes.

- 1 6. Section 14.7 of this act becomes effective on January 1, 2000.
- 2 7. The provisions of section 8 of this act expire by limitation on June 1,
- 3 2004.

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