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## Property; Planning and Zoning

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## Property; planning and zoning

NEV. REV. STAT. §268.130 (repealed); §§278.040, 278.315, 278.317 (amended).

SB 48 (Jacobsen); 1983 STAT. Ch 472

Chapter 472 establishes a procedure for the granting of variances,<sup>1</sup> special use permits, or special exceptions to zoning laws.<sup>2</sup> Under existing law, a governing body<sup>3</sup> can provide for the granting of special use permits or other special exceptions by a local board of adjustment<sup>4</sup> or planning commission.<sup>5</sup> Chapter 472 explicitly expands these provisions to include the granting of variances<sup>6</sup> and authorizes the governing body to effect these provisions by ordinance.<sup>7</sup>

In addition, Chapter 472 requires the board or commission to conduct a hearing within sixty-five days after the filing of a request for a variance, special use permit, or special exception.<sup>8</sup> A notice setting forth the time, place, and purpose of the hearing must be mailed at least ten days before the hearing to (1) the applicant, (2) the owners of real property located within 300 feet of the property involved, and (3) any advisory board concerned with the area to be affected by the decision.<sup>9</sup> The applicant or a person protesting the decision of the board or commission must be given the opportunity to appeal the decision to the governing body.<sup>10</sup> Finally, Chapter 472 allows any local governing body to pay compensation to the members of its planning commission.<sup>11</sup>

1. Clark County Bd. of Commissioners v. Taggart Construction Co., Inc., 96 Nev. 732, 735, 615 P.2d 965, 967 (1980) (definition of variance).

2. See NEV. REV. STAT. §§278.315 (amended by 1983 Nev. Stat. c. 472, §2, at 1247), 278.317 (amended by 1983 Nev. Stat. c. 472, §3, at 1247-48).

3. See *id.* §278.010(7) (definition of governing body).

4. See *id.* §§278.270-310 (explanation of adjustment board).

5. *Id.* §278.315 (amended by 1983 Nev. Stat. c. 472, §2, at 1247); see *id.* §§278.010(4) (definition of planning commission), 278.315.

6. Compare *id.* §278.315 (amended by 1983 Nev. Stat. c. 472, §2, at 1247) with 1969 Nev. Stat. c. 429, §3, at 734 (enacting NEV. REV. STAT. §278.315).

7. Compare NEV. REV. STAT. §278.315 (amended by 1983 Nev. Stat. c. 472, §2, at 1247) with 1969 Nev. Stat. c. 429, §3, at 734 (enacting NEV. REV. STAT. §278.315).

8. NEV. REV. STAT. §278.315 (amended by 1983 Nev. Stat. c. 472, §2, at 1247).

9. *Id.*

10. *Id.*

11. Prior law prevented members of a city planning commission from receiving compensation other than travel expenses, but Chapter 472 extends the compensation provided for county planning commissions to all planning commissions. See 1983 Nev. Stat. c. 472, §4, at 1248 (repealing NEV. REV. STAT. §1268.130). Compare NEV. REV. STAT. §278.040 (amended by 1983 Nev. Stat. c. 472, §1, at 1246) with 1979 Nev. Stat. c. 639, §1, at 1385 (amending NEV. REV. STAT. §278.040).