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30.04 Administration and Enforcement

30.04.010 **Title.** This Title shall be known as the Clark County Unified Development Code (UDC) and is adopted under the authority of Chapter 278 (Planning and Zoning) of the Nevada Revised Statutes and all amendatory and supplementary acts, and shall include any future amendments. If the provisions of this Title are in conflict with the Nevada Revised Statutes, Nevada Revised Statutes will prevail.

30.04.020 **Purpose.** This Title is adopted to implement the Comprehensive Plan for Clark County in order to promote the general prosperity, health, safety, and welfare of the citizens of Clark County. It sets forth the regulations that govern the subdivision, use, and/or development of land, divides the County into Zoning Districts, and sets forth the regulations pertaining to such districts. This Title is designed to ensure that development will:

1. Preserve the quality of air and water resources.

2. Promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment, including the protection of endangered or threatened species.

3. Provide for recreational needs.

4. Protect life and property in areas subject to floods, landslides or other natural disasters.

5. Develop a timely, orderly and efficient arrangement of transportation, public facilities and improvements, and public services, including facilities and services for bicycles.

6. Correspond with the character and physical limitations of the land.

7. Take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

8. Provide for an adequate supply of housing affordable to the economic profile of various communities.

9. Conserve the value of buildings and encourage the most appropriate use of land throughout the County.

10. Protect existing neighborhoods and communities, including the protection of rural neighborhoods.

11. Provide for harmonious development compatible with surrounding development.

12. Attain optimum use and value of land and improvements.

13. Improve desirability of living conditions.

14. Otherwise further the general prosperity, health, safety and welfare of the community.

30.04.030 Applicability. The provisions of this Title shall apply to all use of property and all development in unincorporated Clark County. This Title is intended to supplement the provisions of: Title 6, Business Licenses; Title 7, Business Regulation; Title 8, Liquor and Gaming Licenses and Regulation; Title 9, Public Health and Sanitation; Title 10, Animals; Title 11, Abatement of Nuisances; Title 12 Public Peace, Safety and Morals, Title 13, Fire and Fire Prevention; Title 16, Roads and Highways; Title 19, Parks and Recreation; Title 20, Airports; Title 22, Buildings and Construction; and Title 24, Water, Sewage, and other Utilities.

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

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

   A. Initiate, adopt, and amend a Comprehensive Plan as specified in Chapter 30.12 (Comprehensive Plan and Community Districts).

   B. Approve, conditionally approve, or deny land use applications, major project applications and subdivisions as specified in Chapters 30.16 (Land Use Application Processing), 30.20 (Major Project Application Processing), and 30.28 (Subdivision Application Processing).

   C. Hear appeals of decisions made by the Planning Commission, the Director of Public Works, and Director of Development Services regarding any application for which they have final authority to act. (Ord. 2769 § 39, 7/2002)

   D. Take any other action not delegated to other bodies that may be desirable and necessary.

   E. The Chair is authorized to sign land use applications for projects which have been otherwise approved by the Board and located on property owned or controlled by Clark County.

2. **Responsibilities of the Planning Commission (Commission).**

   A. Prepare and adopt the Clark County Comprehensive Plan, and elements thereof, or amendments thereto.

B. Approve, conditionally approve, or deny land use applications and subdivisions, and make recommendations for approval or denial to the Board as specified in Chapters 30.12 (Comprehensive Plan and Community Districts), 30.16 (Land Use Application Processing), and 30.28 (Subdivision Application Processing).

3. Responsibilities of Town Boards.

A. Receive community input and provide advice and recommendations to the entity responsible for approving any land use and subdivision application, except applications which have been administratively approved and have not been appealed to the Board.

B. Review land development studies or hold public meetings as requested by the Commission or Board.

4. Responsibilities of the Director of Development Services. The responsibilities of the Director of Development Services shall be to oversee the Department of Development Services. The Department of Development Services is responsible to:

A. Administer and enforce this Title.

B. Conduct technical reviews of subdivision maps, permits, and land use applications to ensure compliance with this Title.

C. Administer specifications and procedures relating to subdivision regulations and the technical data required.

D. Grant or deny certain administrative land use applications and subdivisions as specified in Chapters 30.16 (Land Use Application Processing) and 30.28 (Subdivision Application Processing).

E. Review and approve plans, technical studies and cost estimates for improvements, including private streets, in conformance with established standards.

F. Approve amount of bonds or cash deposits related to construction and installation of required facilities and improvements.

G. Claim bonds on defaulted projects and deposit funds with Public Works.

H. Issue encroachment permits in "No Cut" streets in conformance with established standard conditions.

I. Coordinate all comments and issue approvals on off-site plans and technical studies affecting Public Works Capital Improvement Projects and issue right of way permits.

J. Prepare and have executed License and Maintenance Agreements in conformance with established criteria and standards.

K. Issue encroachment permits on established night work only streets.

L. Administer the FEMA Community Rating System.

M. Issue building permits and certificates of use or occupancy.

N. Interpret the provisions related to accessible parking.

O. Enforce the unified development code only during the construction of on-site development. (Ord. 2769 § 40, 7/2002)

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 the various adopted land use plans.

E. Administer specifications and procedures relating to this Title.

F. Accept an extension of time for any expired application when the extension is submitted within 180 calendar days of the expiration of the application if the owner has been incorrectly notified of the status of an application about to expire by Clark

County, or unless the owner has encountered extenuating circumstances, as determined by the Zoning Administrator, which prevented the submission of the extension in a timely manner. (Ord. 2769 § 41, 7/2002)

6. **Responsibilities of the Director of Public Works.**

   A. Establish standards for approval of technical studies, off-site plans, permits and off-site improvements.

   B. Prepare amendments to and render interpretations of the improvement standards of this Title.

   C. Establish standard conditions for excavations in "No Cut" streets.

   D. Approve all full street closures.

   E. Review of off-site plans and technical studies on development projects affecting Public Works Capital Improvement Projects.

   F. Establish criteria and standards for License and Maintenance Agreements.

   G. Construct off-site improvements on defaulted bond projects.

   H. Establish night work only streets.

   I. Establish standards for Flood Plain Management.

   J. Establish standards for and approve encroachments in the right-of-way for special event permits, coordinated through the Las Vegas Metropolitan Police Department, and oversized loads. (Ord. 2769 § 42, 7/2002)

7. **Responsibilities of the Code Enforcement Manager.** Enforce the Unified Development Code.

8. **Responsibilities of the Director of Comprehensive Planning.** Prepare amendments to the Comprehensive Plan and render interpretations of this Title relative to the master plan. (Ord. 2769 § 43, 7/2002)

9. **Responsibilities of the District Attorney.** Provide legal advice to County Officials and represent Clark County in the prosecution of any criminal or civil action necessary to enforce the provisions of this Title, ensure compliance with Nevada Open Meeting Law, and provide legal advice to Director of Development Services, Director of Public Works, the Director of Comprehensive Planning, Zoning Administrator, Board, and Commission. (Ord. 2769 § 44, 7/2002)

10. **Responsibilities of the County Surveyor.** County Surveyor shall assign a Deputy County Surveyor to the Development Services Department who shall be responsible for reviewing and certifying maps and documents submitted to the County by professional land surveyors for development. The Deputy County Surveyor shall to the extent permitted by Nevada Revised Statutes ("NRS") be responsible for enforcing the provisions of the NRS and this Title which relates to said maps and documents submitted and additionally shall certify said maps and documents which meet the requirements of the NRS and this Title. Technical survey matters may be referred to the County Surveyor. (Ord. 2769 § 45, 7/2002)

11. **Responsibilities of the Major Projects Team.** Under the direction of the Director of Development Services:

    A. Consult and cooperate with other governmental entities to formulate recommendations for all major project applications to be considered by the Commission or the Board.

    B. Conduct technical reviews of subdivision maps, permits and land use applications to ensure compliance with this Title.

    C. Review and approve technical studies, plans and cost estimates for improvements, including private streets.

    D. Approve amount of bonds or cash deposits related to construction and installation of required facilities and improvements. (Ord. 2769 § 46, 7/2002)

12. **Responsibilities of the Director of Business License**. Enforce this Title prior to the approval business licenses.

13. **Responsibilities of the Director of Air Quality Management.** Enforce this Title regarding public health. Further, the Director has all authority with respect to interpretation, regulation, and control of odor, smoke, particulate emissions and dust. (Ord. 2769 § 47, 7/2002)

14. **Responsibilities of the Sheriff**. Enforce this Title as directed by the Zoning Administrator.

15. **Responsibilities of the County Recorder**. Record all maps and required documents presented for recording, and enforce this Title with respect to the recording of documents. (Ord 2573 § 1 (part), 2001)

30.04.050 Designees. Whenever this Title refers to the Director of Development Services, Director of Comprehensive Planning, Zoning Administrator, Director of Public Works, Building Official,

Code Enforcement Manager, County Surveyor, County Engineer, County Recorder, Director of Business License, Director of Air Quality Management, Sheriff, and/or District Attorney, it shall also include any person designated by that authority to act in his or her place. (Ord. 2769 § 48, 7/2002)

30.04.060 **All Development to be in Compliance with Clark County Code.** No structure, use of any structure or land, and lot of record shall be established, enlarged, extended, altered, moved, divided or maintained except as authorized by and in compliance with the provisions of this Title. Following approval of all appropriate applications and maps, all proper licenses and permits are required, as indicated in the Clark County Code, in order to establish the use or structure. Nothing in this Title, including the approval of a land use application or subdivision, shall be interpreted to replace such requirements.

30.04.070 **Interpretation.** In their interpretation and application, the provisions of this Title shall be minimum requirements, adopted for the promotion of the general prosperity, health, safety, and welfare. More restrictive standards, or the provision of amenities in excess of required standards, shall be permitted.

30.04.080 **Conflicts with Other Regulations or Agreements.** This Title is not intended to interfere with, abrogate or annul any easements, covenants, platted setback lines or other agreements between parties. Where the requirements of this Title conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or those imposing higher standards, to the extent permitted by law, shall govern. Where the requirements of any imposed condition conflicts with any governmental regulation or law, compliance with the condition is not required. Where the requirements of imposed conditions conflict with conditions imposed by a separate land use or subdivision map application, any condition imposed or waived by the Board during a public hearing shall supercede the conflicting condition. The County does not enforce private agreements. (Ord 2573 § 1 (part), 2001)

30.04.090 **Unlawful Uses and Structures Not Validated.** These provisions shall not be interpreted to validate or make lawful any unlawful use or structure existing upon the effective date of the ordinances codified in this Title. Any such unlawful use or structure shall remain unlawful to the extent that the use or structure is in conflict with the provisions of this Title.

30.04.100 **Issuance of Permits or Licenses.** The adoption of this Title shall not affect the validity of any building permit or business license lawfully issued prior to the effective date of the Title or amendment, providing the permit or license is active or reinstated according to Titles 6, 7, 8 and 22. If the building permit or business license does lapse without benefit of any reinstatement, then the subsequent permit or license shall only be issued in conformance with the requirements, or amended requirements of this Title.

30.04.110 **Legal Effect.** This Title is predicated upon, and may only be enforced consistent with, the Constitutions of the United States of America and the State of Nevada. No provision or ordinance shall be enforced or mandated which would violate the Constitution of the United States or the State of Nevada.

30.04.120 **Severability.** Should any section, subsection, paragraph, clause, word or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

30.04.130 **Repeal of Pre-Existing Titles.** Upon this Title taking effect after publication, as required by law, the previous Titles relating to subdivision, land development, public improvement standards and zoning, as well as all amendments thereto, are repealed, provided that such repeal shall not affect the liability of any person for a violation of those Titles, or amendments thereto, or the right of the County to prosecute for such violation.

30.04.140 **Penalties.** Any person violating any provision of this Title is guilty of a misdemeanor and is subject to the applicable penalties as provided under NRS 193.150 (Punishment of Misdemeanors). Any act that is prohibited, or the failure to perform required acts, shall constitute a violation of this Title. Any person is guilty of a separate offense for each and every day during any portion of which any violation of this Title is committed or continued.

30.04.150 **Abatement Proceedings.** Any use of property, or the establishment of a building or structure contrary to the provisions of this Title or in violation of any condition attached to the granting of any land use application is unlawful and a public nuisance. Upon discovery of such a violation, the Code Enforcement Manager may commence proceedings for the abatement thereof in accordance with the provisions of Chapter 11.06 (Abatement of Public Nuisances) of the Clark County Code, or may pursue other remedies as provided by law.

30.04.160 **Grounds for Revocation of Certain Land Use Applications.** Failure to abide by and faithfully comply with the provisions of this Title and any and all conditions attached to the granting of any land use application is unlawful and a public nuisance, and shall constitute grounds for the revocation of the same. Upon discovery of a such a violation, the Code Enforcement Manager may commence proceedings for the revocation thereof in accordance with the provisions of Chapter 11.06 (Abatement of Public Nuisances) of the Clark County Code, or may pursue other remedies as provided by law. If the Board determines that there is sufficient cause to revoke the permit, a public hearing shall be scheduled before the Board, at which point the property owner or other interested party may show cause as to why the permit should or should not be revoked. The hearing shall be noticed in accordance with the requirements for the original application type. If the Board revokes the permit, it shall specify, for the record, the reasons for its action.

30.04.170 **Cumulative Remedies.** All remedies provided herein shall be cumulative and not exclusive.

30.04.180 Transitional Provisions.

a. Any violation of the regulations previously set forth in Titles 24, 26, 27, 28 and 29 of the Clark County Code shall continue to be a violation under this Title and shall be subject to applicable penalties and enforcement as provided under NRS 193.150 (Punishment of Misdemeanors) unless it is no longer a violation under this Title.

b. Any legal nonconformity existing on the effective date of this Title shall remain a legal nonconformity under this Title, as long as the situation that resulted in the nonconforming status continues to exist. (See Chapter 30.76)

c. Land use and subdivision requests approved prior to July 1, 2000 may develop per standards in effect at the time of approval, if a permit or license application has been submitted prior to July 1, 2002. Permits for construction which commence prior to July 1, 2002 may be extended to completion of construction subject to the development standards in effect at the time of approval, under the prior provisions of Titles 24, 26, 27, 28, 29 and Chapter 7.52, providing permits or licenses are issued by January 1, 2003, and construction is diligently prosecuted to completion. (Ord. 2741 § 1, 5/2002)

d. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

e. Complete applications for land use approvals, submitted before the effective date of this Title, and pending approval at the time of adoption of the ordinances codified in this Title, may, at the applicant's option, be reviewed wholly under the terms of the regulations in effect at the time of application. Any re-application for an expired permit, or other land use approval, shall meet the standards in effect at the time of re-application.

f. Properties located in zoning districts which no longer exist by virtue of the adoption of this Title shall continue to be governed by the regulations in effect prior to the adoption of this Title until such time that the property has been rezoned and placed within one of the districts within this Title. Regardless of the designation shown on the adopted land use plan, an application initiated by Clark County to reclassify property from a zoning district which no longer exists shall be treated as a conforming request.

30.04.190 Records. All records submitted with any land use or subdivision application, or at any hearing for the same, shall become a part of the records of the *Board* or *Commission* and be maintained in accordance with the provisions of Chapter 239 (Public Records) of the Nevada Revised Statutes. Any document within these records can be examined and reproduced by any person.