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SENATE BILL NO. 30—SENATOR AMODEI

PREFILED JANUARY 30, 2003

Referred to Committee on Government Affairs

SUMMARY—Revises provisions concerning notice of certain zoning hearings and concerning parcel maps. (BDR 22-456)

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.

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AN ACT relating to land use planning; revising the requirements governing notice of a hearing regarding the establishment of or amendment to a zoning regulation, restriction or boundary; requiring the placement of a statement of facts on certain parcel maps to indicate that the map does not conflict with certain statutory and local provisions; 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  
3 in which zoning regulations and restrictions and the boundaries of  
4 zoning districts are determined, established, enforced and amended.  
5     2. A zoning regulation, restriction or boundary or an  
6 amendment thereto must not become effective until after transmittal  
7 of a copy of the relevant application to the town board, citizens'  
8 advisory council or town advisory board pursuant to subsection 5, if  
9 applicable, and after a public hearing at which parties in interest and  
10 other persons have an opportunity to be heard. The governing body  
11 shall cause notice of the time and place of the hearing to be ~~[-~~  
12 ~~—(a) Published]~~ **published** in an official newspaper, or a  
13 newspaper of general circulation, in the city, county or region ~~[- and~~



\* S B 3 0 \*

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

4 3. ~~[(f)]~~ ***In addition to the notice published pursuant to***  
5 ***subsection 2, if*** a proposed amendment involves a change in the  
6 boundary of a zoning district in a county whose population is less  
7 than 400,000, the governing body shall ~~[, to the extent this notice~~  
8 ~~does not duplicate the notice required by subsection 2,]~~ cause a  
9 notice ***of the hearing*** to be sent at least 10 days before the hearing  
10 to:

11 (a) The applicant;

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

15 (c) The owner, as listed on the county assessor's records, of each  
16 of the 30 separately owned parcels nearest to the portion of the  
17 boundary being changed, to the extent this notice does not duplicate  
18 the notice given pursuant to paragraph (b); ~~and]~~

19 (d) ***Each tenant of a mobile home park if that park is located***  
20 ***within 300 feet of the property in question; and***

21 (e) Any advisory board which has been established for the  
22 affected area by the governing body.

23 The notice must be sent by mail or, if requested by a party to whom  
24 notice must be provided pursuant to paragraphs (a) to ~~[(d),]~~ (e),  
25 inclusive, by electronic means if receipt of such an electronic notice  
26 can be verified, and be written in language which is easy to  
27 understand. The notice must set forth the time, place and purpose of  
28 the hearing and a physical description of, or a map detailing, the  
29 proposed change, must indicate the existing zoning designation, and  
30 the proposed zoning designation, of the property in question, and  
31 must contain a brief summary of the intent of the proposed change.  
32 If the proposed amendment involves a change in the boundary of the  
33 zoning district that would reduce the density or intensity with which  
34 a parcel of land may be used, the notice must include a section that  
35 an owner of property may complete and return to the governing  
36 body to indicate his approval of or opposition to the proposed  
37 amendment.

38 4. ~~[(f)]~~ ***In addition to the notice published pursuant to***  
39 ***subsection 2, if*** a proposed amendment involves a change in the  
40 boundary of a zoning district in a county whose population is  
41 400,000 or more, the governing body shall ~~[, to the extent this notice~~  
42 ~~does not duplicate the notice required by subsection 2,]~~ cause a  
43 notice ***of the hearing*** to be sent at least 10 days before the hearing  
44 to:

45 (a) The applicant;



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

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

8 (d) ***Each tenant of a mobile home park if that park is located***  
9 ***within 300 feet of the property in question; and***

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

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

27 5. If an application is filed with the governing body and the  
28 application involves a change in the boundary of a zoning district  
29 within an unincorporated town that is located more than 10 miles  
30 from an incorporated city, the governing body shall, at least 10 days  
31 before the hearing on the application is held pursuant to subsection  
32 2, transmit a copy of any information pertinent to the application to  
33 the town board, citizens' advisory council or town advisory board,  
34 whichever is applicable, of the unincorporated town. The town  
35 board, citizens' advisory council or town advisory board may make  
36 recommendations regarding the application and submit its  
37 recommendations before the hearing on the application is held  
38 pursuant to subsection 2. The governing body or other authorized  
39 person or entity conducting the hearing shall consider any  
40 recommendations submitted by the town board, citizens' advisory  
41 council or town advisory board regarding the application and, within  
42 10 days after making its decision on the application, transmit a copy  
43 of its decision to the town board, citizens' advisory council or town  
44 advisory board.

45 6. If a notice is required to be sent pursuant to subsection 4:



- 1 (a) The exterior of a notice sent by mail; or
- 2 (b) The cover sheet, heading or subject line of a notice sent by
- 3 electronic means,
- 4 must bear a statement in at least 10-point bold type or font in
- 5 substantially the following form:

6  
7 OFFICIAL NOTICE OF PUBLIC HEARING

8  
9 7. In addition to sending the notice required pursuant to  
10 subsection 4, in a county whose population is 400,000 or more, the  
11 governing body shall, not later than 10 days before the hearing, erect  
12 or cause to be erected on the property, at least one sign not less than  
13 2 feet high and 2 feet wide. The sign must be made of material  
14 reasonably calculated to withstand the elements for 40 days. The  
15 governing body must be consistent in its use of colors for the  
16 background and lettering of the sign. The sign must include the  
17 following information:

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

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

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

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

41 11. If a proposed amendment involves a change in the  
42 boundary of a zoning district in a county whose population is  
43 400,000 or more that would reduce the density or intensity with  
44 which a parcel of land may be used and at least 20 percent of the  
45 property owners to whom notices were sent pursuant to subsection 4



1 indicate in their responses opposition to the proposed amendment,  
2 the governing body shall not approve the proposed amendment  
3 unless the governing body:

4 (a) Considers separately the merits of each aspect of the  
5 proposed amendment to which the owners expressed opposition;  
6 and

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

9 12. The governing body of a county whose population is  
10 400,000 or more shall not approve a zoning regulation, restriction or  
11 boundary, or an amendment thereof, that affects any unincorporated  
12 area of the county that is surrounded completely by the territory of  
13 an incorporated city without sending a notice to the governing body  
14 of the city. The governing body of the city, or its designee, must  
15 submit any recommendations to the governing body of the county  
16 within 15 days after receiving the notice. The governing body of the  
17 county shall consider any such recommendations. If the governing  
18 body of the county does not accept a recommendation, the  
19 governing body of the county, or its authorized agent, shall specify  
20 for the record the reasons for its action.

21 **Sec. 2.** NRS 278.469 is hereby amended to read as follows:

22 278.469 If a record of survey *or parcel map* contains two or  
23 more lots or parcels, the surveyor or a person for whom the record  
24 of survey *or parcel map* is made shall place upon the *record of*  
25 *survey or parcel* map ~~thereof~~ a statement of the facts which will  
26 clearly show that ~~such~~ *the* record of survey *or parcel map* is not in  
27 conflict with the requirements of NRS 278.010 to 278.630,  
28 inclusive, ~~and the regulations of transactions pertaining thereto~~  
29 ~~shall be complied with.~~ *or any local zoning regulations.*

