

SENATE BILL NO. 363—SENATOR SCHNEIDER

MARCH 19, 2007

Referred to Committee on Government Affairs

SUMMARY—Promotes the rezoning of certain parcels of real property within Clark County and the City of Las Vegas to allow high density residential development. (BDR 22-997)

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

CONTAINS UNFUNDED MANDATE (§§ 11, 12)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; promoting the rezoning of certain parcels of real property within Clark County and the City of Las Vegas to allow high density residential zoning; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill creates the West Las Vegas Strip Residential Rezoning Act. For the
2 portion of Clark County (and partially within the City of Las Vegas) bounded by
3 the thoroughfares of West Sahara Avenue, Interstate Highway 15, Blue Diamond
4 Road and South Decatur Boulevard (the Development Zone), this bill creates a land
5 use and zoning preference for the replacement of industrial development with high
6 density residential development. This bill provides that nonconforming uses of real
7 property within the Development Zone are not required to terminate, except upon
8 the occurrence of one of five events: (1) the nonconforming use is interrupted for 6
9 months or longer; (2) the nonconforming use expands; (3) the nonconforming use
10 becomes increasingly nonconforming; (4) the title to the property is transferred,
11 unless such transfer would be exempt from taxes on the transfer of real property
12 pursuant to NRS 375.090; or (5) the date of October 1, 2037 is reached. This bill
13 envisions that although there will be a preference for high density residential
14 development within the Development Zone, the Development Zone will be
15 characterized by integrated, mixed-use zoning and development.



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

In the region of this State for which the West Las Vegas Strip Residential Rezoning Act establishes requirements for the use of land, the powers conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to those requirements.

Sec. 2. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

In the region of this State for which the West Las Vegas Strip Residential Rezoning Act establishes requirements for the use of land, the powers conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to those requirements.

Sec. 3. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

In the region of this State for which the West Las Vegas Strip Residential Rezoning Act establishes requirements for the use of land, the powers conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to those requirements.

Sec. 4. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

In the region of this State for which the West Las Vegas Strip Residential Rezoning Act establishes requirements for the use of land, the powers conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to those requirements.

Sec. 5. Sections 5 to 15, inclusive, of this act may be cited as the West Las Vegas Strip Residential Rezoning Act.

Sec. 6. The Legislature hereby finds and declares that:

1. The gaming industry is vital to the economy of this State, Clark County and the City of Las Vegas, and the continued growth and success of gaming is of critical importance to the general welfare of all the residents of this State.

2. The gaming industry cannot survive, grow and prosper without a large workforce of dedicated employees.

3. Persons who are employed by gaming establishments, and upon whom the gaming industry relies heavily to provide services to guests and visitors, should be able to live in clean, affordable housing that is within reasonable proximity to their places of employment.



4. An area of this State in which one of the highest concentrations of gaming and resort activity takes place, and to which millions of visitors are drawn each year, is the area referred to commonly as the "Las Vegas Strip."

5. Clean, affordable housing within a short distance from the Las Vegas Strip is not in abundant supply.

6. In recent years, highways, roads and streets within Clark County and the City of Las Vegas have become increasingly congested as the number of persons choosing to make their homes in the Las Vegas Valley has risen at a very high rate.

7. Congestion on those highways, roads and streets has also led to:

(a) A greater amount of pollution being emitted into the air from internal combustion engines;

(b) A higher incidence of traffic accidents and injuries resulting therefrom; and

(c) Loss of productivity and a diminished quality of life as a result of employees being delayed in traffic.

8. If persons who are employed by gaming establishments on the Las Vegas Strip cannot find clean, affordable housing within reasonable proximity thereto, the activity of those persons commuting to work exacerbates the problems of congestion, pollution and loss of productivity.

9. The west side of the Las Vegas Strip features a high concentration of warehouses and businesses of an industrial nature. While those businesses perform an important function within the broader economy of this State, they do not alleviate the lack of housing within reasonable proximity to the Las Vegas Strip and arguably do not tend to provide a visually rewarding experience for visitors to gaming establishments located on the Las Vegas Strip.

Sec. 7. As used in sections 5 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 8, 9 and 10 of this act have the meanings ascribed to them in those sections.

Sec. 8. "Governing body" means the city council of the city or the board of county commissioners of the county.

Sec. 9. "High density residential development" means development that provides for a variety of multi-family units, including, without limitation, apartments, duplexes and townhouses.

Sec. 10. 1. "West Las Vegas Strip Development Zone" or "Development Zone" means the area delineated by the following boundaries as those boundaries existed and were named on October 1, 2007:

(a) On the north, by West Sahara Avenue.

(b) On the east, by Interstate Highway 15.



(c) On the south, by Blue Diamond Road.

(d) On the west, by South Decatur Boulevard.

2. For the purposes of this definition, South Decatur Boulevard shall be deemed to travel in a straight and unbroken line between the termini of:

(a) South Decatur Boulevard and West Badura Avenue; and

(b) South Decatur Boulevard and West Warm Springs Road.

Sec. 11. 1. Each planning commission having jurisdiction over all or part of the real property within the West Las Vegas Strip Development Zone shall, on or before December 31, 2008, prepare and adopt amendments to the applicable master plan to favor the replacement of industrial development with high density residential development in the Development Zone.

2. On and after October 1, 2007, if a planning commission adopts an amendment to a master plan and the amendment pertains in whole or in part to land use within the Development Zone, the amendment is void and without effect to the extent that it conflicts with the provisions of this act.

Sec. 12. 1. Each governing body having jurisdiction over all or part of the real property within the West Las Vegas Strip Development Zone shall, on or before December 31, 2009:

(a) Adopt amendments to the applicable master plan to favor the replacement of industrial development with high density residential development in the Development Zone; and

(b) Cause the real property within the Development Zone to be designated and divided, in accordance with the applicable master plan, into one or more zoning districts intended primarily to allow and encourage high density residential development.

2. On and after October 1, 2007, if a governing body:

(a) Adopts an amendment to a master plan and the amendment pertains in whole or in part to land use within the Development Zone, the amendment is void and without effect to the extent that it conflicts with the provisions of this act.

(b) Causes some or all of the real property within the Development Zone to be designated or divided into one or more zoning districts, such designation or division is void and without effect to the extent that it conflicts with the applicable master plan or the provisions of this act.

Sec. 13. 1. If a parcel of real property is rezoned for high density residential development pursuant to the provisions of this act, any use of the property inconsistent with such development is a nonconforming use.

2. Except as otherwise provided in subsection 3, the rezoning of a parcel of real property for high density residential development



1 pursuant to the provisions of this act does not require a
2 nonconforming use to be terminated.

3 3. If a parcel of real property is rezoned for high density
4 residential development pursuant to the provisions of this act and a
5 nonconforming use is thereby created, the nonconforming use must
6 be terminated on the earliest of:

7 (a) The date on which the real property has ceased to be used for
8 the nonconforming use for a period of 6 months;

9 (b) The date on which the nonconforming use of the property
10 expands beyond that which was in existence on October 1, 2007;

11 (c) The date on which the nonconforming use becomes
12 nonconforming to a greater degree, when compared to the degree of
13 nonconformance in existence on October 1, 2007;

14 (d) The date of the transfer of title to the real property; or

15 (e) October 1, 2037.

16 4. As used in this section:

17 (a) "Nonconforming use" means a use of real property, which
18 use:

19 (1) Existed lawfully before the current zoning designation of
20 the applicable real property;

21 (2) Has been maintained continuously since the time at
22 which the zoning designation governing the applicable real property
23 changed; and

24 (3) Because of subsequent zoning changes, does not conform
25 with the zoning designation that now governs the applicable real
26 property.

27 (b) "Transfer of title" does not include a transaction that would
28 be exempt from taxes on the transfer of real property pursuant to
29 NRS 375.090.

30 **Sec. 14.** In carrying out the provisions of this act, the planning
31 commissions and governing bodies having jurisdiction over all or
32 part of the real property within the West Las Vegas Strip
33 Development Zone shall consider, without limitation:

34 1. The services, amenities and facilities that will be required by
35 persons who will occupy high density residential developments in
36 the Development Zone, including, without limitation, schools,
37 shops, museums, venues for entertainment and recreation,
38 governmental offices and facilities, facilities required for public
39 safety and other community infrastructure;

40 2. The integration of measures intended to reduce automobile
41 traffic and to promote:

42 (a) Safe pedestrian traffic, including, without limitation, the
43 incorporation of pedestrian grade separation treatments;

44 (b) The use of nonmotorized vehicles; and

45 (c) The use of instrumentalities of mass transit;



- 1 3. The preservation of business establishments and structures
- 2 having historical significance;
- 3 4. Alternative locations and sites at which industrial
- 4 development may be appropriate;
- 5 5. The incorporation within the Development Zone of parks,
- 6 flora, natural features, recreational facilities and open space;
- 7 6. The utilization of greenbelts and porous and reflective
- 8 paving materials to minimize the creation of a heat island effect;
- 9 7. The feasibility of implementing rezoning in one or more
- 10 controlled phases; and
- 11 8. Any other factors that those planning commissions and
- 12 governing bodies determine to be relevant.
- 13 **Sec. 15.** Nothing in this act is intended to preclude integrated,
- 14 mixed-use zoning and development to enhance the function, quality
- 15 and attractiveness of the West Las Vegas Strip Development Zone.

