

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 exceptions
9 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 held
12 before the board of adjustment, planning commission or hearing examiner
13 within 65 days after the filing of the application, unless a longer time or a
14 different process of review is provided in an agreement entered into
15 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 must
- 9 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 2,

14 cause a notice to be sent by mail at least 10 days before the hearing to each

15 ~~owner,~~ **of the owners**, as listed on the county assessor's records, of at

16 least **the** 30 parcels nearest to the property in question. The notice must be

17 written in language which is easy to understand. It must set forth the time,

18 place and purpose of the hearing and a physical description or map of the

19 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 shall present the information contained in the***

23 ***application at a meeting of the town board, citizens' advisory council or***

24 ***town advisory board, whichever is applicable, before a hearing is held on***

25 ***the application pursuant to subsection 2. The town board, citizens'***

26 ***advisory council or town advisory board may make recommendations***

27 ***regarding the application and submit its recommendations for***

28 ***consideration at the hearing held pursuant to subsection 2. The***

29 ***governing body or other person or entity that is authorized to take action***

30 ***on the application at the hearing held pursuant to subsection 2 shall not***

31 ***take action on the application until it receives recommendations from the***

32 ***town board, citizens' advisory council or town advisory board regarding***

33 ***the application or evidence from the applicant that he presented the***

34 ***information contained in the application at a meeting of the town board,***

35 ***citizens' advisory council or town advisory board. The governing body or***

36 ***other authorized person or entity shall consider any recommendations***

37 ***made by the town board, citizens' advisory council or town advisory***

38 ***board regarding the application. If the governing body or other***

39 ***authorized person or entity does not accept any such recommendation,***

40 ***the governing body or other authorized person or entity shall make a***

41 ***written finding specifying the reasons for its refusal to accept the***

42 ***recommendation.***

1 **5.** An ordinance adopted pursuant to this section must provide an
2 opportunity for the applicant or a protestant to appeal from a decision of
3 the board of adjustment, planning commission or hearing examiner to the
4 governing body.

5 ~~5.1~~ **6.** In a county whose population is 400,000 or more, if the
6 application is for the issuance of a special use permit for an establishment
7 which serves alcoholic beverages for consumption on or off of the premises
8 as its primary business in a district which is not a gaming enterprise district
9 as defined in NRS 463.0158, the governing body shall, in addition to
10 mailing the notice required pursuant to subsection 3, not later than 10 days
11 before the hearing, erect or cause to be erected on the property, at least one
12 sign not less than 2 feet high and 2 feet wide. The sign must be made of
13 material reasonably calculated to withstand the elements for 40 days. The
14 governing body must be consistent in its use of colors for the background
15 and lettering of the sign. The sign must include the following information:

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

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

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

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

22 ~~6.1~~ **7.** A sign required pursuant to subsection ~~5.1~~ **6** is for informational
23 purposes only, and must be erected regardless of any local ordinance
24 regarding the size, placement or composition of signs to the contrary.

25 ~~7.1~~ **8.** A governing body may charge an additional fee for each
26 application for a special use permit to cover the actual costs resulting from
27 the erection of not more than one sign required by subsection ~~5.1~~ **6**, if any.
28 The additional fee is not subject to the limitation imposed by NRS
29 354.5989.

30 ~~8.1~~ **9.** The governing body shall remove or cause to be removed any
31 sign required by subsection ~~5.1~~ **6** within 5 days after the final hearing for
32 the application for which the sign was erected. There must be no additional
33 charge to the applicant for such removal.