

ASSEMBLY BILL NO. 142—ASSEMBLYMEN VON TOBEL, ANGLE, PRICE,
MANENDO, GUSTAVSON, GIUNCHIGLIANI, CHOWNING, HUMKE, GIBBONS,
TIFFANY, SEGERBLOM AND COLLINS

FEBRUARY 5, 1999

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to certain applications for variances or special use permits. (BDR 22-371)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to land use planning; revising provisions governing applications for variances or special use permits with regard to property located within an unincorporated town; 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 278.315 is hereby amended to read as follows:
2 278.315 1. The governing body may provide by ordinance for the
3 granting of variances, special use permits, conditional use permits or other
4 special exceptions by the board of adjustment, the planning commission or
5 a hearing examiner appointed pursuant to NRS 278.262. The governing
6 body may impose this duty entirely on the board, commission or examiner,
7 respectively, or provide for the granting of enumerated categories of
8 variances, special use permits, conditional use permits or special
9 exceptions by the board, commission or examiner.
10 2. A hearing to consider an application for the granting of a variance,
11 special use permit, conditional use permit or special exception must be
12 held before the board of adjustment, planning commission or hearing
13 examiner within 65 days after the filing of the application, unless a longer
14 time or a different process of review is provided in an agreement entered
15 into pursuant to NRS 278.0201. A notice setting forth the time, place and
16 purpose of the hearing must be sent by mail at least 10 days before the
17 hearing

to:

- 1 (a) The applicant;
- 2 (b) Each owner of real property located within 300 feet of the property
- 3 in question;
- 4 (c) If a mobile home park is located within 300 feet of the property in
- 5 question, each tenant of that mobile home park; and
- 6 (d) Any advisory board which has been established for the affected area
- 7 by the governing body.

8 The notice must be written in language which is easy to understand. It
9 must set forth the time, place and purpose of the hearing and a physical
10 description or map of the property in question.

11 3. If the application is for the issuance of a special use permit in a
12 county whose population is 100,000 or more, the governing body shall, to
13 the extent this notice does not duplicate the notice required by subsection
14 2, cause a notice to be sent by mail at least 10 days before the hearing to
15 each owner, as listed on the ~~{county assessor's records,}~~ **records of the**
16 **county assessor**, of at least 30 parcels nearest to the property in question.
17 The notice must be written in language which is easy to understand. It
18 must set forth the time, place and purpose of the hearing and a physical
19 description or map of the property in question.

20 4. ***If an application is for the issuance of a variance or special use***
21 ***permit with regard to property that is located within an unincorporated***
22 ***town, the applicant must present with the application evidence that his***
23 ***intent to apply for the variance or special use permit has been discussed***
24 ***at a public meeting of the town board, citizens' advisory council or town***
25 ***advisory board, whichever is applicable.***

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

30 ~~{5.}~~ 6. In a county whose population is 400,000 or more, if the
31 application is for the issuance of a special use permit for an establishment
32 which serves alcoholic beverages for consumption on or off of the
33 premises as its primary business in a district which is not a gaming
34 enterprise district as defined in NRS 463.0158, the governing body shall,
35 in addition to mailing the notice required pursuant to subsection 3, not later
36 than 10 days before the hearing, erect or cause to be erected on the
37 property, at least one sign not less than 2 feet high and 2 feet wide. The
38 sign must be made of material reasonably calculated to withstand the
39 elements for 40 days. The governing body must be consistent in its use of
40 colors for the background and lettering of the sign. The sign must include
41 the following information:

- 42 (a) The existing permitted use and zoning designation of the property in
- 43 question;

- 1 (b) The proposed permitted use of the property in question;
- 2 (c) The date, time and place of the public hearing; and
- 3 (d) A telephone number which may be used by interested persons to
- 4 obtain additional information.

5 ~~16.1~~ 7. A sign required pursuant to subsection ~~15.1~~ 6 is for informational

6 purposes only, and must be erected regardless of any local ordinance

7 regarding the size, placement or composition of signs to the contrary.

8 ~~17.1~~ 8. A governing body may charge an additional fee for each

9 application for a special use permit to cover the actual costs resulting from

10 the erection of not more than one sign required by subsection ~~15.1~~ 6, if any.

11 The additional fee is not subject to the limitation imposed by NRS

12 354.5989.

13 ~~18.1~~ 9. The governing body shall remove or cause to be removed any

14 sign required by subsection ~~15.1~~ 6 within 5 days after the final hearing for

15 the application for which the sign was erected. There must be no additional

16 charge to the applicant for such removal.