

CLARK COUNTY BOARD OF COMMISSIONERS
ZONING / SUBDIVISIONS / LAND USE
AGENDA ITEM

Petitioner: Nancy A. Amundsen, Director, Department of Comprehensive Planning

Recommendation: ORD-22-900510: Conduct a public hearing on an ordinance to amend the Planning Area Amendment and Zone Boundary Amendment processes and other related requirements in Title 30, and direct staff accordingly. (For possible action)

FISCAL IMPACT:

None by this action.

BACKGROUND:

On July 20, 2022, the Board of County Commissioners (Board) directed staff to draft an ordinance modifying the procedures for Planning Area Amendments and Zone Boundary Amendments. Any proposed zone boundary amendment that is not consistent with a planning area map will be required to process a concurrent plan amendment.

These new policies and procedures will give residents of the County a clearer understanding of the changes being proposed and adopted. Changing the zoning as well as the underlying planned land use will bring the County in line with the other local jurisdictions. In addition, other agencies and entities will be able to place more reliance on the Master Plan in order to determine their future needs.

The ordinance includes a provision that any application pre-review for a zone boundary amendment inconsistent with the Master Plan must hold a neighborhood meeting prior to the effective date of this ordinance. Any pre-reviews not meeting this deadline shall be required to process a plan amendment concurrent with the zone change request.

Staff recommends the Board conduct a public hearing.

Cleared For Agenda
09/07/22

[Bracketed] and/or ~~strike through~~ material is that portion being deleted or amended
Underlined material is that portion being added

BILL NO. 8-17-22-1

SUMMARY - An Ordinance to amend the Unified Development Code to update the Planning Area Amendment and Zone Boundary Amendment processes and other related requirements and make corrections and clarifications as appropriate. (T30-22-900510)

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 30, CHAPTERS 30.04, 30.08, 30.12, 30.16, 30.48, AND 30.80, SECTIONS 30.04.040, 30.08.030, 30.12.040, 30.16.240, 30.48.1040, 30.48.1060; TABLES 30.12-1, 30.12-3, 30.16-3, 30.16-4, 30.16-6, 30.16-7, 30.16-9, 30.16-15 AND 30.80-3; TO UPDATE THE PLANNING AREA AMENDMENT AND ZONE BOUNDARY AMENDMENT PROCESSES AND OTHER RELATED REQUIREMENTS AND MAKE CORRECTIONS AND CLARIFICATIONS AS APPROPRIATE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 30, Chapter 30.04, Section 30.04.040 of the Clark County Code is amended to read as follows:

30.04.040 Summary of Authority. The County Officials and bodies listed below have the responsibility for implementing and administering this Title in cooperation with all listed authorities:

1. Responsibilities of the Board of County Commissioners (Board).

5. Responsibilities of the Zoning Administrator. The responsibilities of the Zoning Administrator are to:

- A. Administer this Title, including the acceptance, review and processing of land use applications and subdivisions, the maintenance of all records in compliance with Nevada Open Meeting Law, and rendering interpretations of the provisions of this Title in cooperation with other government entities.
- B. In consultation and co-operation with other governmental entities, formulate recommendations for all applications to be considered by the Commission or the Board.
- C. Approve, conditionally approve, or deny certain land use applications and subdivisions as specified in Chapters 30.16 (Land Use Application Processing) and 30.28 (Subdivision Application Processing) including verification of all zoning requirements and developability of lots.
- D. Determine whether zone boundary amendment requests are ~~[conforming or nonconforming to]~~ consistent with the various adopted land use plan[s] maps.
- E. Administer specifications and procedures relating to this Title.
- F. Accept an extension for any expired application when the extension is submitted within one year of the expiration of the application if the owner has encountered verifiable extenuating circumstances, as determined by the Zoning Administrator, which prevented the submission of the extension in a timely manner. Accept an application for review when the application for review is submitted within one year from the review date, if the owner has encountered verifiable extenuating circumstances, as determined by the Zoning Administrator, which prevented the submission of the

SECTION 2. Title 30, Chapter 30.08, Section 30.08.030 of the Clark County Code is amended to read as follows:

**[Compelling
Justification]**

“[Compelling] Justification” means the satisfaction of the following criteria for proposed amendments:

1. A change in law, policies, trends, or facts after the adoption, re-adoption or amendment of a planning area [the land use plan that] have substantially changed the character or condition of the area, or the circumstances surrounding the property, which make[s] the proposed amendment appropriate; and
2. The density or intensity of the uses allowed by the amendment is compatible with the existing and planned land uses in the surrounding area; and
3. There will not be a substantial adverse effect on public facilities and services, such as roads, access, schools, parks, fire and police facilities, and stormwater and drainage facilities, as a result of the uses allowed; and
4. The proposed amendment conforms to other applicable adopted plans, goals, and policies.]

**[Comprehensive]
Master Plan**

“[Comprehensive] Master Plan”, hereafter referred to as “the Plan” means that plan adopted by the Board on December 15, 1983, and includes all land use planning areas, including the general plan map adopted by the Board on January 21, 1974 for areas not included in a more recently adopted [land use] planning area amendment, map, and other elements subsequently adopted.

[Conforming Amendment See “Zone Boundary Amendment Application”]

[Noneonforming Amendment See “Zone Boundary Amendment Application”]

**Zone Boundary
Amendment
Application**

“Zone Boundary Amendment Application” (also known as “Zone Change”) means a request filed with the Zoning Administrator to amend the Official Zoning Map of Clark County by reclassifying property from one zoning district to another [and which includes the following types of amendments:

1. “Conforming Amendment” means a proposed zone boundary amendment within the range of residential densities and/or non-residential intensities indicated on the applicable land use plan map, or community district map (See Chapter 30.12, Part A) except that the following shall also be accepted as conforming amendments:

A. Amendments to the P-F zone for community serving infrastructure, such as schools, parks and water reservoirs, etc., or for regional serving infrastructure if proposed development is located on property designated for commercial or industrial uses in the applicable land use plan (see “Public Facility” definition);

B. Any proposed change to the 1974 adopted land use map;

C. Amendments conforming to overlay districts adopted within the applicable land use plan area; and

D. Applications initiated by the Board.

E. Applications to include additional property within a previously approved project when all of the following conditions exist: 1) the property to be included is not greater than five acres in size; 2) the property has at least two sides adjacent to previously approved project(s) of equal or greater density or intensity of use; 3) the linear boundary of the additional area is less than 25% of the linear boundary of existing project(s) of equal or greater density or intensity of use; 4) the request is for the same or a lesser density or intensity of use as the previously approved project; and 5) including the additional property would result in a more logical boundary for the previously approved project.

F. Applications submitted to establish a use permitted by this Title to have a density bonus exceeding the maximum density established for the existing or proposed zoning district.

2. “Nonconforming Amendment” means a proposed zone boundary amendment not within the range of residential densities and/or non-residential intensities indicated on the applicable land use plan map (See Chapter 30.12, Part A) to which the exceptions listed in Subsection 1 above do not apply].

SECTION 3. Title 30, Chapter 30.12, Sections 30.12.040, Tables 30.12-1 and 30.12-3 of the Clark County Code are amended to read as follows:

30.12.040 Planning Area and Transportation Map Updates and Amendments. Planning Area and Transportation Map updates and amendments are also subject to the additional requirements established in this subsection. Clerical errors and omissions may be administratively corrected at any time without a hearing.

1. **Planning Area Update Process.** Each planning area should be reviewed, and revised if appropriate, according to the schedule established by the Board. Each year, the Director of Comprehensive Planning shall receive direction from the Board regarding the appropriateness of updating the planning area. Should the Board choose not to update the planning area, the direction shall affirm the planning area's policies and maps continued viability ~~[and shall be considered the re-adoption of the map for the purpose of restricting the submission of nonconforming land use applications].~~
2. **Planning Area Update Re-examination Process.** The Board may re-examine any part of a planning area in accordance with the re-examination process described in Table 30.12-2.
3. **Planning Area Amendments.** The Board may initiate an amendment to a plan in accordance with the annual amendment process described in Table 30.12-3.
4. **Planning Area Amendments Reconsideration Process.** The Board may reconsider any part of an amendment in accordance with the reconsideration process described in Table 30.12-3.
5. **Exceptions.** The Board may initiate an amendment to incorporate an approved Specific Plan (per Table 30.20-4) within the planning area per the procedure in Table 30.12-3.
6. **Transportation Map Amendment.** A Transportation Map must be amended prior to or concurrent with any land use request to reduce the width or modify the alignment of any roadway shown on the map(s).

Table 30.12-1 MASTER PLAN AMENDMENT - AUTHORITY AND CONSIDERATION TABLE	
a. Initiating Authority	Board
b. Document Submittal Requirements	1. Application Form 2. [Compelling] Justification Letter 3. [Approval received in writing] Written concurrence from the Commissioner in whose district the request is located; or, if such Commissioner is constrained by ethical conflicts of interest, the request for acceptance shall be placed on an agenda for the Board to consider. 4. Project Description
c. Base Fee	500 2,200 plus Notice Fees. See Table 30.80-1.
d. Adoption Process	In accordance with Section 30.12.035: 1. Upon receipt of a request by a member of the Board to amend the Master Plan, the Director of Comprehensive Planning (Director) shall prepare an agenda item to receive direction at a subsequent meeting of the Board. 2. If the Board determines that the amendment is worthy of further consideration, the public hearing process shall be initiated and the proposed amendment referred to the Commission. 3. The Commission shall consider the amendment at a public hearing per Section 30.16.210. The affirmative vote of not less than 2/3 of the total membership of the Commission shall be required to adopt any amendment. The Commission shall forward a certified copy of the adopted amendment to the Board. 4. Following action by the Commission, the Board shall conduct a public hearing to consider the amendment and the facts presented. A. If the Board adopts the amendment certified by the Commission, the amendment shall be considered effective, and no further action is required. B. Pursuant to NRS 278.220, if the Board denies or adopts the amendment with changes from the Commission's certified copy, a report of the Board's action shall be submitted to the Commission within 40 days. i. The Commission shall then respond in a report addressing the Board's action which shall be filed with the Board within 40 days. The effective date of the amendment shall be the date the Commission report is received by the Board. ii. If no report is sent within 40 days, the amendment shall be deemed adopted and the effective date shall be the date the Board adopted the plan. C. The Board may only consider an amendment that has been considered by the Commission.
e. Notice Requirements	1. For site specific requests: posted notice, entity notice, newspaper notice and notice shall be sent to all property owners within a [7] 1,500 foot radius 2. All other Master Plan amendments (including text changes pursuant to NRS 278.210): posted notice, entity notice, and newspaper notice. (See Section 30.16.230 for detailed notice requirements.)
f. Recommending Entities	1. For site specific requests: Town Board(s), government entities, [or] and Commission. 2. For Transportation Map Amendments: Public Works and RTC recommendation prior to TAB/CAC meeting or neighborhood meeting. 3. For all other amendments: government entities [or] and Commission.
g. Approval Authority	Commission, pursuant to NRS 278.210, except the action of the Commission shall be forwarded to the Board for final action pursuant to NRS 278.220.
h. Standards for Approval	Upon a determination that the general prosperity, health, safety, and/or welfare will be served, the Commission and Board may adopt an amendment s and additional elements to the Master Plan.
i. Application Expiration	None
j. Denial	The denial of an amendment shall constitute a finding that the amendment is inconsistent with the standards and purposes enumerated in the Plan, this Title, and/or the Nevada Revised Statutes.

Table 30.12-3

PLANNING AREA AMENDMENT - AUTHORITY AND CONSIDERATION TABLE

a. Initiating Authority	Board
b. Base Fee	\$2,200[500] plus Notice Fees. See Table 30.80-1.
c. Document Submittal Requirements	1. Application Form 2. [Compelling] Justification Letter 3. [Approval received in writing] Written concurrence from the Commissioner in whose district the property is located; or, if such Commissioner is constrained by ethical conflicts of interest, the request for acceptance shall be placed on an agenda for the Board to consider. 4. #2 and #3 above do not apply to amendments to adopt an approved Specific Plan for a Major Project. At least one neighborhood meeting with property owners within a 1,500 foot radius of the project is required prior to application submittal. The applicant shall perform the following: A. Send a notice to all property owners and manufactured home tenants within the 1,500 foot project radius (See Section 30.16.230 (b)(5)(A)) and the Town Board of the date, time, and location of the neighborhood meeting at least 10 days prior to that meeting; B. Conduct the neighborhood meeting. The meeting shall be scheduled in the evening hours and located in the same area as the proposal; and C. Confirmation to the Zoning Administrator of property owners' notification and delineate neighborhood concerns.
d. Adoption Process	In accordance with Section 30.12.040: 1. [Upon receipt of a request by a member of the Board to accept an application for an amendment, the Director of Comprehensive Planning (Director) shall prepare an agenda item to receive direction at a subsequent meeting of the Board.] 2. The Commission shall consider the amendment at a public hearing. The affirmative vote of not less than 2/3 of the total membership of the Commission shall be required to adopt any amendment. The Commission shall forward a certified copy of the adopted amendment to the Board. 3. Following action by the Commission, the Board shall conduct a public hearing to consider the amendment and the facts presented. The Board may approve, approve with changes, or deny the amendment adopted by the Commission. A. If the Board adopts the amendment certified by the Commission, it shall be considered effective, and no further action is required. B. Pursuant to NRS 278.220, if the Board denies or approves the amendment with changes from the Commission's certified copy, the amendment shall be returned to the Commission within 40 days. i. The Commission shall then respond in a report addressing the Board's action which shall be filed with the Board within 40 days. The effective date of the Amendment shall be the date the Commission report is received by the Board. ii. If no report is sent within 40 days, the Amendment shall be deemed adopted and the effective date shall be the date the Board adopted the plan amendment. C. The Board may only consider amendments that have been considered by the Commission and TAB/CAC unless the proposed amendment changes a land use designation in a manner that completes a land use pattern. 4. 3. If an amendment is approved, the adoption date of the existing planning area shall remain unchanged.
e. Notice Requirements	1. For site specific requests: posted notice, entity notice, city notice, newspaper notice and notice shall be sent to property owners within a 1,500 foot radius. The 1,500 foot notification requirement does not apply to amendments to adopt an approved Specific Plan for a Major project (Notification for Specific Plan satisfies NRS notification requirements of NRS 278.210). 2. For all other requests: Posted notice, entity notice, city notice, and newspaper notice. (See Section 30.16.230 for detailed notice requirements.)
f. Recommending Entities	Town Board(s), government entities, and Commission; plus Cities within city notice area for projects of regional significance.
g. Approval Authority	Commission, pursuant to NRS 278.210, except the action of the Commission shall be forwarded to the Board for final action pursuant to NRS 278.220
h. Standards for Approval	Upon a determination that the general prosperity, health, safety, and/or welfare will be served, the Commission may adopt an [annual] amendment to the planning area.
i. Application Expiration	None
j. Denial	The denial of an amendment shall constitute a finding that the amendment is inconsistent with the standards and purposes enumerated in the Plan, this Title, and/or the Nevada Revised Statutes.

SECTION 3. Title 30, Chapter 30.16, Section 30.16.240, Tables 30.16-3, 30.16-4, 30.16-6, 30.16-7, 30.16-9, and 30.16-15 of the Clark County Code are amended to read as follows:

Table 30.16-3 ZONE BOUNDARY AMENDMENT - AUTHORITY AND CONSIDERATION TABLE <i>SEE ALSO 30.16.210 for general process information and standards</i>	
a. Initiating Authority	Board or property owner
b. Standards for Acceptance	- Proposed amendments shall be processed [as conforming amendments] <u>consistent with the Master Plan</u> if submitted on or after the adoption date of the [land-use] <u>planning area</u> map [when in compliance with the definition of conforming amendment]; however, such applications shall not be acted upon prior to the effective date of the adopted [land-use plan] <u>planning area map</u>. [Nonconforming amendments shall not be considered within 2 years of the plan's adoption unless approval is received in writing from the Commissioner in whose district the property is located; or, if such Commissioner is constrained by ethical conflicts of interest, the request shall be placed on an agenda for the Board to consider. Notwithstanding the above, the content of a zone boundary amendment may ultimately be determined to be nonconforming although the request is processed as conforming.] - Amendments may follow the parcel lines identified on the Clark County Assessor's parcel map(s) if the submitted legal description does not exactly match the parcel boundaries unless the reclassification request includes more than 1 district within the parcel or unless the request is for only a portion of the parcel. - Prior to submitting any zone boundary amendment for the uses listed below (A-D), the owner or applicant shall engage in a pre-submittal conference with the County to discuss form and filing requirements and preliminary land planning, including but not limited to land use relationships and intensity, density, transportation systems, infrastructure, related capital improvements, and other potential impacts. A pre-submittal conference shall include plans as required pursuant to the Chapter (if applicable) noted and/or as determined by the Zoning Administrator. - uses involving hazardous chemicals, explosives, materials or wastes in amounts regulated by NRS and NAC (determination of pertinent requirements for the proposed use) - high impact project (see Table 30.16-4 – Special Use Permit) - neighborhood casinos (see Chapter 30.48 Part E) - resort hotel - Amendments to establish increased density or intensity within any overlay district shall not be accepted unless in compliance with Chapter 30.48. - Amendments to establish U-V zoning outside the Mixed Use Overlay District (see Appendix G, Map 15a) shall not be accepted prior to approval of the required text amendment application to amend the Overlay boundaries, pursuant to Section 30.48.720. [Nonconforming zone boundary amendment applications to establish C-1, C-2, or H-1 zoning for a mixed-use development within the Mixed Use Overlay District shall not be accepted.] [7.] FAA and other additional requirements and standards are established in 30.16.210. [9.] Applications subject to the Cooperative Management Area Deed Modification Policy shall not be accepted without confirmation from the Department of Aviation.
c. Base Fee	[1. Conforming: — \$500, plus \$350 Notice Fee 2. Nonconforming: — \$1,200 plus \$50 per acre, plus \$500 Notice Fee] Plus \$200 Sign Fee Plus, if applicable, \$500 Pre-submittal Conference Fee
d. Application Process	[Conforming Amendment:] Public hearing before the Board per 30.16.210 (and pre-submittal conference for uses involving hazardous chemicals, explosives, materials or wastes in amounts regulated by NRS and NAC; and high impact projects). [Nonconforming Amendment:] Public Hearings before the Commission and Board per Section 30.16.210 At least one neighborhood meeting with property owners within a 1,500 foot radius of the project is required prior to application submittal. The applicant shall perform the following: Send a notice to all property owners and manufactured home tenants within the 1,500 foot project radius (See Section 30.16.230 (b)(5)(A) and the Town Board of the date, time, and location of the neighborhood meeting at least 10 days prior to that meeting; Conduct the neighborhood meeting. The meeting shall be scheduled in the evening hours and located in the same area as the proposal; and Document to the Zoning Administrator the notification of property owners provided and the status of neighborhood concerns. A presentation to the Town Board is required In addition and if necessary, the applicant shall coordinate with service providers and local government entities to address issues identified in the required impact analyses and reports and to ensure the proposal will not adversely affect existing and future infrastructure plans]
e. Notice Requirements	[Conforming Amendment:] Posted notice, entity notice, city notice, newspaper notice, 1,000 foot radius notice, and signs. [2. Nonconforming Amendment: posted notice, entity notice, city notice, newspaper notice, 1,500 foot radius notice, and signs.] (See Section 30.16.230 Notice)

Table 30.16-3 ZONE BOUNDARY AMENDMENT - AUTHORITY AND CONSIDERATION TABLE <i>SEE ALSO 30.16.210 for general process information and standards</i>	
f. Recommending Entities	Government Entities and Town Board; plus Cities for project of regional significance and Commission for zone boundary amendment processed [as a nonconforming amendment] concurrently with a Master Plan Amendment.
g. Approval Authority	Board.
h. Appeal Authority	No administrative appeal.
i. Standards For Approval	1. Requests for amendments are subject to the discretion of the Board in consideration of the Plan. The Board may approve a request as submitted, or may reduce a request to a more restrictive district, within the residential, commercial, or manufacturing zoning district category. To change zoning district category, it must be held and renotified prior to final action by the Board. 2. Good cause shall be shown if the Board approves a density of over 2 dwelling units per acre within 330 feet of an RNP-I or RNP-II district; 4 dwelling units per acre within 330 feet of an RNP-III district; or a non-residential use within 330 feet of an RNP-I, RNP-II, or RNP-III district. 3. If the allowable density or intensity of use is sought to be decreased, and at least 20% of the owners within the notification radius object to the change, the Board shall consider the merits of the objections and shall make a written finding that the public interest and necessity will be promoted by the change. 4. [For a nonconforming zone boundary amendment, t] The applicant shall provide [eompelling] justification that approval of the [nonconforming zoning] zone boundary amendment is appropriate. The Board may consider the cumulative impacts of [nonconforming] zone boundary amendments within the planning area. [(See Section 30.08.030, [Compelling] Justification).] 5. FAA and other additional requirements and standards are established in 30.16.210.
j. Application Expiration	1. [Conforming] Amendment. Upon approval, an ordinance to finalize the zoning and amend the Official Zoning Map, shall be prepared and introduced for consideration by the Board, unless the Board deems necessary, a Resolution of Intent to complete in 3 years or an alternative time limit is set by the Board. When approved in conjunction with a tentative map, the expiration date shall match the tentative map. 2. Nonconforming Amendment. Time limit of 3 years for completion unless an alternative time limit is set by the Board. Upon approval, the property owner shall execute a resolution of intent to reclassify the property. When approved in conjunction with a tentative map, the expiration date shall match the tentative map.] 3. Superseded Applications. A zone boundary amendment that has not been finalized by adoption of an ordinance is void with the approval of a subsequent amendment.
k. Resolutions of Intent	1. A resolution of intent to reclassify shall include any conditions, stipulations or limitations which the Board may deem necessary and require in the public interest as a prerequisite to final action on a request for an amendment to a zoning district boundary. 2. The fulfillment of all conditions, stipulations and limitations contained in any such resolution shall make the resolution a binding commitment on the part of the Board. 3. A resolution of intent is entered into for the benefit of the public and not for the benefit of any private individual or entity. 4. Upon completion of all conditions contained in the resolution the Board shall authorize an amendment to a zoning district boundary or a zoning district reclassification by the adoption of an ordinance amending the Official Zoning Map. If a subdivision map is recorded for a portion of the zone boundary amendment, an ordinance to reclassify the property may be approved by the Board only for that portion included in the map.

Table 30.16-4 SPECIAL USE PERMIT - AUTHORITY AND CONSIDERATION TABLE**SEE ALSO 30.16.210 for general process information and standards**

i. Standards for Approval	1. Special uses shall not be permitted by right, but shall be considered on a case by case basis for the proposed lot(s) or parcel(s). Applications are subject to the discretion of the Commission and/or Board in consideration of the Plan in accordance with Chapter 30.12. 2. No application shall be approved unless the applicant establishes that the use is appropriate at the proposed location by showing the following: A. The proposed use shall be in harmony with the purpose, goals, objectives and standards of the Plan and of this Title; B. The proposed use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; and C. The proposed use will be adequately served by public improvements, facilities, and services and will not impose an undue burden 3. In addition to the above, the following shall apply to the uses specified below: A. Applications for high impact projects [and projects approved through a nonconforming zone boundary amendment] shall demonstrate [with clear and convincing evidence] that any proposed modification to required design and development standards, including reductions to landscaping, screening and buffering requirements, will not adversely impact neighboring properties. B. Expansions to the gaming enterprise district shall demonstrate that: i. The roads, water, sanitation, utilities and related services to the location are adequate; ii. 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; iii. The proposed establishment will enhance, expand and stabilize employment and the local economy; iv. The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive; v. The proposed establishment will not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area; and vi. All traffic impacts can be adequately mitigated. NOTE: A majority vote of 3/4 of the Board's members present at the meeting shall be required to approve an expansion of the Gaming Enterprise District.
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Table 30.16-6 VARIANCE - AUTHORITY AND CONSIDERATION TABLE**SEE ALSO 30.16.210 for general process information and standards**

j. Standards for Approval	1. In cases where there are special circumstances or conditions peculiar to the property or building by reason of exceptional narrowness, shallowness, shape or topographic condition of a specific piece of property, or by reason of other extraordinary or exceptional situation, where the strict application of the regulations of this Title would result in peculiar and exceptional practical difficulties to the development of the property, an applicant may request a variance and shall have the burden of proof to establish that the proposed variance is appropriate for its proposed location. The Commission or Board shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or County by such grant. In making such determination the Commission or Board shall also consider: A. Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance B. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance C. Whether the requested variance is substantial D. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district E. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Commission or Board, but shall not necessarily preclude the granting of the variance 2. [Applications for projects approved through a nonconforming zone boundary amendment shall demonstrate with clear and convincing evidence that any proposed modification to required design and development standards, including reductions to landscaping, screening, and buffering requirements will not adversely impact neighboring properties] [3]. If the Commission or Board determines that the granting of a variance is appropriate in accordance within Subsection 1 above, the Commission or Board shall grant the minimum variance that it shall deem necessary and adequate in order to preserve and protect the character of, and minimize any adverse impacts on the neighborhood and the health, safety, and welfare of the County. The Commission or Board may impose reasonable conditions and restrictions which are directly related and incidental to the proposed use of the property, and are consistent with the intent of this Title [4]3. FAA and other additional requirements and standards are established in 30.16.210
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Table 30.16-7 WAIVER OF DEVELOPMENT STANDARDS - AUTHORITY AND CONSIDERATION TABLE <i>SEE ALSO 30.16.210 for general process information and standards</i>	
1.	The applicant for a waiver of development standards shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: A. The use of the area adjacent to the property included in the waiver request will not be affected in a substantially adverse manner; B. The proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate neighborhood, and will not be materially detrimental to the public welfare; C. The granting of such application shall be in harmony with the general purpose, goals, objectives and standards of the Plan and of this Title, and; D. The proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities or services
2.	Applicants for a waiver of standards shall further respond to additional standards as specified within the various chapters of this Title
3.	Applications for projects approved through a nonconforming zone boundary amendment shall demonstrate with clear and convincing evidence that any proposed modification to required design and development standards, including reductions to landscaping, screening, and buffering requirements will not adversely impact neighboring properties]
[4].	A waiver of off-site improvement standards constitutes a temporary postponement only and shall only be approved subject to signing deed restrictions for future improvements
[5]4.	FAA and other additional requirements and standards are established in 30.16.210

Table 30.16-9 DESIGN REVIEW - AUTHORITY AND CONSIDERATION TABLE <i>SEE ALSO 30.16.210 for general process information and standards</i>	
c. Base Fee	\$500 plus Notice and Sign Fees if required \$2,000 for High Impact Projects \$300 for Projects of Regional Significance plus \$200 Notice Fee \$1,000 to establish PUD or Mixed Use Development, unless a High Impact Project [or companion with a nonconforming zone boundary amendment,] plus Notice and Sign Fees if required. Add \$500 Pre-submittal conference fee if applicable

Table 30.16-15 WAIVER OF CONDITIONS - AUTHORITY AND CONSIDERATION TABLE <i>SEE ALSO 30.16.210 for general process information and standards</i>	
i. Standards for Approval	1. Upon finding that the condition will no longer fulfill its intended purpose, the authority may waive conformance to the condition. [2. Applications for projects approved through a nonconforming zone boundary amendment shall demonstrate with clear and convincing evidence that any proposed waiver will not adversely impact neighboring properties.]

30.16.240 Document Submittal Requirements.

- a. All documents accompanying applications shall be legible and suitable for microfilm and imaging reproduction. All documents submitted are available to the public for inspection and copying. All plans must be accurate, drawn to a standard scale not smaller than 1 inch equals 60 feet, or 1/8 inch equals 1 foot, dimensioned, and folded so they can be placed into a legal size file.
1. **Application.** A signed application, notarized when required by the Zoning Administrator, detailing the nature and justification for the request. For signature of a corporation, or of someone other than the property owner, corporate declaration of authority or power of attorney must accompany the application. A leaseholder should consult with the property owner prior to the submission of an application.

13. **Justification Letter.** A letter stating justification(s) for the approval of a Land Use Application, including how the proposal will produce an environment of stable and desirable character consistent with the objectives of this Title and the [Comprehensive] Master Plan, an analysis of outstanding issues, the intended uses, the impact on adjacent properties, the need for any public utility or public services, actions to be taken to minimize any detrimental impacts of the proposal, an analysis of how the proposal is consistent with the standards of approval listed for the various applications and, if applicable, the time period for which any permit is sought. A justification letter submitted for a special use permit or waiver of development standards for a group home shall be considered a request for accommodation. [A justification letter submitted for waiver or variance applications for projects approved through a nonconforming zone boundary amendment shall include clear and convincing evidence pursuant to Table 30.16-7(1)(3). Also see Compelling Justification in Section 30.08.030.]

14. Letters from Fire Alarm Office. A letter from the Fire Alarm Office which specifies that the proposed name is in accordance with the guidelines shown in Las Vegas Valley Street Naming and Address Assignment Policy, as adopted by the Board on August 3, 1988.

15. Regional Infrastructure and Services Evaluation (RISE) Reports. The RISE reports are an integral part of the application process for high impact projects to identify additional necessary infrastructure and/or services. The Director of Comprehensive Planning shall provide a RISE Report handout for completion and submittal by the applicant. Separate unbound copies of the reports must include the name of the correspondent, telephone number, project location, Assessor's parcel number(s), project information including number of units and area for single-family, multi-family, commercial, industrial and hotel/casino uses, a development schedule (including demolition) and any phasing plans. The reports are to include relevant information for consideration by the reviewing authority. They are intended to evaluate existing infrastructure and services. The reports should indicate how services not planned in the [Comprehensive] Master Plan, or anticipated can be provided to accommodate any increased demand for services created by the proposed project such as a high impact project[, non-conforming zone change] or text amendment to modify the Mixed Use Overlay District. Except as provided below, they are not intended to be detailed engineering studies nor are they intended to substitute for detailed engineering studies required later in the development process, however, the reports must include accurate data representing the impact of the proposed project. The reports include:

SECTION 5. Title 30, Chapter 30.48, Sections 30.48.1040, 30.48.1060 of the Clark County Code are amended to read as follows:

30.48.1040 Initiation, Establishment, or Amendment of an HN Overlay District.

1. If a neighborhood is located within an eligible area described in Section 30.48.1050, the establishment or amendment of an HN Overlay District may be initiated by residential property owners or an Executive Board member of a neighborhood association with the submittal of a [conforming] zone boundary amendment in accordance with the provisions of Table 30.16-3 (Zone Boundary Amendment).
2. An overlay shall be established by the Board's approval of [the conforming] a zone boundary amendment, and thereby shall be incorporated into the Official Zoning Map.

30.48.1060 Document Submittal Requirements. The following documentation shall be included in the [conforming] zone boundary amendment request to establish a HN in addition to the standard documents required for a [conforming] zone boundary amendment:

1. Verification the neighborhood meets the criteria listed in Section 30.48.1050.
2. A minimum of 51% of the lots within the proposed HN shall be represented by a signature on a petition agreeing to the application. For lots with more than one owner, only one owner is required to sign the petition.
3. Justification of the neighborhood significance as described in Sections 30.48.1030 and 30.48.1050.
4. Vicinity map identifying the boundary of the proposed HN.
5. Elevations, in color, identifying design/character of the HN.
6. Photographs of the HN.
7. List of assessor's parcel numbers for all parcels affected by the proposed HN.

SECTION 6. Title 30, Chapter 30.80, Table 30.80-3 of the Clark County Code is amended to read as follows:

Table 30.80-1 Fee Schedule for Land Use and Comprehensive Master Plan Amendment Applications				
Application Type	Base Fee	Notice Fee	Sign Fee	Additional Information
Administrative Design Review	\$300			1. Pre-submittal Conference Required: • Hazardous Materials Per NRS and NAC • Neighborhood Casinos • High Impact Project • Resort Hotel
ADR – Off-Premises Digital Sign Conversion	\$10,000			
ADR – Re-designation of Cannabis Establishment	\$5,000			
Administrative Minor Deviation	\$100			
Administrative Street Naming	\$100			
Administrative Temporary Use	\$100			
Annexation Request	\$1,000			
Application for Review	\$300	If Required, Same as Original		
AR – Cannabis	\$2,500	\$175		
[Comprehensive] Master Plan Amendment	\$[5]2,200	\$[2]500		
Concept Plan	\$825 plus \$2/acre	\$1000		Notice Fees: Abutting Property - \$100 100’ - \$100 300’ - \$150 500’ - \$175 750’ - \$200 1,000’ - \$350 1,500’ - \$500 2,500’ - \$1,000 Plus \$1/notice over 1,000 notices any radius
Design Review – unless noted below ^{1,2}	\$500	Table 30.16-9(c)		
DR - High Impact Project	\$2,000			
DR - Project of Regional Significance	\$300	\$200		
DR – Mixed Use Development	\$500	\$500	\$200	
Development Agreement – Negotiated	\$2,000 Plus: \$2/acre; \$2/parcel over 1 parcel; \$25 for less than 20 acres; \$50 for 20 – 100 acres; and \$100 for more than 100 acres			
Total of all fee items				
Extension of Time	\$300	If Required, Same as Original		
Administrative Extension of Time	\$150			
ET – Cannabis	\$2,500	\$175		
ADET – Cannabis ADR	\$2,500			
Land Use Plan or Land Use Plan Update Amendment	\$2,2[5]00	\$500		VS Delivery Confirmation Fee - \$200 Sign Fee - \$200
Pre-submittal Conference ¹	\$500			
Public Facilities Needs Assessment Plan	\$2,000 Plus: \$4/acre for each acre over 300 gross acres plus; \$4/parcel over 1 parcel; \$25 for less than 20 acres; \$50 for 20 – 100 acres; and \$100 for more than 100 acres			
Total of all fee items				
Review Revised Plans	\$100			
Special Use Permit – unless noted below ^{1,2}	\$500	\$175		
UC- Alcohol as a Principal Use outside a GED	\$500	\$500	\$200	
UC- Mixed Use Development	\$500	\$500	\$200	
UC- GED Expansion	\$8,875	\$1,000	\$200	
UC- Hazardous Materials Per NRS and NAC	\$500	\$350 x 2	\$200	
UC- High Impact Project	\$350	\$500		
UC- Cannabis Establishment	\$5,000	\$175		
UC- Project of Regional Significance	\$250	\$200		
Specific Plan	\$1,425	\$1,000	\$200	2. Manufactured Home Park Redevelopment Manufactured home parks proposing redevelopment to a different use shall post one additional sign at the on-site manager’s office entrance. 3. DR to establish Mixed Use Development or PUD – Additional \$500 (unless a HIP [or companion with an NZC])
Total of all fee items	Plus: \$2/acre for each acre over 300 gross acres plus; \$2/parcel over 1 parcel; \$25 for less than 20 acres; \$50 for 20-100 acres; and \$100 for more than 100 acres			
Street Name or Numbering Change	\$300	\$100		
Text Amendment	\$400			
TA- Mixed Use Development	\$400	\$1,000	\$200	
Vacation and Abandonment	\$500	\$175 + \$200 Delivery Confirmation		
Vacation and Abandonment – Administrative	\$200			
Variance – unless noted below	\$300	\$175		
VC- less than 30% deviation	\$300	\$100		
VC- High Impact Project/PRS	\$250	\$175		
VC- Mixed Use Development	\$300	\$500		
Waiver of Conditions	\$300	If Required, Same as Original		
Waiver Development Standard – unless noted below	\$300	\$175		
WS- non-public hearing	\$300			
WS- less than 30% deviation	\$300	\$100		
WS- High Impact Project/PRS	\$250	\$175		
Zone Boundary Amendment, Conforming ^{1,2}	\$500	\$350	\$200	
[Zone Boundary Amendment, Nonconforming] ^{1,2,3}	\$1,200 plus \$50/acre	\$500	\$200	
Zoning Compliance	\$150			

SECTION 7. If any section of this ordinance or portion of thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 8. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 9. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks and shall be effective on and from the fifteenth day after passage. A land use application approved prior to the effective date of this ordinance may be developed per the plans approved with the application.

SECTION 10. If a neighborhood meeting has not been conducted by the effective date of this ordinance for any Application Pre-review requesting a zone boundary amendment not consistent with the Master Plan, the applicant shall be required to adhere to the regulations herein.

PROPOSED on the _____ day of _____, 2022

INTRODUCED By : _____

PASSED on the day of _____, 2022

VOTE:

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By _____
JAMES B. GIBSON Chair

ATTEST:

LYNN MARIE GOYA, County Clerk

This ordinance shall be in force and effect from and after the _____ day of _____, 2022.