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30.76 Nonconformities

30.76.010 Purpose. This Chapter regulates the continued existence of lots, structures, and uses of land that came into existence legally but do not comply with one (1) or more requirements of this Title. It is the intent of this Chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Chapter that nonconformities shall not be enlarged, expanded or extended, nor be used as grounds for adding other structures or uses prohibited in the same district.

30.76.020 General Standards of Applicability. This Chapter applies to nonconformities created by the initial adoption of, or amendments to, this Title. It also applies to non-conformities under previously applicable ordinances, even if the type or extent of the nonconformity is different.

1. The burden of establishing that any nonconformity is a legal nonconformity shall, in all cases, be solely upon the property owner.
2. Illegal uses existing at the time the ordinances codified in this Title were adopted shall remain illegal and not be validated by their adoption.
3. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction or designated use of any existing building for which a building permit for construction has been issued, providing the permit has not expired prior to the effective date of the ordinance which made the use or structure nonconforming.
4. Incidental repairs and normal maintenance shall be permitted on any nonconforming structure containing a nonconforming use.
5. If the condition of a property constitutes a nuisance, as determined by the Board in accordance with the procedure established in Chapter 11.06 Abatement of Public Nuisances, the Board shall have the authority to require an improvement to the property sufficient to mitigate the nuisance.
6. Any nonconforming structure, or portion of a structure containing a nonconforming use, which is declared by any duly authorized official to be unsafe or unlawful by reason of physical conditions shall be repaired regardless of the nonconforming status.
7. Whenever a permitted use replaces a nonconforming use, the nonconforming use may not be resumed thereafter.

8. The adoption of an ordinance which revises restrictions so that an existing nonconforming use or structure is in compliance with this Title shall have the effect of making the use or structure conforming.

30.76.030 Nonconforming Lots of Record.

- a. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on a lot of record at the effective date of the ordinance codified in this Title, even if it does not conform with lot requirements, if construction otherwise conforms to the setbacks required for the district in which the lot is located.
- b. An existing lot from which right-of-way dedication is required which causes a lot to be substandard, or less conforming in the case of an existing nonconforming lot, shall be considered to be a nonconforming lot.
- c. Nonconforming lots shall be considered to be any substandard lot created prior to May 5, 1970 if any property adjacent to it with continuous frontage has not been under the same ownership since May 5, 1970 or any substandard lot which was subject to a contract of sale in full force and effect prior to June 20, 1962.
- d. With respect to the creation of lots without a subdivision, lots created without a subdivision map prior to July 1, 1973, or created by a court order, shall be considered to be legally created. A contract for the sale of land after June 20, 1962, or a legal description listed on a single recorded deed recorded prior to July 1, 1973 with the legal description of adjacent parcels also listed, does not constitute the division of land. (Ord. 2573 § 16, 2001)

30.76.040 Nonconforming Structures. Any structure legally established which, because of revised regulations on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, becomes nonconforming as a result of the passage of an ordinance codified in this Title, may be maintained so long as it remains otherwise lawful, subject to the following provisions.

1. Structures within a floodplain for which the finished floor of the lowest floor is below the base flood elevation and have been damaged or is to be remodeled to fifty percent (50%) of the pre-disaster fair market value shall only be repaired or reconstructed in accordance with the Floodplain Management Ordinance.

2. The nonconforming structure may not be enlarged or altered in a way which increases its nonconformity. However, any structure may be enlarged or altered if the construction does not increase the nonconformity.
3. If a nonconforming structure is destroyed to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Title.
4. A nonconforming structure can only be moved if the move results in the structure being in compliance with the requirements of this Title. Any nonconforming structure that is voluntarily removed to be replaced or rebuilt shall conform to the Title 30 regulations in effect when new building permits are issued.
5. The owner of any existing nonconforming structure may be required to install, operate, and maintain thereon such markers and lights as may be deemed necessary by the Director of Aviation to indicate to the operators of aircraft in the vicinity of the airport the presence of an obstruction into the Airport Airspace Overlay District, as required by Part B of Chapter 30.48.
6. Any dwelling not meeting the design standards for single-family dwellings, listed in Chapter 30.56, which is demolished may be reconstructed or replaced provided the original dwelling was constructed prior to January 1, 2000 and shall have the same appearance as the demolished dwelling, or be compatible with the architectural style and building materials of dwellings in the vicinity. An administrative design review shall be approved prior to the issuance of any building permits. (Ord. 3354 § 13, 2/2006)

30.76.050 Nonconforming Uses. Where, at the time of passage of any ordinance codified in this Title, a lawful use existed, which has been made nonconforming by this Title, that use may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. Nonconforming uses, which were lawfully established before the ordinance codified in this Title was passed or amended, are declared to be compatible with permitted uses in the districts involved. Legal nonconforming uses shall run with the land and shall be considered for the benefit of the property owner.
2. The use shall not be enlarged, increased or extended to occupy a greater area of land or building than was occupied when the use became nonconforming, nor shall a structure in which a nonconforming use is being conducted be expanded unless in conformance with this Title.

3. A nonconforming use may not continue if the structure is removed or destroyed to the extent of fifty percent (50%) of the replacement cost at the time of destruction, nor shall the use be moved to any other portion of the lot or building on the lot.
4. Except for roosters, when animals are permitted as a nonconforming use, the replacement of animals within the time limit, as specified in Subsection 30.76.050(5)(A) or 30.76.050(5)(B), is permitted, providing the number of animals is not increased. Roosters not permitted within the district shall not be replaced, and all unpermitted roosters shall be removed prior to January 1, 2005.
5. Except when government action impedes access to the premises, a nonconforming use may not continue if abandoned for:
 - A. Six (6) consecutive months for uses in conjunction with structures having a replacement cost of three thousand five hundred dollars (\$3,500) or more.
 - B. Thirty (30) days for uses on land without structures, or structures with a replacement cost of less than three thousand five hundred dollars (\$3,500). (Ord. 3106 § 14, 8/2004)

30.76.060 Exceptions.

- a. The reconstruction of a lawfully constructed nonconforming structure is permitted if a governmental entity required the structure to be relocated from its previously approved location due to the construction of a public improvement, and then only if the reconstruction occurs on the same parcel and the applicant applies for permits within ninety (90) days of receiving notice of completion of the improvement from the County.
- b. A nonconforming on-premise sign, display, or structure may not be relocated, replaced, or structurally altered unless the relocation, replacement, or structural alteration results in a minimum 50% reduction of its nonconforming height or area. This provision shall not apply to a relocation, replacement, or structural alteration resulting from a street widening project or other public improvement project within the right-of-way, in which case the nonconforming on-premise sign, display, or structure may be relocated, replaced on the same parcel, or structurally altered without conformity being required. (Also see 30.76.040)
- c. A building, or accessory structure permitted by Table 30.44-1, nonconforming to the development standards in effect when destroyed

or damaged to more than 50% of its replacement cost by an act of God, war, natural catastrophe, or criminal act such as terrorism may be reconstructed or repaired in accordance with the development standards in effect when it was originally constructed if approved by the Board through a public hearing design review. The Board may impose reasonable aesthetic conditions, including without limitation landscape buffering, designed to mitigate the impact of the nonconformity on adjacent properties or the community.

- d. The maximum height of a legally nonconforming off-premise sign, display, or structure that is oriented toward the roadway and whose nearest edge is within sixty feet (60') of a public roadway improvement constructed at a later date, including but not limited to soundwalls and elevated roadways, may be extended to a maximum height of thirty feet (30') above the grade of the travel lane of the roadway or twenty-five feet (25') above the tallest surface of a wall located within the public right-of-way if the roadway improvement obstructs or obscures the sign's visibility. In no case shall a sign be constructed which will obscure the view of the street or freeway upon which the motorist is traveling. (Ord. 3061 § 8, 5/2004; Ord 2825 § 1, 12/2002; Ord. 2787 § 6, 9/2002; Ord. 2725 § 5, 3/2002)

30.76.070 Nonconforming Manufactured Home Parks. The provisions of this Section apply only to manufactured home parks which were constructed and occupied prior to August 27, 1976. The requirements of this section supersede requirements of the same type defined in other Chapters of this Title for all manufactured home parks listed in Appendix D.

1. Parks established prior to August 27, 1976 (reference Ordinance 510) are considered to be legally nonconforming regarding all code requirements. New manufactured homes may be placed in conformance with the restrictions in effect upon establishment of the park.
2. Parks having a majority of the spaces one thousand five hundred (1,500) square feet or larger shall be allowed to remove a previously required laundry facility (reference Ordinance 1075).
3. The front setback for a manufactured home may be reduced to two (2) feet, where the drawbar, tongue or other attachments to the front are removed.

30.76.080 Nonconforming Adult Uses. Adult uses which are classified by the definition of this Title which do not conform to this Title and the regulations or adult uses set forth in this Title shall be allowed to continue until they are removed or discontinued provided:

1. The uses had fully complied with building, fire and licensing codes when the uses commenced; and
2. The uses had fully complied with the Clark County Code, including the acquisition by the land owner of required use permits if applicable, when the uses commenced; or
3. A nonconforming adult use may expand within the parcel boundary as it existed on March 7, 2001 only if:
 - A. It is within the M-1 District;
 - B. The development conforms to all applicable development standards, including conformance with the aesthetic standards required for commercial buildings;
 - C. All required parking is located on the lot;
 - D. An administrative design review is approved for the expansion of the use;
 - E. The use complies with all other provisions of 30.76.080.
4. Uses which were not lawful in all respects as provided in this Title shall be considered illegal uses and shall not be allowed to remain.

(Ord 2899 § 6, 5/2003)

30.80 Fees

30.80.010 Purpose. The Director of Development Services, the Director of Comprehensive Planning, and the Zoning Administrator are authorized to collect fees as specified in this Chapter for the implementation and enforcement of this Title. (Ord. 3085 § 60, 6/2004; Ord. 2769 § 106, 7/2002)

30.80.020 General Requirements.

- a. The fees required herein shall be due and payable at the time of filing of any application or prior to the performance of the specified service.
- b. Required fees shall not be waived nor refunded, except as specified in this Section. The Board shall consider each refund request and may order a refund of fees as provided in NRS 244.200 through NRS 244.255. All refund requests shall be submitted in writing to the Director of the department (Comprehensive Planning or Development Services) responsible for collecting the fee in question.
 1. Applicants may request a refund of eighty percent (80 %) only when an application listed in Tables 30.80-1 or 30.80-3 is withdrawn before notices are mailed or application information is distributed to applicable government entities, or before plan review has been performed. The Board shall then consider the circumstances of each withdrawal request and may order a refund of fees as deemed appropriate.
 2. Applicants may request a refund of eighty percent (80 %) only when an application listed in Tables 30.80-2 or 30.80-5 is withdrawn before plan review has been performed or applicable permits have been issued.
 3. A refund of eighty percent (80 %) may only be requested for services and products listed in Table 30-80-4 prior to the provision of services or the delivery or mailing of products.
- c. Reconsideration, reactivation and re-notification fees, required after the application has been submitted, shall be due and payable not less than fifteen (15) days in advance of the meeting at which the matter has been rescheduled to be heard. If not paid, the application shall be held until the required fee is paid, and additional reactivation and re-notification fees may be applicable.
- d. Application fees as required under Table 30.80-1, and specified administrative fees required under Table 30.80-4, shall not be required when the applicant is a government agency, a nonprofit organization, or a developer of an affordable housing project (for fees related to such projects) as certified by the Clark County Department of Administrative Services. An applicant or petitioner claiming an exception to the required fee shall be required to demonstrate not-for-profit status.
- e. When a court reporter is required to report the results of a hearing, as required by Chapter 463 of the Nevada Revised Statutes, the applicant shall arrange, and pay, for the full cost of the reporter. The applicant shall ensure a copy of the transcript is delivered to the Zoning Administrator within ten (10) working days of the hearing. Failure to have a court reporter present at the public hearing shall require holding the public hearing in abeyance until such time as a court reporter can be present and possibly require the payment of reactivation and re-notification fees.
(Ord. 3296 § 10(part), 10/2005; Ord. 3160 § 16 (part), 11/2004; Ord. 3085 § 61, 6/2004)

30.80.030 Application Fees. The following types of fees shall be required for the petitions and applications listed in Tables 30.80-1 and 30.80-3 below, payable to the Director of Development Services or the Comprehensive Planning Department as assigned. The fees listed are cumulative.

1. **Base Application Fee.** The base fee for each application type, not including additional fees based on type of hearing and size and complexity of the application.

2. **Pre-submittal Conference Fee.** When required by this Title for specific application types, the fee established to process and review preliminary plans and determine compliance with various code requirements.
3. **Notice Fees.** Whenever an application, including an extension of time and a waiver of conditions, is required by this Title, or by Chapter 278 of NRS, to provide a public hearing and/or to post signs on property to notify nearby residents and property owners of the pending hearing, additional fees for each application are required and included in the base application fee, calculated proportionally on the notification radius and signs required. Notice fees required in addition to the base fees per Tables 30.80-1 and 30.80-3, or required as a result of an application being held at the request of the owner or applicant, are required as follows:
 - A. When notification is required to be given to abutting property owners, a fee of seventy-five dollars (\$75) is required.
 - B. When a one hundred (100) foot notification radius is required, a fee of twenty-five dollars (\$25) is required.
 - C. When a three hundred (300) foot notification radius is required, a fee of seventy-five dollars (\$75) is required.
 - D. When a five hundred (500) foot notification radius is required, a fee of one hundred dollars (\$100) is required.
 - E. When a seven hundred fifty (750) foot notification radius is required, a fee of two hundred dollars (\$200) is required.
 - F. When a one thousand (1,000) foot notification radius is required, a fee of three hundred and fifty dollars (\$350) is required for each set of notices required to be mailed.
 - G. When a one thousand five hundred (1,500) foot notification radius is required, a fee of five hundred dollars (\$500) is required.
 - H. When a two thousand five hundred (2,500) foot notification radius is required, a fee of one thousand dollars (\$1,000) is required, plus one dollar (\$1) per notice in excess of one thousand (1,000) notices. Notice fees in excess of one thousand dollars (\$1,000), if required, shall be paid not less than fifteen (15) days prior to the meeting. Failure to pay the additional notice fees as required shall result in the item not being scheduled for a public hearing.
 - I. When an extension of time is required to be noticed, in accordance with Section 30.16.230, the same notice fee for the original application is required.
 - J. **Sign Fee.** When a sign is required to be posted on the property, an additional fee of one hundred and twenty-five dollars (\$125) is required.
4. **Major Projects Fees.** An additional fee of two hundred dollars (\$200) is required for each application within a major project to recover additional administrative costs. Other supplemental fees include the following:
 - A. For a specific plan or land use plan amendment within a major project, two dollars (\$2) for each acre over three hundred (300) gross acres. A specific plan or land use plan amendment shall not require the submission of any other supplemental fee.
 - B. For a public facilities needs assessment within a major project, four dollars (\$4) for each acre over three hundred (300) gross acres. A public facilities needs assessment shall not require the submission of any other supplemental fee.

C. For a development agreement within a major project, two (\$2) dollars per acre. A development agreement shall not require the submission of any other supplemental fee.

D. For a development plan within a major project, two (\$2) dollars per acre. A development plan shall not require the submission of any other supplemental fee.

(Ord. 3219 § 9 (part), 5/2005; Ord. 3085 § 62, 6/2004; Ord 3020 § 4, 2/2004; Ord 3008 § 9, 12/2003; Ord. 2970 § 4 (part), 11/2003; Ord. 2769 § 107, 7/2002; Ord. 2664 §11, 2001; Ord. 2510 § 16 (part), 2000)

Table 30.80-1 Fee Schedule for Land Use Applications		
Application	Fee	Additional Fees: (if required)
Administrative Design Review	\$300	<p>Pre-submittal Conference & \$500 Fee is required for all of the following: nonconforming zone changes; uses involving hazardous chemicals, explosives, materials or wastes in amounts regulated by NRS and NAC; planned unit development; mixed use development; neighborhood casinos and projects of regional significance</p> <p>Notice Fee: Abutting property \$75 100' - \$25 300' - \$75 500' - \$100 VS Certified - \$200 750' - \$200 1,000' - \$350 1,500' - \$500 2,500' - \$1,000 plus \$1 per notice over 1,000 notices</p> <p>Sign Fee: \$125</p> <p>For all non-administrative (except for Administrative Design Reviews and Administrative Vacation and Abandonments) Major project applications – Add \$200</p>
Administrative Extension of Time	\$150, or \$300 for a Zone Change	
Administrative Minor Deviation	\$50	
Administrative Street Naming	No Fee	
Administrative Temporary Use	No Fee	
Administrative Vacation and Abandonment	\$200	
Annexation Request	\$1,000	
Design Review (except as noted below)	\$300, plus notice and sign fees if required, plus \$500 pre-submittal fee for pre-submittal conference if applicable	
Design Review, Projects of Regional Significance	\$2,000, plus \$500 pre-submittal fee for pre-submittal conference if applicable	
Extension of Time	\$150, or \$300 for a Zone Change, plus notice fees if required	
Special Use Permit (except as noted below)	\$325, plus sign fee if required, plus \$500 for pre-submittal conference if applicable	
Special Use Permit, Alcohol as a principle use Special Use Permit, Mixed Use Development	\$850, plus \$500 for pre-submittal conference if applicable	
Special Use Permit, Gaming Enterprise District Expansion	\$10,000	
Special Use Permit, Hazardous Materials pursuant to NRS 278.147	\$1,050, plus \$500 for pre-submittal conference if applicable	
Special Use Permit, Projects of Regional Significance	\$450, plus \$500 for pre-submittal conference if applicable	
Street Name or Numbering System Change	\$300	
Text Amendment	\$200, plus notice and sign fees if required, and \$500 pre-submittal fee for mixed use development	
Vacation & Abandonment	\$300 plus \$200 certified mail fee	
Variance (except as noted below)	\$325, plus additional notice fee if required	
Variance, Less than 30% deviation	\$250	
Variance, Projects of Regional Significance	\$450	
Waiver of Conditions	\$300, plus notice fee if required	
Waiver of Standards (except as noted below)	\$325, plus additional notice fee if required	
Waiver of Standards, Less than 30% deviation, or non-public hearing	\$250	
Waiver of Standards, Projects of Regional Significance	\$450	
Zone Change, Conforming	\$750, plus \$500 for pre-submittal conference if applicable	
Zone Change, Nonconforming	\$500 for pre-submittal conference; \$1,150 plus \$50/acre for application	
Refund Policy: Per 30.80.020(b)		

(Ord. 3432 § 13, 10/2006; Ord. 3397 § 13 (part), 6/2006; Ord. 3354 § 14, 2/2006; Ord. 3296 § 10(part), 10/2005; Ord. 3229 § 13, 6/2005; Ord. 3219 § 9 (part), 5/2005; Ord. 3021 § 3, 2/2004; Ord. 2970 § 4 (part), 11/2003; Ord. 2907 § 13 (part), 7/2003; Ord. 2925 § 2, 7/2003; Ord. 2756 § 6, 6/2002; Ord. 2741 § 13 (part), 5/2002; Ord. 2664 § 12, 2001; Ord. 2510 § 16 (part), 2000)

30.80.040 Sign fees. Fees for sign installation permits shall be required, payable to the Building Official, as shown in Table 30.80-2.

Table 30.80-2 Fee Schedule - Signs	
Sign Type	Required Fee
Temporary Signs	
Weekend directional sign	\$5 per sign
Special attraction or on-premise sign	\$25 per sign, including extensions
Off-premise for sale sign, or extension of time	\$100 per sign, including extensions
Refund Policy: Per 30.80.020(b)	

(Ord. 3296 § 10(part), 10/2005; Ord. 3061 § 9, 5/2004; Ord. 2725§ 6, 3/2002)

1. The fees listed above shall be twice the amount normally required if work for which a permit is required by this Title has been commenced without first obtaining the permit, or if the sign constructed exceeds the scope of a valid permit.
2. The fees listed above shall be waived for a temporary sign when the beneficial user of the sign is a government agency or nonprofit organization.

30.80.050 Map Fees. Payable to the Director of Development Services.

1. Fees for subdivision maps shall be required as shown in Table 30.80-3.
2. Prior to recording a map, additional fees shall be paid to the County Recorder sufficient to cover the cost of making the negative and duplicate cloth transparency print and the two (2) paper prints required, together with a recording fee of twenty-five cents (\$.25) per lot, plus fifty cents (\$.50) for indexing.

Table 30.80-3 Fee Schedule – Subdivision Maps				
Map Type	Required Fees - Non Major Projects		Required Fees - Major Projects	
	Original Map	Extension of Time	Original Map	Extension of Time
Tentative Map	\$400 + \$2 per lot	\$200	\$800 + \$4 per lot	\$400
Major Subdivision Maps				
Technical Review (including amended map)	\$400 + \$4 per lot	\$200	\$700 + \$6 per lot	\$400
Final Map	\$100		\$200	
Reversionary Map	\$500		\$900	
Minor Subdivision Maps				
Review (including amended map or review)	\$150	\$100	\$300	\$200
Exception to Review	\$150	\$100	\$300	\$200
Technical Review	\$200 + \$2 per lot	\$100	\$300 + \$2 per lot	\$200
Final Parcel Map	No Fee		No Fee	
Reversionary Map	\$350		\$600	
Reversion of a Certificate of Land Division	\$350 + \$2 per lot for survey submittal		\$600+ \$2 per lot for survey submittal	
Boundary Line Adjustment	\$200		\$200	
Refund Policy: Per 30.80.020(b)				

(Ord. 3397 § 13 (part), 6/2006; Ord. 3297 § 6, 10/2005; Ord. 3296 § 10(part), 10/2005; Ord. 3020 § 5, 2/2004; Ord. 2769 § 108, 7/2002; Ord. 2741 § 13 (part), 5/2002; Ord. 2573 § 17, 2001; Ord. 2510 § 16 (part), 2000)

30.80.060 Administrative Fees. Table 30.80-4 shows administrative fees that are required related to the administration and implementation of the requirements of this Title, and adopted land use guides, payable to the Director of Development Services or the Current Planning Division as assigned.

Table 30.80-4 Fee Schedule - Administrative Fees	
Administrative Service	Required Fee
Agenda Subscriptions	
*Notice of final action	\$65 per fiscal year
*Agenda only (front sheets)	\$65 per fiscal year
Full agenda packet with backup information	\$ 800 per fiscal year, plus \$140 if mailed
Audio or Video recording of any public hearing record	\$10 for each tape, plus \$3 if mailed
Copies	
Up to 8.5" X 14"	Up to 10 pages, \$1 per page Additional pages over 10, \$0.50 per page
11" X 17"	\$2 per page
Larger than 11" X 17"	\$4 per page, plus \$3 if mailed
CD (data) of any public hearing record	\$50 for each CD, plus \$1 per hit for each document type, plus \$20 per hour staff time for any time in excess of one hour, plus \$3 if mailed
Land Use Plan (1998 and after)	\$2, plus \$2 if mailed
Land Use Guide (before 1998)	\$10, plus \$2 if mailed
Maps (Geographic Information System)	
Black and white	
24" X 36" or smaller	\$5, plus \$6 if mailed
Larger than 24" X 36"	\$10, plus \$6 if mailed
Colored	
11" X 17" or smaller	\$10, plus \$6 if mailed
Larger than 11" X 17" up to 24" X 36"	\$20, plus \$6 if mailed
Larger than 24" X 36"	\$30, plus \$6 if mailed
Research and Reports	
Unified Development Code (Paper Copy)	\$20 each, plus \$5.50 if mailed
Subscription for Code Updates (Paper Copy)	\$65 per fiscal year, includes 4 mailings (1 every 3 months)
Unified Development Code (Diskette/CD)	\$12.50 each, plus \$3 if mailed
Subscription for Code Updates (Diskette/CD)	\$150.00 per fiscal year, includes 12 mailings (1 each month)
Zoning Confirmation Letter^{1,3}	
For delivery within ten working days of receipt	\$45, plus \$5 per acre for each net acre over ten acres ² , but not to exceed \$5,000
For delivery within three working days of receipt	\$75, plus \$5 per acre for each net acre over ten acres ² , but not to exceed \$5,000
*Available on the internet (at no cost) at http://www.accessclarkcounty.com	
Additional Requirements:	
1. Does not include information relative to past land use applications, including expired or superseded zone boundary amendments, use permits, and/or variances unrelated to the current district classification or uses currently permitted on the subject property.	
2. To be rounded to the nearest acre.	
3. Fee may be waived pursuant to Section 30.80.020.	
Refund Policy: Per 30.80.020(b)	

(Ord. 3296 § 10(part), 10/2005; Ord 3209 § 13, 3/2005; Ord. 3160 § 16 (part), 11/2004; Ord. 3085 § 63, 6/2004; Ord. 2970 § 4 (part), 11/2003; Ord. 2769 § 109, 7/2002; Ord. 2741 § 13 (part), 5/2002; Ord. 2510 § 16 (part), 2000)

30.80.070 Off-Site Improvement Fees. Off-site improvement fees payable to the Director of Development Services shall be required as shown in Table 30.80-5.

Table 30.80-5 Fee Schedule - Off-Site Improvement Fees		
Administrative Service	Required Fee	
Improvement Plan Review		
Original Application or Resubmittal ²	\$300, or 2.5 percent of the estimated construction cost ¹ , whichever is greater	
Revision of an Approved Plan	\$50	
Impact Analysis Review		
Original Application or Resubmittal ² or Updates	Initial Submittal & 1 Review	Every Review Over 2 Reviews
Up to 5 Acres	\$500	\$125
Over 5 Acres & up to 40 Acres	\$1,000	\$250
Over 40 Acres & up to 320 Acres	\$2,000	\$375
Over 320 Acres & up to 2,560 Acres	\$4,000	\$500
Over 2,560 Acres	\$6,000	\$750
Optional Traffic Mitigation	\$500, plus \$65 per trip ³ , prior to building permits or approval of improvement plans	
Encroachment Permit	\$75	
Improvement Phasing	\$2,500 prior to executing a phasing agreement	
Inspection Fees⁴		
Offsite Permit		
First \$28,750	\$300, or 4.375 percent, whichever is greater	
Next \$86,250	3.5 percent	
Over \$115,000	1.75 percent	
Encroachment Permit	\$225, or 4.375 percent, whichever is greater ⁵	
Reinspection Fee	\$48 for each reinspection	
Bond Replacement	\$250 prior to release of the existing bond	
Construction Control Plan Review²	\$50	
Construction Traffic Control Plan Violation	\$100, or actual cost, whichever is higher, prior to final right-of-way permit inspection	
Right-of-Way Permit Violation	\$300	
Flood Plain Determination	\$20 for each request for information as to whether or not a property is located within a Federal Emergency Management Agency defined special flood hazard area	
Clark County Supplement to Uniform Standard Drawings and Specifications	\$10	
Additional Requirements:		
1. As determined on the construction bond estimate form, and as approved by the Director of Development Services.		
2. Resubmittal shall be required if plans do not contain sufficient information for a complete review, have been substantially redesigned, or if required corrections are not submitted within one (1) year of notification.		
3. As defined in Chapter 30.52.055(b).		
4. Based on the estimated construction costs as determined by the Director of Development Services.		
5. Additional fees may be required to provide for overtime or night work and must be paid prior to final acceptance of the work.		
Refund Policy: Per 30.80.020(b)		

(Ord. 3296 § 10(part), 10/2005; Ord. 2849 § 1, 7/2003; Ord. 2769 § 110 & 111, 7/2002)

30.80.080 MSHCP Mitigation Fee.

- a. When required by the provisions of Chapter 30.32 of this Title and Clark County Code, Section 9.08.200, and except as otherwise provided in Subsections (b) and (d) hereof, all applicants for Land Disturbance Permits shall pay a mitigation fee as required by Clark County Code, Section 9.08.200 of five hundred fifty dollars (\$550.00) per gross acre or any portion thereof located within the parcel to be developed, including both areas which are disturbed and areas which are left undisturbed, as well as the area disturbed by related offsite improvements.
- b. Applicants for the following types of development shall not be required to pay a MSHCP Mitigation Fee:
 1. Reconstruction of any structure damaged or destroyed by fire or other natural causes.
 2. Rehabilitation or remodeling of existing structures or existing off-site improvements.
 3. Land disturbance on any parcel by the County for strictly governmental uses. This exemption shall not apply to commercial uses, such as, but not limited to airports and golf courses. All fees shall be reimbursed to the respective County department (i.e. Parks and Recreation or Public Works.) (Ord. 2677 § 1, 2001)
 4. Disturbance of any lands, including lands conveyed from federal to private ownership, within the County, which are covered by and are subject to the terms and conditions of a project-specific habitat conservation plan or project-specific multi-species habitat conservation plan approved by the United States Fish & Wildlife Service.
- c. Applicants for development of property for which fees have been paid as required by a Section 7 Consultation issued pursuant to the Federal Endangered Species Act shall be allowed to credit MSHCP Mitigation Fees actually paid against the total amount of the fees required by this Chapter for the parcel involved in the Section 7 Consultation.
- d. Applicants for development of single family residential and manufactured housing on lots two gross acres in size or greater, and applicants for development of free standing off-premise signs, communication towers and similar structures, where less than 10,000 square feet is graded or otherwise disturbed, with the balance of the property left in its natural condition shall pay a MSHCP Mitigation Fee of one hundred thirty seven dollars and fifty cents (\$137.50). Where more than 10,000 square feet, but less than 20,000 square feet is graded or otherwise disturbed and the balance of the property is left in its natural condition, the MSHCP Mitigation Fee shall be two hundred and seventy five dollars (\$275.00).
- e. Where any Land Disturbance Permit has been previously issued after payment of a MSHCP Mitigation Fee mandated by this Chapter or any previous ordinance which imposed a MSHCP Mitigation Fee to implement the Desert Conservation Plan and has expired, the applicant for a new Land Development Permit on the same property shall pay the fee pursuant to the current provisions of this Chapter less the amount previously paid.
- f. All applicants for Land Disturbance Permits that are required to submit a Land Disturbance Report shall pay processing fees of twenty-five dollars (\$25) per residential Land Disturbance Permit and fifty dollars (\$50) per commercial Land Disturbance Permit to the Clark County department which issues the Land Disturbance Permit.

- g.** All MSHCP Mitigation Fees collected pursuant to the provisions of this ordinance shall be deposited into the Special Reserve Fund, as referenced in Clark County Code, Section 9.08.200. The Fund, including interest and other income which accrues thereto, shall be expended solely for the implementation of the terms of the Multiple Species Habitat Conservation Plan, the Implementing Agreement and the Section 10(a) Permits issued pursuant to that Plan.
- h.** After approval by the United States Fish and Wildlife Service and the Board of County Commissioners and after compliance with the provisions of NRS 244.275, the administrators of the Multiple Species Habitat Conservation Plan may accept real property or interests therein in lieu of payment of MSHCP mitigation fees. The fair market value of such real property shall be equal to or greater than the MSHCP mitigation fees which would otherwise be required to be paid.
- i.** Required fees shall not be waived nor refunded except as specified in this Section. The Board shall consider each refund request and may order a refund of fees as provided in NRS 244.200 through NRS 244.255. All refund requests shall be submitted in writing to the Director of the department responsible for collecting the fee in question.

 - 1.** Applicants may request a refund of eighty percent (80 %) of the mitigation fees required by this Section when an application for a Land Disturbance Permit is withdrawn before the permit has been issued.

(Ord. 3296 § 10 (part), 10/2005; Ord. 3085 § 64, 6/2004; Ord. 2907 § 13 (part), 7/2003; Ord. 2602 § 3, 2001)