

CHAPTER.....

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:

Section. 1. NRS 278.147 is hereby amended to read as follows:

278.147 1. No person may commence operation in this state of a facility where an explosive, or a substance listed in NRS 459.3816, the regulations adopted pursuant thereto or the regulations adopted pursuant to NRS 459.3833, will be used, manufactured, processed, transferred or stored without first obtaining a conditional use permit therefor from the governing body of the city or county in which the facility is to be located. Each governing body shall establish by local ordinance, in accordance with the provisions of this section, the procedures for obtaining such a permit.

2. An application for a conditional use permit must be filed with the planning commission of the city, county or region in which the facility is to be located. The planning commission shall, within 90 days after the filing of an application, hold a public hearing to consider the application. The planning commission shall, at least 30 days before the date of the hearing, cause notice of the time, date, place and purpose of the hearing to be:

(a) Sent by mail to or, if requested by a party to whom notice must be provided pursuant to this paragraph, by electronic means if receipt of such an electronic notice can be verified, to:

(1) The applicant;

(2) Each owner or tenant of real property located within 1,000 feet of the property in question;

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

(4) If a mobile home park or multiple-unit residence is located within 1,000 feet of the property in question, each tenant of that mobile home park or multiple-unit residence;

~~[(4)]~~ (5) Any advisory board that has been established for the affected area by the governing body;

~~[(5)]~~ (6) The administrator of the division of environmental protection of the state department of conservation and natural resources;

~~[(6)]~~ (7) The state fire marshal; and

~~[(7)]~~ (8) The administrator of the division of industrial relations of the department of business and industry; and

(b) Published in a newspaper of general circulation within the city or county in which the property in question is located.

3. The notice required by subsection 2 must:

(a) Be written in language that is easy to understand; and

(b) Include a physical description or map of the property in question and a description of all explosives, and all substances described in subsection 1, that will be located at the facility.

4. In considering the application, the planning commission shall:

(a) Consult with:

(1) Local emergency planning committees;

(2) The administrator of the division of environmental protection of the state department of conservation and natural resources;

(3) The state fire marshal;

(4) The administrator of the division of industrial relations of the department of business and industry; and

(5) The governing body of any other city or county that may be affected by the operation of the facility; and

(b) Consider fully the effect the facility will have on the health and safety of the residents of the city, county or region.

5. The planning commission shall, within a reasonable time after the public hearing, submit to the governing body its recommendations for any actions to be taken on the application. If the planning commission recommends that a conditional use permit be granted to the applicant, it shall include in its recommendations such terms and conditions for the operation of the facility as it deems necessary for the protection of the health and safety of the residents of the city, county or region.

6. The governing body shall, within 30 days after the receipt of the recommendations of the planning commission, hold a public hearing to consider the application. The governing body shall:

(a) Cause notice of the hearing to be given in the manner prescribed by subsection 2; and

(b) Grant or deny the conditional use permit within 30 days after the public hearing.

7. Notwithstanding any provision of this section to the contrary, the provisions of this section do not apply to the mining industry.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The applicant;

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

(c) ~~Each~~ *The* owner, as listed on the county assessor's records, of ~~at least~~ *each of the 30 separately owned* parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b); and

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

The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed change, must indicate the existing zoning designation, and the proposed zoning designation, of the property in question, and must contain a brief summary of the intent of the proposed change. If the proposed amendment involves a change in the boundary of the zoning district that would reduce the density or intensity with which a parcel of land may be used, the notice must include a section that an owner of property may complete and return to the governing body to indicate his approval of or opposition to the proposed amendment.

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

- (a) The applicant;
- (b) Each owner, as listed on the county assessor's records, of real property located within 500 feet from the portion of the boundary being changed;
- (c) ~~Each~~ *The* owner, as listed on the county assessor's records, of ~~at least~~ *each of the 30 separately owned* parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b); and
- (d) Any advisory board which has been established for the affected area by the governing body.

The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed change, must indicate the existing zoning designation, and the proposed zoning designation, of the property in question, and must contain a brief summary of the intent of the proposed change. If the proposed amendment involves a change in the boundary of the zoning district that would reduce the density or intensity with which a parcel of land may be used, the notice must include a section that an owner of property may complete and return to the governing body to indicate his approval of or opposition to the proposed amendment.

5. If a notice is required to be sent pursuant to subsection 4:

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

OFFICIAL NOTICE OF PUBLIC HEARING

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

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

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

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

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

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

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

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

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

11. The governing body of a county whose population is 400,000 or more shall not approve a zoning regulation, restriction or boundary, or ~~the~~ **an** amendment thereof, that affects any unincorporated area of the county that is surrounded completely by the territory of an incorporated city without sending a notice to the governing body of the city. The governing body of the city, or its designee, must submit any recommendations to the governing body of the county within 15 days after receiving the notice. The governing body of the county shall consider any such recommendations. If the governing body of the county does not accept a recommendation, the governing body of the county, or its authorized agent, shall specify for the record the reasons for its action.

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

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

2. A hearing to consider an application for the granting of a variance, special use permit, conditional use permit or special exception must be held before the board of adjustment, planning commission or hearing examiner

within 65 days after the filing of the application, unless a longer time or a different process of review is provided in an agreement entered into pursuant to NRS 278.0201. ~~1A1~~

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

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

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

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

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

- (a) *The applicant;*
- (b) *If the application is for a deviation of at least 10 percent but not more than 30 percent from a standard for development:*
 - (1) *Each owner, as listed on the county assessor's records, of real property located within 100 feet of the property in question; and*
 - (2) *Each tenant of a mobile home park located within 100 feet of the property in question;*
- (c) *If the application is for a special use permit or a deviation of more than 30 percent from a standard for development:*
 - (1) *Each owner, as listed on the county assessor's records, of real property located within 500 feet of the property in question;*
 - (2) *The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (1); and*

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

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

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

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

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

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

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

~~15.1~~ 6. In a county whose population is 400,000 or more, if the application is for the issuance of a special use permit for an establishment which serves alcoholic beverages for consumption on or off of the premises as its primary business in a district which is not a gaming enterprise district as defined in NRS 463.0158, the governing body shall, ~~in addition to sending the notice required pursuant to subsection 3, not later than~~ *at least* 10 days before the hearing ~~be erect~~ :

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

(1) The applicant;

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

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

(4) Each tenant of a mobile home park located within 1,500 feet of the property in question; and

(5) Any advisory board which has been established for the affected area by the governing body; and

(b) Erect or cause to be erected on the property, at least one sign not less than 2 feet high and 2 feet wide. The sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:

~~(a)~~ *(1)* The existing permitted use and zoning designation of the property in question;

~~(b)~~ *(2)* The proposed permitted use of the property in question;

~~(c)~~ *(3)* The date, time and place of the public hearing; and

~~(d)~~ *(4)* A telephone number which may be used by interested persons to obtain additional information.

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

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

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

~~19.1~~ 10. *The notice required to be provided pursuant to subsections 3, 4 and 6 must be sent by mail or, if requested by a party to whom notice must be provided pursuant to those subsections, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.*

11. The provisions of this section do not apply to an application for a conditional use permit filed pursuant to NRS 278.147.

Sec. 4. NRS 278.319 is hereby amended to read as follows:

278.319 1. The governing body may adopt an ordinance that authorizes the director of planning or another person or agency to grant ~~{minor deviations}~~ *a deviation of less than 10 percent* from requirements for land use established within a zoning district without conducting a hearing. The ordinance must require an applicant for *such* a ~~{minor}~~ deviation to obtain the written consent of the owner of any real property that would be affected by the ~~{minor}~~ deviation.

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

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

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

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

2. The governing body may establish by ordinance a procedure by which, after compliance with the requirements for notification of public hearing set forth in this section, a vacation or abandonment of a street or an

easement may be approved in conjunction with the approval of a tentative map pursuant to NRS 278.349.

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

(a) *The governing body; or*

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

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

~~4.1~~ 5. Except as provided in subsection ~~5.1~~ 6, if, upon public hearing, the governing body, or the planning commission, ~~or~~ hearing examiner *or other designee*, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, ~~or~~ hearing examiner *or other designee*, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, ~~or~~ hearing examiner *or other designee* may appeal to the governing body within a reasonable period to be determined, by ordinance, by the governing body.

~~5.1~~ 6. If a utility has an easement over the property, the governing body, or the planning commission, ~~or~~ hearing examiner *or other designee*, if authorized to take final action by the governing body, shall provide in its order for the continuation of that easement.

~~6.1~~ 7. The order must be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon the recordation title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the governing body may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the city or county. If the governing body sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his property, but no action may be taken by the governing body to force the owner to purchase that portion and that

portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

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

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

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

~~110-1~~ **11.** The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of an easement for a public utility owned or controlled by the governing body.

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

Sec. 6. NRS 463.3086 is hereby amended to read as follows:

463.3086 1. If the location of a proposed establishment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The proposed establishment will not unduly impact public services, consumption of natural resources and the quality of life enjoyed by residents of the surrounding neighborhoods;

(c) The proposed establishment will enhance, expand and stabilize employment and the local economy;

(d) The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive;

(e) The proposed establishment will not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area;

(f) On the date that the petition was filed, the property line of the proposed establishment was not less than:

(1) Five hundred feet from the property line of a developed residential district; and

(2) Fifteen hundred feet from the property line of a public school, private school or structure used primarily for religious services or worship; and

(g) The proposed establishment will not adversely affect:

(1) A developed residential district; or

(2) A public school, private school or structure used primarily for religious services,

whose property line is within 2,500 feet from the property line of the proposed establishment.

7. A three-fourths vote of the governing body of the county, city or town is required to grant the petition to designate the location of the proposed establishment a gaming enterprise district pursuant to this section.

8. A county, city or town that denies a petition submitted pursuant to this section shall not consider another petition concerning the same location or any portion thereof for 1 year after the date of the denial.

9. As used in this section:

(a) “Developed residential district” means a parcel of land zoned primarily for residential use in which at least one completed residential unit has been constructed on the date that the petitioner files a petition pursuant to this section.

(b) “Private school” has the meaning ascribed to it in NRS 394.103.

(c) “Public school” has the meaning ascribed to it in NRS 385.007.