

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 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 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.** 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 at least 10 days before the hearing to:
17 (a) The applicant;

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

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

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

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

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

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

1 *meeting. The governing body or other authorized person or entity shall*
2 *consider any recommendations made by the town board, citizens'*
3 *advisory council or town advisory board regarding the application. If the*
4 *governing body or other authorized person or entity does not concur with*
5 *the recommendation, if any, the governing body or other authorized*
6 *person or entity shall specify for the record the reasons for its action.*

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

11 ~~15.1~~ 6. In a county whose population is 400,000 or more, if the
12 application is for the issuance of a special use permit for an establishment
13 which serves alcoholic beverages for consumption on or off of the premises
14 as its primary business in a district which is not a gaming enterprise district
15 as defined in NRS 463.0158, the governing body shall, in addition to
16 sending the notice required pursuant to subsection 3, not later than 10 days
17 before the hearing, erect or cause to be erected on the property, at least one
18 sign not less than 2 feet high and 2 feet wide. The sign must be made of
19 material reasonably calculated to withstand the elements for 40 days. The
20 governing body must be consistent in its use of colors for the background
21 and lettering of the sign. The sign must include the following information:

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

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

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

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

28 ~~16.1~~ 7. A sign required pursuant to subsection ~~15.1~~ 6 is for informational
29 purposes only, and must be erected regardless of any local ordinance
30 regarding the size, placement or composition of signs to the contrary.

31 ~~17.1~~ 8. A governing body may charge an additional fee for each
32 application for a special use permit to cover the actual costs resulting from
33 the erection of not more than one sign required by subsection ~~15.1~~ 6, if any.
34 The additional fee is not subject to the limitation imposed by NRS
35 354.5989.

36 ~~18.1~~ 9. The governing body shall remove or cause to be removed any
37 sign required by subsection ~~15.1~~ 6 within 5 days after the final hearing for
38 the application for which the sign was erected. There must be no additional
39 charge to the applicant for such removal.

40 **Sec. 2.** This act becomes effective at 12:01 a.m. on October 1, 1999.