
SENATE BILL NO. 279—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 13, 2003

Referred to Committee on Government Affairs

SUMMARY—Imposes requirements relating to certain actions proposing to limit number of dwelling units that may be constructed within city or county during specified period. (BDR 22-913)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 that certain findings must be included within or otherwise accompany the adoption or amendment by the governing body of a city or county of a zoning regulation or restriction, or master plan, or part thereof, if the effect of such adoption or amendment is to limit the number of dwelling units that may be constructed within the city or county during a specified period; imposing related requirements with respect to city and county initiatives and referenda; 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
2 thereto a new section to read as follows:
3 ***1. If the governing body of a city or county adopts or amends,***
4 ***in whole or in part, a zoning regulation or restriction, or the***
5 ***master plan of the city or county and the effect of the adoption or***
6 ***amendment of the zoning regulation or restriction, or the master***
7 ***plan, or part thereof, is to limit the number of dwelling units that***
8 ***may be constructed during a specified period within the city or***
9 ***county, as applicable, the adoption or amendment must contain or***



1 otherwise be accompanied by findings setting forth the need for
2 that limitation.

3 2. The findings required pursuant to subsection 1 must
4 include, without limitation:

5 (a) An assessment of the number of dwelling units needed for
6 housing within the region in which the city or county is located
7 and a fairly apportioned estimate of the number of those dwelling
8 units that are needed within the applicable city or county;

9 (b) A description of the specific activities and programs
10 undertaken by the city or county, as applicable, to ensure that
11 there is an adequate supply of housing, including, without
12 limitation, affordable housing, within the city or county;

13 (c) An explanation of the manner in which the health, safety
14 and welfare of the residents of the city or county, as applicable,
15 will be protected or promoted by limiting the number of dwelling
16 units that may be constructed within the city or county; and

17 (d) The manner in which a limitation on the number of
18 dwelling units that may be constructed within the city or county, as
19 applicable, affects the financial and environmental resources that
20 are available to the city or county.

21 3. As used in this section, "dwelling unit" means any
22 building, structure or portion thereof which is occupied as, or
23 designed or intended for occupancy as, a residence by one person
24 who maintains a household or by two or more persons who
25 maintain a common household.

26 **Sec. 2.** NRS 278.010 is hereby amended to read as follows:

27 278.010 As used in NRS 278.010 to 278.630, inclusive, *and*
28 *section 1 of this act*, unless the context otherwise requires, the
29 words and terms defined in NRS 278.0105 to 278.0195, inclusive,
30 have the meanings ascribed to them in those sections.

31 **Sec. 3.** NRS 278.220 is hereby amended to read as follows:

32 278.220 Except as otherwise provided in subsection 4 of
33 NRS 278.150:

34 1. Upon receipt of a certified copy of the master plan, or of any
35 part thereof, as adopted by the planning commission, the governing
36 body may adopt such parts thereof as may practicably be applied to
37 the development of the city, county or region for a reasonable period
38 of time next ensuing.

39 2. The parts must thereupon be endorsed and certified as
40 master plans thus adopted for the territory covered, and are hereby
41 declared to be established to conserve and promote the public
42 health, safety and general welfare.

43 3. Before adopting any *master* plan or *any* part thereof, *or any*
44 *amendment, extension or addition thereof*, the governing body
45 shall **[hold]**:



1 (a) *Hold* at least one public hearing thereon, notice of the time
2 and place of which must be published at least once in a newspaper
3 of general circulation in the city or counties at least 10 days before
4 the day of hearing ~~§~~; and

5 (b) *If the adoption, amendment, extension or addition thereof*
6 *proposes to limit the number of dwelling units that may be*
7 *constructed during a specified period within the city or county, as*
8 *applicable, ensure that the adoption, amendment, extension or*
9 *addition thereof complies with the provisions of section 1 of this*
10 *act. As used in this paragraph, “dwelling unit” has the meaning*
11 *ascribed to it in section 1 of this act.*

12 4. No change in or addition to the master plan or any part
13 thereof, *or any amendment, extension or addition thereof*, as
14 adopted by the planning commission, may be made by the
15 governing body in adopting the same until the proposed change or
16 addition has been referred to the planning commission for a report
17 thereon and an attested copy of the report has been filed with the
18 governing body. Failure of the planning commission so to report
19 within 40 days, or such longer period as may be designated by the
20 governing body, after such reference shall be deemed to be approval
21 of the proposed change or addition.

22 **Sec. 4.** NRS 278.260 is hereby amended to read as follows:

23 278.260 1. The governing body shall ~~provide~~:

24 (a) *Provide* for the manner in which zoning regulations and
25 restrictions and the boundaries of zoning districts are determined,
26 established, enforced and amended ~~§~~; and

27 (b) *If a zoning regulation or restriction or amendment thereof*
28 *proposes to limit the number of dwelling units that may be*
29 *constructed during a specified period within the city or county, as*
30 *applicable, ensure that the zoning regulation or restriction or*
31 *amendment thereof complies with the provisions of section 1 of*
32 *this act. As used in this paragraph, “dwelling unit” has the*
33 *meaning ascribed to it in section 1 of this act.*

34 2. A zoning regulation, restriction or boundary or an
35 amendment thereto must not become effective until after transmittal
36 of a copy of the relevant application to the town board, citizens’
37 advisory council or town advisory board pursuant to subsection 5, if
38 applicable, and after a public hearing at which parties in interest and
39 other persons have an opportunity to be heard. The governing body
40 shall cause notice of the time and place of the hearing to be:

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

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



1 3. If a proposed amendment involves a change in the boundary
2 of a zoning district in a county whose population is less than
3 400,000, the governing body shall, to the extent this notice does not
4 duplicate the notice required by subsection 2, cause a notice to be
5 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) The owner, as listed on the county assessor's records, of each
11 of the 30 separately owned parcels nearest to the portion of the
12 boundary being changed, to the extent this notice does not duplicate
13 the notice given 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, must indicate the existing zoning designation, and the
23 proposed zoning designation, of the property in question, and must
24 contain a brief summary of the intent of the proposed change. If the
25 proposed amendment involves a change in the boundary of the
26 zoning district that would reduce the density or intensity with which
27 a parcel of land may be used, the notice must include a section that
28 an owner of property may complete and return to the governing
29 body to indicate his approval of or opposition to the proposed
30 amendment.

31 4. If a proposed amendment involves a change in the boundary
32 of a zoning district in a county whose population is 400,000 or
33 more, the governing body shall, to the extent this notice does not
34 duplicate the notice required by subsection 2, cause a notice to be
35 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 of the portion of the boundary
39 being changed;

40 (c) The owner, as listed on the county assessor's records, of each
41 of the 30 separately owned parcels nearest to the portion of the
42 boundary being changed, to the extent this notice does not duplicate
43 the notice given pursuant to paragraph (b); and

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



1 The notice must be sent by mail or, if requested by a party to whom
2 notice must be provided pursuant to paragraphs (a) to (d), inclusive,
3 by electronic means if receipt of such an electronic notice can be
4 verified, and be written in language which is easy to understand.
5 The notice must set forth the time, place and purpose of the hearing
6 and a physical description of, or a map detailing, the proposed
7 change, must indicate the existing zoning designation, and the
8 proposed zoning designation, of the property in question, and must
9 contain a brief summary of the intent of the proposed change. If the
10 proposed amendment involves a change in the boundary of the
11 zoning district that would reduce the density or intensity with which
12 a parcel of land may be used, the notice must include a section that
13 an owner of property may complete and return to the governing
14 body to indicate his approval of or opposition to the proposed
15 amendment.

16 5. If an application is filed with the governing body and the
17 application involves a change in the boundary of a zoning district
18 within an unincorporated town that is located more than 10 miles
19 from an incorporated city, the governing body shall, at least 10 days
20 before the hearing on the application is held pursuant to subsection
21 2, transmit a copy of any information pertinent to the application to
22 the town board, citizens' advisory council or town advisory board,
23 whichever is applicable, of the unincorporated town. The town
24 board, citizens' advisory council or town advisory board may make
25 recommendations regarding the application and submit its
26 recommendations before the hearing on the application is held
27 pursuant to subsection 2. The governing body or other authorized
28 person or entity conducting the hearing shall consider any
29 recommendations submitted by the town board, citizens' advisory
30 council or town advisory board regarding the application and, within
31 10 days after making its decision on the application, transmit a copy
32 of its decision to the town board, citizens' advisory council or town
33 advisory board.

34 6. If a notice is required to be sent pursuant to subsection 4:
35 (a) The exterior of a notice sent by mail; or
36 (b) The cover sheet, heading or subject line of a notice sent by
37 electronic means,
38 must bear a statement in at least 10-point bold type or font in
39 substantially the following form:

40
41 OFFICIAL NOTICE OF PUBLIC HEARING

42
43 7. In addition to sending the notice required pursuant to
44 subsection 4, in a county whose population is 400,000 or more, the
45 governing body shall, not later than 10 days before the hearing, erect



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

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

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

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

26 10. The governing body shall remove or cause to be removed
27 any sign required by subsection 7 within 5 days after the final
28 hearing for the application for which the sign was erected. There
29 must be no additional charge to the applicant for such removal.

30 11. If a proposed amendment involves a change in the
31 boundary of a zoning district in a county whose population is
32 400,000 or more that would reduce the density or intensity with
33 which a parcel of land may be used and at least 20 percent of the
34 property owners to whom notices were sent pursuant to subsection 4
35 indicate in their responses opposition to the proposed amendment,
36 the governing body shall not approve the proposed amendment
37 unless the governing body:

38 (a) Considers separately the merits of each aspect of the
39 proposed amendment to which the owners expressed opposition;
40 and

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

43 12. The governing body of a county whose population is
44 400,000 or more shall not approve a zoning regulation, restriction or
45 boundary, or an amendment thereof, that affects any unincorporated



1 area of the county that is surrounded completely by the territory of
2 an incorporated city without sending a notice to the governing body
3 of the city. The governing body of the city, or its designee, must
4 submit any recommendations to the governing body of the county
5 within 15 days after receiving the notice. The governing body of the
6 county shall consider any such recommendations. If the governing
7 body of the county does not accept a recommendation, the
8 governing body of the county, or its authorized agent, shall specify
9 for the record the reasons for its action.

10 **Sec. 5.** NRS 295.095 is hereby amended to read as follows:

11 295.095 1. Any five registered voters of the county may
12 commence initiative or referendum proceedings by filing with the
13 county clerk an affidavit ~~{stating}~~:

14 (a) *Stating* they will constitute the petitioners' committee and be
15 responsible for circulating the petition and filing it in proper form ~~{~~
16 ~~stating}~~;

17 (b) *Stating* their names and addresses ~~{and specifying}~~;

18 (c) *Specifying* the address to which all notices to the committee
19 are to be sent ~~{, and setting}~~; and

20 (d) *Setting* out in full ~~{the}~~:

21 (1) *The* proposed initiative ordinance or citing the ordinance
22 sought to be reconsidered ~~{,}~~; and

23 (2) *If the initiative or referendum proposes to limit the*
24 *number of dwelling units that may be constructed during a*
25 *specified period within the county, the findings described in*
26 *subsection 2 of section 1 of this act. As used in this subparagraph,*
27 *"dwelling unit" has the meaning ascribed to it in section 1 of this*
28 *act.*

29 2. Initiative petitions must be signed by a number of registered
30 voters of the county equal to 15 percent or more of the number of
31 voters who voted at the last preceding general election in the county.

32 3. Referendum petitions must be signed by a number of
33 registered voters of the county equal to 10 percent or more of the
34 number of voters who voted at the last preceding general election in
35 the county.

36 4. A petition must be submitted to the county clerk for
37 verification, pursuant to NRS 295.250 to 295.290, inclusive, not
38 later than:

39 (a) One hundred and eighty days after the date that the affidavit
40 required by subsection 1 is filed with the county clerk; or

41 (b) One hundred and thirty days before the election,
42 whichever is earlier.

43 5. A petition may consist of more than one document, but all
44 documents of a petition must be uniform in size and style, numbered
45 and assembled as one instrument for submission. Each signature



1 must be executed in ink or indelible pencil and followed by the
2 address of the person signing and the date on which he signed
3 the petition. All signatures on a petition must be obtained within the
4 period specified in subsection 4. Each document must contain, or
5 have attached thereto throughout its circulation, the full text of the
6 ordinance proposed or sought to be reconsidered ~~and~~ **and, if**
7 **applicable, the findings described in subsection 2 of section 1 of**
8 **this act.**

9 6. Each document of a petition must have attached to it when
10 submitted an affidavit executed by the circulator thereof stating:

- 11 (a) That he personally circulated the document;
- 12 (b) The number of signatures thereon;
- 13 (c) That all the signatures were affixed in his presence;
- 14 (d) That he believes them to be genuine signatures of the
15 persons whose names they purport to be; and
- 16 (e) That each signer had an opportunity before signing to read
17 the full text of the ordinance proposed or sought to be reconsidered.

18 7. The county clerk shall issue a receipt to any person who
19 submits a petition pursuant to this section. The receipt must set forth
20 the number of:

- 21 (a) Documents included in the petition;
- 22 (b) Pages in each document; and
- 23 (c) Signatures that the person declares are included in the
24 petition.

25 **Sec. 6.** NRS 295.205 is hereby amended to read as follows:

26 295.205 1. Any five registered voters of the city may
27 commence initiative or referendum proceedings by filing with the
28 city clerk an affidavit:

- 29 (a) Stating they will constitute the petitioners' committee and be
30 responsible for circulating the petition and filing it in proper form;
- 31 (b) Stating their names and addresses;
- 32 (c) Specifying the address to which all notices to the committee
33 are to be sent; and
- 34 (d) Setting out in full ~~the~~ :

35 (1) **The** proposed initiative ordinance or citing the ordinance
36 sought to be reconsidered ~~and~~ **;** **and**

37 (2) **If the initiative or referendum proposes to limit the**
38 **number of dwelling units that may be constructed during a**
39 **specified period within the city, the findings described in**
40 **subsection 2 of section 1 of this act. As used in this subparagraph,**
41 **"dwelling unit" has the meaning ascribed to it in section 1 of this**
42 **act.**

43 2. Initiative petitions must be signed by a number of registered
44 voters of the city equal to 15 percent or more of the number of
45 voters who voted at the last preceding city election.



1 3. Referendum petitions must be signed by a number of
2 registered voters of the city equal to 10 percent or more of the
3 number of voters who voted at the last preceding city election.

4 4. A petition must be submitted to the city clerk for
5 verification, pursuant to NRS 295.250 to 295.290, inclusive, not
6 later than:

7 (a) One hundred and eighty days after the date that the affidavit
8 required by subsection 1 is filed with the city clerk; or

9 (b) One hundred and thirty days before the election,
10 whichever is earlier.

11 5. A petition may consist of more than one document, but all
12 documents of a petition must be uniform in size and style, numbered
13 and assembled as one instrument for submission. Each signature
14 must be executed in ink or indelible pencil and followed by the
15 address of the person signing and the date on which he signed
16 the petition. All signatures on a petition must be obtained within the
17 period specified in subsection 4. Each document must contain, or
18 have attached thereto throughout its circulation, the full text of the
19 ordinance proposed or sought to be reconsidered ~~and~~ *and, if*
20 *applicable, the findings described in subsection 2 of section 1 of*
21 *this act.*

22 6. Each document of a petition must have attached to it when
23 submitted an affidavit executed by the circulator thereof stating:

24 (a) That he personally circulated the document;

25 (b) The number of signatures thereon;

26 (c) That all the signatures were affixed in his presence;

27 (d) That he believes them to be genuine signatures of the
28 persons whose names they purport to be; and

29 (e) That each signer had an opportunity before signing to read
30 the full text of the ordinance proposed or sought to be reconsidered.

31 7. The city clerk shall issue a receipt to any person who
32 submits a petition pursuant to this section. The receipt must set forth
33 the number of:

34 (a) Documents included in the petition;

35 (b) Pages in each document; and

36 (c) Signatures that the person declares are included in the
37 petition.

38 **Sec. 7.** This act becomes effective upon passage and approval.

