

ASSEMBLY BILL NO. 553—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 26, 2001

Referred to Committee on Government Affairs

SUMMARY—Revises provisions regarding notification of certain proposed planning and zoning changes. (BDR 22-197)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

~

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

AN ACT relating to property; revising the procedures for notification for an application for certain conditional use permits, variances, special use permits or other special exceptions; revising the procedure for the vacation or abandonment of certain easements and rights of way; 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 278.147 is hereby amended to read as follows:
2 278.147 1. No person may commence operation in this state of a
3 facility where an explosive, or a substance listed in NRS 459.3816, the
4 regulations adopted pursuant thereto or the regulations adopted pursuant to
5 NRS 459.3833, will be used, manufactured, processed, transferred or
6 stored without first obtaining a conditional use permit therefor from the
7 governing body of the city or county in which the facility is to be located.
8 Each governing body shall establish by local ordinance, in accordance with
9 the provisions of this section, the procedures for obtaining such a permit.
10 2. An application for a conditional use permit must be filed with the
11 planning commission of the city, county or region in which the facility is to
12 be located. The planning commission shall, within 90 days after the filing
13 of an application, hold a public hearing to consider the application. The
14 planning commission shall, at least 30 days before the date of the hearing,
15 cause notice of the time, date, place and purpose of the hearing to be:
16 (a) Sent by mail to or, if requested by a party to whom notice must be
17 provided pursuant to this paragraph, by electronic means if receipt of such
18 an electronic notice can be verified, to:
19 (1) The applicant;
20 (2) Each owner or tenant of real property located within 1,000 feet of
21 the property in question;



- 1 (3) *The owner, as listed on the county assessor's records, of each of*
2 *the 30 separately owned parcels nearest the property in question, to the*
3 *extent this notice does not duplicate the notice given pursuant to*
4 *subparagraph (2);*
5 (4) If a mobile home park or multiple-unit residence is located within
6 1,000 feet of the property in question, each tenant of that mobile home park
7 or multiple-unit residence;
8 ~~(4)~~ (5) Any advisory board that has been established for the
9 affected area by the governing body;
10 ~~(5)~~ (6) The administrator of the division of environmental
11 protection of the state department of conservation and natural resources;
12 ~~(6)~~ (7) The state fire marshal; and
13 ~~(7)~~ (8) The administrator of the division of industrial relations of
14 the department of business and industry; and
15 (b) Published in a newspaper of general circulation within the city or
16 county in which the property in question is located.
17 3. The notice required by subsection 2 must:
18 (a) Be written in language that is easy to understand; and
19 (b) Include a physical description or map of the property in question and
20 a description of all explosives, and all substances described in subsection 1,
21 that will be located at the facility.
22 4. In considering the application, the planning commission shall:
23 (a) Consult with:
24 (1) Local emergency planning committees;
25 (2) The administrator of the division of environmental protection of
26 the state department of conservation and natural resources;
27 (3) The state fire marshal;
28 (4) The administrator of the division of industrial relations of the
29 department of business and industry; and
30 (5) The governing body of any other city or county that may be
31 affected by the operation of the facility; and
32 (b) Consider fully the effect the facility will have on the health and
33 safety of the residents of the city, county or region.
34 5. The planning commission shall, within a reasonable time after the
35 public hearing, submit to the governing body its recommendations for any
36 actions to be taken on the application. If the planning commission
37 recommends that a conditional use permit be granted to the applicant, it
38 shall include in its recommendations such terms and conditions for the
39 operation of the facility as it deems necessary for the protection of the
40 health and safety of the residents of the city, county or region.
41 6. The governing body shall, within 30 days after the receipt of the
42 recommendations of the planning commission, hold a public hearing to
43 consider the application. The governing body shall:
44 (a) Cause notice of the hearing to be given in the manner prescribed by
45 subsection 2; and
46 (b) Grant or deny the conditional use permit within 30 days after the
47 public hearing.
48 7. Notwithstanding any provision of this section to the contrary, the
49 provisions of this section do not apply to the mining industry.



* A B 5 5 3 *

1 8. Except as otherwise provided in subsection 9, as used in this
2 section, "explosive" means gunpowders, powders used for blasting, all
3 forms of high explosives, blasting materials, fuses other than electric
4 circuit breakers, detonators and other detonating agents, smokeless
5 powders, other explosive or incendiary devices and any chemical
6 compound, mechanical mixture or device that contains any oxidizing or
7 combustible units, or other ingredients, in such proportions, quantities or
8 packing that ignition by fire, friction, concussion, percussion or detonation
9 of the compound, mixture, device or any part thereof may cause an
10 explosion.

11 9. For the purposes of this section, an explosive does not include:

12 (a) Ammunition for small arms, or any component thereof;

13 (b) Black powder commercially manufactured in quantities that do not
14 exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills,
15 quick and slow matches, and friction primers that are intended to be used
16 solely for sporting, recreation or cultural purposes:

17 (1) In an antique firearm, as that term is defined in 18 U.S.C. §
18 921(a)(16), as that section existed on January 1, 1999; or

19 (2) In an antique device which is exempted from the definition of
20 "destructive device" pursuant to 18 U.S.C. § 921(a)(4), as that section
21 existed on January 1, 1999; or

22 (c) Any explosive that is manufactured under the regulation of a
23 military department of the United States, or that is distributed to, or
24 possessed or stored by, the military or naval service or any other agency of
25 the United States, or an arsenal, a navy yard, a depot or any other
26 establishment owned by or operated on behalf of the United States.

27 **Sec. 2.** NRS 278.260 is hereby amended to read as follows:

28 278.260 1. The governing body shall provide for the manner in
29 which zoning regulations and restrictions and the boundaries of zoning
30 districts are determined, established, enforced and amended.

31 2. A zoning regulation, restriction or boundary must not become
32 effective until after a public hearing at which parties in interest and other
33 persons have an opportunity to be heard. The governing body shall cause
34 notice of the time and place of the hearing to be:

35 (a) Published in an official newspaper, or a newspaper of general
36 circulation, in the city, county or region; and

37 (b) Mailed to each tenant of a mobile home park if that park is located
38 within 300 feet of the property in question,
39 at least 10 days before the hearing.

40 3. If the proposed amendment involves a change in the boundary of a
41 zoning district in a county whose population is less than 400,000, the
42 governing body shall, to the extent this notice does not duplicate the notice
43 required by subsection 2, cause a notice to be sent at least 10 days before
44 the hearing to:

45 (a) The applicant;

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



* A B 5 5 3 *

- 1 (c) ~~Each~~ *The* owner, as listed on the county assessor's records, of ~~at~~
2 ~~least~~ *each of the* 30 *separately owned* parcels nearest to the portion of the
3 boundary being changed, to the extent this notice does not duplicate the
4 notice given pursuant to paragraph (b); 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 of, or a map
12 detailing, the proposed change, must indicate the existing zoning
13 designation, and the proposed zoning designation, of the property in
14 question, and must contain a brief summary of the intent of the proposed
15 change. If the proposed amendment involves a change in the boundary of
16 the zoning district that would reduce the density or intensity with which a
17 parcel of land may be used, the notice must include a section that an owner
18 of property may complete and return to the governing body to indicate his
19 approval of or opposition to the proposed amendment.
- 20 4. If the proposed amendment involves a change in the boundary of a
21 zoning district in a county whose population is 400,000 or more, the
22 governing body shall, to the extent this notice does not duplicate the notice
23 required by subsection 2, cause a notice to be sent at least 10 days before
24 the hearing to:
- 25 (a) The applicant;
- 26 (b) Each owner, as listed on the county assessor's records, of real
27 property located within 500 feet from the portion of the boundary being
28 changed;
- 29 (c) ~~Each~~ *The* owner, as listed on the county assessor's records, of ~~at~~
30 ~~least~~ *each of the* 30 *separately owned* parcels nearest to the portion of the
31 boundary being changed, to the extent this notice does not duplicate the
32 notice given pursuant to paragraph (b); and
- 33 (d) Any advisory board which has been established for the affected area
34 by the governing body.
- 35 The notice must be sent by mail or, if requested by a party to whom notice
36 must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic
37 means if receipt of such an electronic notice can be verified, and be written
38 in language which is easy to understand. The notice must set forth the time,
39 place and purpose of the hearing and a physical description of, or a map
40 detailing, the proposed change, must indicate the existing zoning
41 designation, and the proposed zoning designation, of the property in
42 question, and must contain a brief summary of the intent of the proposed
43 change. If the proposed amendment involves a change in the boundary of
44 the zoning district that would reduce the density or intensity with which a
45 parcel of land may be used, the notice must include a section that an owner
46 of property may complete and return to the governing body to indicate his
47 approval of or opposition to the proposed amendment.
- 48 5. If a notice is required to be sent pursuant to subsection 4:
- 49 (a) The exterior of a notice sent by mail; or



* A B 5 5 3 *

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

5 OFFICIAL NOTICE OF PUBLIC HEARING

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

14 (a) The existing zoning designation of the property in question;
15 (b) The proposed zoning designation of the property in question;
16 (c) The date, time and place of the public hearing;
17 (d) A telephone number which may be used by interested persons to
18 obtain additional information; and

19 (e) A statement which indicates whether the proposed zoning
20 designation of the property in question complies with the requirements of
21 the master plan of the city or county in which the property is located.

22 7. A sign required pursuant to subsection 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 8. A governing body may charge an additional fee for each application
26 to amend an existing zoning regulation, restriction or boundary to cover the
27 actual costs resulting from the mailed notice required by this section and
28 the erection of not more than one of the signs required by subsection 6, if
29 any. The additional fee is not subject to the limitation imposed by NRS
30 354.5989.

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

35 10. If a proposed amendment involves a change in the boundary of a
36 zoning district in a county whose population is 400,000 or more that would
37 reduce the density or intensity with which a parcel of land may be used and
38 at least 20 percent of the property owners to whom notices were sent
39 pursuant to ~~subsections 3 and~~ **subsection** 4 indicate in their responses
40 opposition to the proposed amendment, the governing body shall not
41 approve the proposed amendment unless the governing body:

42 (a) Considers separately the merits of each aspect of the proposed
43 amendment to which the owners expressed opposition; and

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

46 11. The governing body of a county whose population is 400,000 or
47 more shall not approve a zoning regulation, restriction or boundary, or
48 ~~the~~ **an** amendment thereof, that affects any unincorporated area of the
49 county that is surrounded completely by the territory of an incorporated



* A B 5 5 3 *

1 city without sending a notice to the governing body of the city. The
2 governing body of the city, or its designee, must submit any
3 recommendations to the governing body of the county within 15 days after
4 receiving the notice. The governing body of the county shall consider any
5 such recommendations. If the governing body of the county does not
6 accept a recommendation, the governing body of the county, or its
7 authorized agent, shall specify for the record the reasons for its action.

8 **Sec. 3.** NRS 278.315 is hereby amended to read as follows:

9 278.315 1. The governing body may provide by ordinance for the
10 granting of variances, special use permits, conditional use permits or other
11 special exceptions by the board of adjustment, the planning commission or
12 a hearing examiner appointed pursuant to NRS 278.262. The governing
13 body may impose this duty entirely on the board, commission or examiner,
14 respectively, or provide for the granting of enumerated categories of
15 variances, special use permits, conditional use permits or special
16 exceptions by the board, commission or examiner.

17 2. A hearing to consider an application for the granting of a variance,
18 special use permit, conditional use permit or special exception must be held
19 before the board of adjustment, planning commission or hearing examiner
20 within 65 days after the filing of the application, unless a longer time or a
21 different process of review is provided in an agreement entered into
22 pursuant to NRS 278.0201. ~~At~~

23 **3. In a county whose population is less than 100,000,** notice setting
24 forth the time, place and purpose of the hearing must be sent ~~by mail~~ at
25 least 10 days before the hearing to:

- 26 (a) The applicant;
27 (b) Each owner of real property , **as listed on the county assessor's**
28 **records,** located within 300 feet of the property in question;
29 (c) If a mobile home park is located within 300 feet of the property in
30 question, each tenant of that mobile home park; and
31 (d) Any advisory board which has been established for the affected area
32 by the governing body.

33 ~~[The notice must be sent by mail or, if requested by a party to whom notice~~
34 ~~must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic~~
35 ~~means if receipt of such an electronic notice can be verified, and be written~~
36 ~~in language which is easy to understand. The notice must set forth the time,~~
37 ~~place and purpose of the hearing and a physical description or map of the~~
38 ~~property in question.]~~

39 ~~— 3. — If the application is for the issuance of a special use permit in a~~
40 ~~county whose population is 100,000 or more, the governing body shall, to~~
41 ~~the extent this notice does not duplicate the notice required by subsection~~
42 ~~2, cause a notice to be sent at least 10 days before the hearing to each~~
43 ~~owner, as listed on the county assessor's records, of at least 30 parcels~~
44 ~~nearest to the property in question. The notice must be sent by mail or, if~~
45 ~~requested by an owner to whom notice must be provided, by electronic~~
46 ~~means if receipt of such an electronic notice can be verified, and be written~~
47 ~~in language which is easy to understand. The notice must set forth the time,~~
48 ~~place and purpose of the hearing and a physical description or map of the~~
49 ~~property in question.]~~



1 4. *Except as otherwise provided in subsection 6, in a county whose*
2 *population is 100,000 or more, a notice setting forth the time, place and*
3 *purpose of the hearing must be sent at least 10 days before the hearing*
4 *to:*

5 (a) *The applicant;*

6 (b) *If the application is for a deviation of at least 10 percent but not*
7 *more than 30 percent from a standard for development:*

8 (1) *Each owner, as listed on the county assessor's records, of real*
9 *property located within 100 feet of the property in question; and*

10 (2) *Each tenant of a mobile home park located within 100 feet of*
11 *the property in question;*

12 (c) *If the application is for a special use permit or a deviation of more*
13 *than 30 percent from a standard for development:*

14 (1) *Each owner, as listed on the county assessor's records, of real*
15 *property located within 500 feet of the property in question;*

16 (2) *The owner, as listed on the county assessor's records, of each of*
17 *the 30 separately owned parcels nearest the property in question, to the*
18 *extent this notice does not duplicate the notice given pursuant to*
19 *subparagraph (1); and*

20 (3) *Each tenant of a mobile home park located within 500 feet of*
21 *the property in question;*

22 (d) *If the application is for a change in zoning or a project of regional*
23 *significance, as that term is described in NRS 278.02542:*

24 (1) *Each owner, as listed on the county assessor's records, of real*
25 *property located within 750 feet of the property in question;*

26 (2) *The owner, as listed on the county assessor's records, of each of*
27 *the 30 separately owned parcels nearest the property in question, to the*
28 *extent this notice does not duplicate the notice given pursuant to*
29 *subparagraph (1); and*

30 (3) *Each tenant of a mobile home park located within 750 feet of*
31 *the property in question; and*

32 (e) *Any advisory board which has been established for the affected*
33 *area by the governing body.*

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

38 ~~5.1~~ 6. In a county whose population is 400,000 or more, if the
39 application is for the issuance of a special use permit for an establishment
40 which serves alcoholic beverages for consumption on or off of the
41 premises as its primary business in a district which is not a gaming
42 enterprise district as defined in NRS 463.0158, the governing body shall,
43 ~~in addition to sending the notice required pursuant to subsection 3, not~~
44 ~~later than~~ at least 10 days before the hearing ~~be held~~ :

45 (a) *Send a notice setting forth the time, place, and purpose of the*
46 *hearing to:*

47 (1) *The applicant;*

48 (2) *Each owner, as listed on the county assessor's records, of real*
49 *property located within 1,500 feet of the property in question;*



1 (3) *The owner, as listed on the county assessor's records, of each of*
2 *the 30 separately owned parcels nearest the property in question, to the*
3 *extent this notice does not duplicate the notice given pursuant to*
4 *subparagraph (2);*
5 (4) *Each tenant of a mobile home park located within 1,500 feet of*
6 *the property in question; and*
7 (5) *Any advisory board which has been established for the affected*
8 *area by the governing body; and*
9 (b) Erect or cause to be erected on the property, at least one sign not
10 less than 2 feet high and 2 feet wide. The sign must be made of material
11 reasonably calculated to withstand the elements for 40 days. The governing
12 body must be consistent in its use of colors for the background and
13 lettering of the sign. The sign must include the following information:
14 ~~(a)~~ (1) The existing permitted use and zoning designation of the
15 property in question;
16 ~~(b)~~ (2) The proposed permitted use of the property in question;
17 ~~(c)~~ (3) The date, time and place of the public hearing; and
18 ~~(d)~~ (4) A telephone number which may be used by interested persons
19 to obtain additional information.
20 ~~(6)~~ 7. A sign required pursuant to subsection ~~(5)~~ 6 is for
21 informational purposes only, and must be erected regardless of any local
22 ordinance regarding the size, placement or composition of signs to the
23 contrary.
24 ~~(7)~~ 8. A governing body may charge an additional fee for each
25 application for a special use permit to cover the actual costs resulting from
26 the erection of not more than one sign required by subsection ~~(5)~~ 6, if any.
27 The additional fee is not subject to the limitation imposed by NRS
28 354.5989.
29 ~~(8)~~ 9. The governing body shall remove or cause to be removed any
30 sign required by subsection ~~(5)~~ 6 within 5 days after the final hearing for
31 the application for which the sign was erected. There must be no additional
32 charge to the applicant for such removal.
33 ~~(9)~~ 10. *The notice required to be provided pursuant to subsections*
34 *3, 4 and 6 must be sent by mail or, if requested by a party to whom notice*
35 *must be provided pursuant to those subsections, by electronic means if*
36 *receipt of such an electronic notice can be verified, and be written in*
37 *language which is easy to understand. The notice must set forth the time,*
38 *place and purpose of the hearing and a physical description or map of*
39 *the property in question.*
40 11. The provisions of this section do not apply to an application for a
41 conditional use permit filed pursuant to NRS 278.147.
42 Sec. 4. NRS 278.319 is hereby amended to read as follows:
43 278.319 1. The governing body may adopt an ordinance that
44 authorizes the director of planning or another person or agency to grant
45 ~~minor deviations~~ *a deviation of less than 10 percent* from requirements
46 for land use established within a zoning district without conducting a
47 hearing. The ordinance must require an applicant for *such* a ~~minor~~
48 deviation to obtain the written consent of the owner of any real property
49 that would be affected by the ~~minor~~ deviation.



1 2. If the director of planning or other authorized person or agency
2 grants a deviation in accordance with its authority delegated pursuant to
3 subsection 1, the director of planning or other authorized person or agency
4 shall ensure that the deviation will not impair the purpose of the zoning
5 district or any regulations adopted by the governing body pursuant to NRS
6 278.250.

7 3. An ordinance adopted pursuant to this section must provide an
8 opportunity for an applicant or other aggrieved person to appeal the
9 decision of the director of planning or other authorized person or agency to
10 the governing body.

11 **Sec. 5.** NRS 278.480 is hereby amended to read as follows:

12 278.480 1. Except as otherwise provided in subsection ~~10.1~~ 11, any
13 abutting owner or local government desiring the vacation or abandonment
14 of any street or easement owned by a city or a county, or any portion
15 thereof, shall file a petition in writing with the planning commission or the
16 governing body having jurisdiction.

17 2. The governing body may establish by ordinance a procedure by
18 which, after compliance with the requirements for notification of public
19 hearing set forth in this section, a vacation or abandonment of a street or an
20 easement may be approved in conjunction with the approval of a tentative
21 map pursuant to NRS 278.349.

22 3. ~~Whenever any street~~ *A government patent easement which is no*
23 *longer required for a public purpose may be vacated by:*

24 (a) *The governing body; or*

25 (b) *The planning commission, hearing examiner or other designee, if*
26 *authorized to take final action by the governing body,*
27 *without conducting a hearing on the vacation if the applicant for the*
28 *vacation obtains the written consent of each owner of property abutting*
29 *the proposed vacation and any utility that is affected by the proposed*
30 *vacation.*

31 4. *Except as otherwise provided in subsection 3, if any right of way*
32 *or easement required for a public purpose that is* owned by a city or a
33 county is proposed to be vacated, the governing body, or the planning
34 commission, ~~or~~ hearing examiner *or other designee*, if authorized to take
35 final action by the governing body, shall notify by certified mail each
36 owner of property abutting the proposed abandonment and cause a notice
37 to be published at least once in a newspaper of general circulation in the
38 city or county, setting forth the extent of the proposed abandonment and
39 setting a date for public hearing, which must be not less than 10 days and
40 not more than 40 days after the date the notice is first published.

41 ~~4.1~~ 5. Except as provided in subsection ~~5.1~~ 6, if, upon public hearing,
42 the governing body, or the planning commission, ~~or~~ hearing examiner *or*
43 *other designee*, if authorized to take final action by the governing body, is
44 satisfied that the public will not be materially injured by the proposed
45 vacation, it shall order the street or easement vacated. The governing body,
46 or the planning commission, ~~or~~ hearing examiner *or other designee*, if
47 authorized to take final action by the governing body, may make the order
48 conditional, and the order becomes effective only upon the fulfillment of
49 the conditions prescribed. An applicant or other person aggrieved by the



1 decision of the planning commission , ~~the~~ hearing examiner *or other*
2 *designee* may appeal to the governing body within a reasonable period to
3 be determined, by ordinance, by the governing body.

4 ~~15-1~~ 6. If a utility has an easement over the property, the governing
5 body, or the planning commission , ~~the~~ hearing examiner *or other*
6 *designee*, if authorized to take final action by the governing body, shall
7 provide in its order for the continuation of that easement.

8 ~~16-1~~ 7. The order must be recorded in the office of the county recorder,
9 if all the conditions of the order have been fulfilled, and upon the
10 recordation title to the street or easement reverts to the abutting property
11 owners in the approximate proportion that the property was dedicated by
12 the abutting property owners or their predecessors in interest. In the event
13 of a partial vacation of a street where the vacated portion is separated from
14 the property from which it was acquired by the unvacated portion of it, the
15 governing body may sell the vacated portion upon such terms and
16 conditions as it deems desirable and in the best interests of the city or
17 county. If the governing body sells the vacated portion, it shall afford the
18 right of first refusal to each abutting property owner as to that part of the
19 vacated portion which abuts his property, but no action may be taken by
20 the governing body to force the owner to purchase that portion and that
21 portion may not be sold to any person other than the owner if the sale
22 would result in a complete loss of access to a street from the abutting
23 property.

24 ~~17-1~~ 8. If the street was acquired by dedication from the abutting
25 property owners or their predecessors in interest, no payment is required
26 for title to the proportionate part of the street reverted to each abutting
27 property owner. If the street was not acquired by dedication, the governing
28 body may make its order conditional upon payment by the abutting
29 property owners for their proportionate part of the street of such
30 consideration as the governing body determines to be reasonable. If the
31 governing body determines that the vacation has a public benefit, it may
32 apply the benefit as an offset against a determination of reasonable
33 consideration which did not take into account the public benefit.

34 ~~18-1~~ 9. If an easement for light and air owned by a city or a county is
35 adjacent to a street vacated pursuant to the provisions of this section, the
36 easement is vacated upon the vacation of the street.

37 ~~19-1~~ 10. In any vacation or abandonment of any street owned by a city
38 or a county, or any portion thereof, the governing body, or the planning
39 commission , ~~the~~ hearing examiner *or other designee*, if authorized to take
40 final action by the governing body, may reserve and except therefrom all
41 easements, rights or interests therein which the governing body, or the
42 planning commission , ~~the~~ hearing examiner *or other designee*, if
43 authorized to take final action by the governing body, deems desirable for
44 the use of the city, the county or any public utility.

45 ~~10-1~~ 11. The governing body may establish by local ordinance a
46 simplified procedure for the vacation or abandonment of an easement for a
47 public utility owned or controlled by the governing body.



1 **12. As used in this section, "government patent easement" means an**
2 **easement for a public purpose owned by the governing body over land**
3 **which was conveyed by a patent.**

4 **Sec. 6.** NRS 463.3086 is hereby amended to read as follows:
5 463.3086 1. If the location of a proposed establishment:

6 (a) Is not within the Las Vegas Boulevard gaming corridor or the rural
7 Clark County gaming zone; and

8 (b) Is not within a gaming enterprise district,
9 the commission shall not approve a nonrestricted license for the
10 establishment unless the location of the establishment is designated a
11 gaming enterprise district pursuant to this section.

12 2. If a person is proposing to operate an establishment with a
13 nonrestricted license and the location of the proposed establishment:

14 (a) Is not within the Las Vegas Boulevard gaming corridor or the rural
15 Clark County gaming zone; and

16 (b) Is not within a gaming enterprise district,
17 the person may petition the county, city or town having jurisdiction over
18 the location of the proposed establishment to designate the location of the
19 proposed establishment a gaming enterprise district pursuant to this
20 section.

21 3. If a person files a petition pursuant to subsection 2, the county, city
22 or town shall, at least 10 days before the date of the hearing on the petition,
23 mail a notice of the hearing to:

24 (a) Each owner of real property whose property line is less than 2,500
25 feet from the property line of the proposed establishment;

26 (b) *The owner, as listed on the county assessor's records, of each of*
27 *the 30 separately owned parcels nearest the proposed establishment, to*
28 *the extent this notice does not duplicate the notice given pursuant to*
29 *paragraph (a);*

30 (c) Each tenant of a mobile home park whose property line is less than
31 2,500 feet from the property line of the proposed establishment; and

32 ~~(c)~~ (d) Any advisory board that represents one or more owners of real
33 property or tenants of a mobile home park whose property line is less
34 than 2,500 feet from the property line of the proposed
35 establishment.

36 The notice must be written in language that is easy to understand and must
37 set forth the date, time, place and purpose of the hearing and contain a
38 physical description or map of the location of the proposed establishment.
39 The petitioner shall pay the costs of providing the notice that is required by
40 this subsection.

41 4. Any interested person is entitled to be heard at the hearing on the
42 petition.

43 5. The county, city or town shall cause the hearing on the petition to be
44 reported by a court reporter who is certified pursuant to chapter 656 of
45 NRS. The petitioner shall pay the costs of having the hearing reported.

46 6. At the hearing, the petitioner must prove by clear and convincing
47 evidence that:

48 (a) The roads, water, sanitation, utilities and related services to the
49 location are adequate;



- 1 (b) The proposed establishment will not unduly impact public services,
2 consumption of natural resources and the quality of life enjoyed by
3 residents of the surrounding neighborhoods;
- 4 (c) The proposed establishment will enhance, expand and stabilize
5 employment and the local economy;
- 6 (d) The proposed establishment will be located in an area planned or
7 zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive;
- 8 (e) The proposed establishment will not be detrimental to the health,
9 safety or general welfare of the community or be incompatible with the
10 surrounding area;
- 11 (f) On the date that the petition was filed, the property line of the
12 proposed establishment was not less than:
- 13 (1) Five hundred feet from the property line of a developed
14 residential district; and
- 15 (2) Fifteen hundred feet from the property line of a public school,
16 private school or structure used primarily for religious services or worship;
17 and
- 18 (g) The proposed establishment will not adversely affect:
- 19 (1) A developed residential district; or
- 20 (2) A public school, private school or structure used primarily for
21 religious services,
22 whose property line is within 2,500 feet from the property line of the
23 proposed establishment.
- 24 7. A three-fourths vote of the governing body of the county, city or
25 town is required to grant the petition to designate the location of the
26 proposed establishment a gaming enterprise district pursuant to this
27 section.
- 28 8. A county, city or town that denies a petition submitted pursuant to
29 this section shall not consider another petition concerning the same
30 location or any portion thereof for 1 year after the date of the denial.
- 31 9. As used in this section:
- 32 (a) “Developed residential district” means a parcel of land zoned
33 primarily for residential use in which at least one completed residential unit
34 has been constructed on the date that the petitioner files a petition pursuant
35 to this section.
- 36 (b) “Private school” has the meaning ascribed to it in NRS 394.103.
- 37 (c) “Public school” has the meaning ascribed to it in NRS 385.007.

