

[Bracketed and ~~striketthrough~~] material is that portion being deleted

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BILL NO. 8-20-24-1

SUMMARY - An ordinance to amend Clark County Code Title 30 and Title 20 to include additional uses to be regulated under airspace; and providing for other matters properly related thereto.

ORDINANCE NO. 5177
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 30, CHAPTERS 30.01, 30.02, 30.03, 30.04, 30.06, 30.07 AND TITLE 20, CHAPTER 20.13 OF THE CLARK COUNTY CODE TO INCLUDE ADDITIONAL USES TO BE REGULATED UNDER AIRSPACE, REQUIRING DEPARTMENT OF AVIATION DIRECTOR PERMITS FOR THOSE USES, AND MAKE RELATED UPDATES, CORRECTIONS, AND CLARIFICATIONS; 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 30.01, Section 30.01.03(B) of the Clark County Code is hereby amended to add:

...

16. Prohibit the development of incompatible uses detrimental to the general health, safety, and welfare.

SECTION 2. Title 30, Chapter 30.02, Section 30.02.26(B)(3)(ii)(b) of the Clark County Code is hereby amended to read as follows:

...

(b) Director of Aviation Permit or Airport Hazard Areas Board of Adjustment (AHABA) Variance

In accordance with Chapter 20.13.060 of the Clark County Code, a permit from the Director of Aviation or AHABA variance shall be required prior to any of the following:

- (1) The construction or establishment of any new structure or use subject to notice requirements under FAR Part 77 or §30.02.26B.3.ii(a), *Construction or Alteration Requiring Notice*; or
- (2) A substantial change or alteration of any existing structure or use subject to notice requirements under FAR Part 77 or §30.02.26B.3.ii(a), *Construction or Alteration Requiring Notice*; or

- (3) When any nonconforming structure or tree is replaced, substantially altered, rebuilt, allowed to grow higher, or replanted.
- (4) To erect or increase the height of any structure, or allow the growth of any tree, or otherwise use property in a manner that would constitute a violation of the AAO; or
- (5) Any construction permits for any proposed airports, airstrips, heliports, vertiports, or similar aviation-flight use.
 - (1) No Director of Aviation Permit may be issued if the proposed construction or alteration does not include all appropriate mitigation measures identified in the FAA review process.
 - (2) An AHABA variance may be allowed where a literal application of enforcement of these regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with Title 20 of the Clark County Code.

SECTION 3. Title 30, Chapter 30.02, Section 30.02.26(B)(3)(iii) of the Clark County Code is hereby amended to read as follows:

...

iii. Use Standards

Notwithstanding any other provisions of this subsection, no use may be made of land or water within any zone established under this part in such a manner as to:

- (a) Create a "Hazard to Air Navigation" as determined by the FAA.
- (b) Cause an increase in minimum flight altitude, or approach procedure altitudes, or departure procedure altitudes as determined by the FAA.
- (c) Create electrical interference with navigation signals or radio communication between the airport and aircraft.
- (d) Make it difficult for pilots to distinguish between airport lights and others.
- (e) Result in glare in the eyes of pilots using the airport.
- (f) Impair visibility in the vicinity of the airport.
- (g) Create bird strike hazards.
- (h) Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

SECTION 4. Title 30, Chapter 30.02, Section 30.02.26(B)(3)(v) of the Clark County Code is hereby deleted in its entirety.

...

~~**v. Director of Aviation Permit or Variance**~~

~~**(i) Applications**~~

- ~~(1) To erect or increase the height of any structure, or allow the growth of any tree, or otherwise use property in a manner that would constitute a violation of these regulations shall require application for a permit or a variance from the Director~~

of Aviation as provided in Chapter 20.13 of the Clark County Code.

~~(2) A variance may be allowed where a literal application of enforcement of these regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with Title 20 of the Clark County Code.]~~

SECTION 5. Title 30, Chapter 30.03, Section 30.03.02 Summary Table of Allowed Uses, Commercial Uses, of the Clark County Code, is hereby amended to read as follows:

Table 30.03-1: Summary Table of Allowed Uses

P=PERMITTED C=PERMITTEDWITH CONDITIONS S=SPECIAL USE A=ACCESSORY USE T=TEMPORARY USE BLANK=PROHIBITED

Districts	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF
COMMERCIAL USES																						
Automotive, and Transportation, <u>and</u> <u>Airspace</u>																						
Aircraft Hangar	C	C	C	C	C	C	C	C	C	C			C			C	C	C	C	C	C	C
Airport or Airstrip	S	S	S	S	S	S	S	S	S	S			S			S	S	S	S	S	S	C
<u>Aviation-Flight</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>C</u>
Equipment Rental or Sales and Service													S			S	P	P	S			
Gas Station													C	S		S	C	C				
Heliport <u>or Vertiport</u>	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	C

SECTION 6. Title 30, Chapter 30.03, Section 30.03.06(B) is hereby amended to read as follows:

B. Automotive, ~~and~~ Transportation, and Airspace

This category includes a broad range of uses for the operation, maintenance, storage, sale, or rental of vehicles, large equipment, aircraft, ~~and~~ watercraft^[5], and related equipment, and aviation-flight uses. Specific use types include:

1. Aircraft Hangar

Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF
Aircraft Hangar	C	C	C	C	C	C	C	C	C	C			C			C	C	C	C	C	C	C

i. Layout and Design

An aircraft hangar must be in conjunction with an airport or airstrip or residential dwelling. An aircraft hangar within a residential subdivision, which is oriented to, and takes service from an airstrip only, shall be subject to the same district standards as the primary building on the lot.

2. Airport or Airstrip

Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF
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Airport or Airstrip	S	S	S	S	S	S	S	S	S	S	S			S			S	S	S	S	S	S	C
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i. Operation

- (a) Accessory commercial and industrial uses may be permissible in conjunction with the [establishment] primary airport and airstrip aviation uses including, but not limited to shops, snack bars, lounges, restaurants, aircraft fueling, aircraft repair, aircraft rental, office, light manufacturing, warehousing, and fuel storage.
- (b) Aircraft sale, maintenance, repair, and assembly [~~must be accessory to an airport~~] are permissible as accessory uses at an airport or airstrip.
- (c) The airspace and air traffic of the proposed operation shall be approved by the FAA. This standard shall not be waived or varied.

3. Aviation-Flight

Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF	
Aviation-Flight	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	C

i. Operation

The airspace and air traffic of the proposed operation shall be approved by the FAA. This standard shall not be waived or varied.

[3.] 4. Equipment Rental or Sales and Service

Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF	
Equipment Rental or Sales and Service													C			S	P	P	S				

i. Operation

In the CG and CR districts, the rental, sales, and service of heavy equipment is prohibited.

[4.] 5. Gas Station

Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF	
Gas Station													C	S		S	C	C					

i. Layout and Design

- (a) Canopies and fuel pumps shall be 30 feet from the right-of-way line of any section line street and 20 feet from the right-of-way line of any non-section line street.
- (b) In the Urban Area, canopies and fuel pumps shall not be within 200 feet of any area subject to §30.04.06, *Residential Adjacency*.

[5.] 6. Heliport or Vertiport

Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF	
Heliport or Vertiport	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	C

i. Operation

The airspace and air traffic of the proposed operation shall be approved by the FAA. This standard shall not be waived or varied.

[6.] 7. Monorail

Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF
Monorail	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

i. Layout and Design

Site development standards, including but not limited to yard setbacks, building separation, and wall and structure height, may be approved per plans on file.

ii. Processing

Any Special Use Permit (UC) for a private monorail shall only be approved by the Board after receipt of the recommendation of the Commission and concurrent with the approval of a franchise agreement as provided under Chapter 5.04, Franchised Monorail Transportation Systems, of the Clark County Code.

[7.] 8. Parking Lot

Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF
Parking Lot												S	P	S	S	S	P	P				P

[8.] 9. Passenger Terminal

Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF
Passenger Terminal	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	S	P

[9.] 10. Tour Guide or Transportation Service

Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF
Tour Guide or Transportation Service													C	C	C	C	P	P				S

i. Operation

- (a) In the CG, CC, and CU districts, no more than 5 automobiles shall be inspected, staged, or parked onsite.
- (b) In the IP and IL districts, no more than 5 automobiles shall be inspected, staged, or parked onsite if parking is shared with another use.
- (c) In the CR district, the use must be in conjunction with a hotel or motel, resort hotel, or rural resort hotel.

[10.] 11. Truck Stop

Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF

[12.] **13. Vehicle Maintenance or Repair**

Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF
Vehicle Maintenance or Repair													C			C	C	C	S			

i. Layout and Design

- (a) A facility and all activities, including the parking of vehicles and equipment to be serviced, shall not be within 200 feet of any area subject to §30.04.06, *Residential Adjacency*, unless separated by an arterial or collector street or buffered by a building.
- (b) All vehicle maintenance and repair activities must occur within an enclosed building except that outdoor smog check activities may occur outside if related equipment is stored within an enclosed building.

ii. Operation

- (a) In addition to required parking, facilities that store vehicles overnight awaiting repair shall have a designated on-site parking area for those vehicles with at least 1 overnight storage parking space per service bay.
- (b) In the CR district, vehicle maintenance and repair shall only be in conjunction with vehicle sales. This standard shall not be waived or varied.

[13.] **14. Vehicle Paint/Body Shop**

Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF
Vehicle Paint/Body Shop													S			C	C	C	S			

i. Layout and Design

All vehicle paint/body repair work must occur within an enclosed building.

ii. Operation

- (a) Paint/body major repair work shall not be within 200 feet of any area subject to §30.04.06, *Residential Adjacency*, unless separated by an arterial or collector street.
- (b) In the CR district:
 - (1) Limited to paint/body minor repair work.
 - (2) Must be in conjunction with vehicle sales.
 - (3) These conditions shall not be waived or varied.

[14.] **15. Vehicle Rental or Sales**

Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF
Vehicle Rental or Sales													C	S	S	C	C	C				S

i. Operation

- (a) Establishments may display up to 5 vehicles or pieces of equipment for rental or sale

when parking is shared with another use. Additional vehicles may be requested per §30.06.06C, *Minor Deviation*, following review of an applicant-provided parking analysis and site plan that is prepared by a qualified professional.

- (1) In the CR district, must be in conjunction with a hotel or motel, resort hotel, or rural resort hotel, and the number of vehicles is not limited.
- (b) In the PF district, only vehicle rental is permissible. Vehicle sales must be in conjunction with an airport conducted through a vehicle rental business. This standard shall not be waived or varied.

~~[15.]~~ **16. Vehicle Wash**

Zoning District	RS60	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RML8	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF
Vehicle Wash													C	C		C	C	C				

i. Layout and Design

- (a) A facility servicing automobiles and off-highway vehicles shall not be within 200 feet of any area subject to §30.04.06, *Residential Adjacency*.
- (b) A facility servicing commercial vehicles, trailers, recreational vehicles, and watercraft shall not be within 750 feet of any area subject to §30.04.06, *Residential Adjacency*, and shall require approval of a Special Use Permit, as described in §30.06.05D, *Special Use Permit (UC)*.
- (c) Vehicle wash is permissible as an accessory use when in conjunction with a primary use and not open to the public.

In the CR district, use is only permissible when in conjunction with a hotel or motel, resort hotel, or rural resort hotel.

SECTION 7. Title 30, Chapter 30.04, Table 30.04-2 of the Clark County Code, is hereby amended to add Airspace to the Automotive and Transportation subsection and Vertiport to the Heliport use. The rest of this subsection remains unchanged.

...

Table 30.04-2: Minimum Required Parking

SF = GROSS FLOOR AREA MEASURED IN SF, UNLESS OTHERWISE INDICATED
 DESIGN CAPACITY = MAXIMUM OCCUPANCY PER BUILDING OR FIRE CODES, WHICHEVER IS GREATER
 EMPLOYEE = LARGEST NUMBER OF PERSONS WORKING ON ANY SINGLE SHIFT

COMMERCIAL USES	
Automotive, and Transportation, <i>and Airspace</i>	
Aircraft Hangar	1 per 1,000 sf of indoor area up to 20,000 sf, plus 1 per 2,000 sf of indoor area over 20,000 sf
Airport or Airstrip	1 per 1,000 sf up to 10,000 sf, plus 1 per 2,500 sf over 10,000 sf
Equipment Rental or Sales and Service	1 per 500 sf of indoor area
Gas Station	1 per 250 sf of indoor area
Heliport <i>or Vertiport</i>	None required

SECTION 8. Title 30, Chapter 30.06, Section 30.06.03(B)(2) of the Clark County Code, is hereby amended to read as follows:

...

2. When Required

A Pre-Submittal Conference is required for:

- i. A Project of Regional Significance for only those within ½ mile of the boundary of a local government’s jurisdiction as identified in subsection 2 of the definition;
- ii. Concept Specific Plan;
- iii. Special Use Permit for Resort Hotel, Rural Resort Hotel, or Neighborhood Casino;
- iv. Special Use Permit for Hazardous Materials and Waste Storage; ~~[and]~~
- v. Special Use Permit for airport, airstrip, heliport, vertiport, or aviation-flight use; and
- ~~v.~~vi. Any of the following:
 - (a) Projects with 500 or more dwelling units;
 - (b) Projects with a minimum 1,200 rooms for transient guests;
 - (c) Projects generating 8,000 or greater average daily trips (ADTs) as defined by the latest edition of the Institute of Transportation Engineers or its successor;
 - (d) Development reaching the above thresholds by successive additions to the overall development after March 1, 2006; and
 - (e) Industrial and commercial projects encompassing more than 300 acres. This does not include government facilities.

SECTION 9. Title 30, Chapter 30.06, Section 30.06.03(D)(7)(iv) of the Clark County Code, is hereby amended to read as follows:

...

iv. Evidence of FAA Determination

~~[Development]~~ Structures and/or uses subject to the Airport Airspace Overlay (AAO), as described in §30.02.26B.2(i)(a)(1), require written evidence from the FAA that a determination has been made whether a proposed structure or use constitutes a hazard to air navigation and/or is objectionable. A heliport, vertiport, airport, airstrip, or aviation-flight use, requires written evidence from the FAA that the development has received a determination of no objection. This evidence shall be submitted at least 2 weeks prior to final approval, unless the Director with the concurrence from the Director of Aviation concludes the FAA determination has been submitted early enough for action to occur, on any proposed structure that intrudes into the Airport Airspace Overlay that is not excepted. Applications for which required FAA determinations have not been received shall be held or denied.

SECTION 10. Title 30, Chapter 30.06, Section 30.06.10(D) of the Clark County Code, is hereby amended by adding a new definition to read as follows:

...

11. Director of Aviation

Oversight of the Department of Aviation, which is responsible for:

- i. Issuance of Director of Aviation permits for construction and alteration of structures that may create obstructions or hazards to air navigation, pursuant to Title 20 of this Code.

- ii. Issuance of Director of Aviation permits for spaceports, heliports, vertiports, airports, airstrips, or a similar aviation-flight use.
- iii. Administration and enforcement of Title 20 of this Code.
- iv. Interpretation of requirements related to civilian aviation or civilian spaceport facilities.

SECTION 11. Title 30, Chapter 30.07, Section 30.07.01(J) of the Clark County Code, is hereby amended to read as follows:

...

J. Designees

Whenever this Title refers to the Director of Aviation, Director of Building, Director of Comprehensive Planning, Director of Public Works, Building Official, Code Enforcement Manager, County Surveyor, County Engineer, County Recorder, Director of Business License, Director of Environment and Sustainability, Sheriff, and/or District Attorney, it shall also include any person designated by that authority to act in his or her place.

SECTION 12. Title 30, Chapter 30.07, Section 30.07.02 of the Clark County Code, is hereby amended by revising three definitions and adding three new definitions to read as follows:

...

Airport Definitions

Aviation-Flight

A use of land which allows for the landing and/or departure of vehicles or objects into the air and is not defined elsewhere in code. This definition includes spaceport uses which is defined herein as a place designed for the launch of a vehicle or reentry vehicle and any payload from Earth in a suborbital trajectory, in Earth orbit in outer space, or otherwise in outer space, and/or the purposeful return of a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth.

Director of Aviation

The Director of the Clark County Department of Aviation.

Federal Aviation Regulations (FAR)

The federal regulations governing aeronautics and space, codified at Title 14 of the United States Code of Federal Regulations.

Automotive, ~~and~~ Transportation, and Airspace

This category includes a broad range of uses for the operation, maintenance, storage, sale, or rental of motor vehicles and related equipment.

Heliport or Vertiport

A structure or area for the landing or take-off of aircraft with vertical takeoff and landing (VTOL) capabilities, helicopters, hot air balloons, or other steep gradient aircraft capable of hovering, and including the area or buildings necessary to accomplish these functions.

Tree

Any vegetation object of natural [~~and/or support~~] growth.

SECTION 13. Title 20, Chapter 20.13, Section 20.13.030 of the Clark County Code, is hereby amended to read as follows:

20.13.030 Airport Hazard Area

There are established airport hazard areas for the airports which include all of the land located within Clark County that lies beneath the primary zones, approach zones, transitional zones, horizontal zones, and conical zones of the airports, as shown on the airspace zoning maps, which land shall include any land within the territorial limits of the county, including, without limitation, any such land that is located within an incorporated municipality or special district.

SECTION 14. Title 20, Chapter 20.13, Section 20.13.050 of the Clark County Code, is hereby amended to read as follows:

20.13.050 Notices of Construction, Alteration, or Use

(a) Construction, Alteration, or Use Requiring Notice. Prior to commencing construction, alteration, or the use of any structure or object within the airport hazard areas or land which allows for the landing and/or departure of vehicles or objects into the air as determined by the Clark County Department of Aviation or Federal Aviation Administration ("FAA"), any person proposing such construction, alteration, or use shall notify the director of aviation and the Chief, Air Traffic Division, Federal Aviation Administration [~~"FAA"~~] Regional Office having jurisdiction over the area within which the construction or alteration will be located if such construction, alteration, or use exceeds any of the following height standards or proposes the uses described in subsection 5:

- (1) Two hundred feet above the ground level at its site;
- (2) The plane of an imaginary surface extending outward and upward at a slope of one hundred to one for a horizontal distance of twenty thousand feet from the nearest point of the nearest runway of either of the airports;
- (3) For highways, railroads and other traverse ways for mobile objects; if construction or alteration is of greater height than the standards set forth in subdivisions (1) or (2) of this subsection after their height has been adjusted upward for the appropriate traverse way as follows:
 - (A) For interstate highways: seventeen feet,
 - (B) For any other public roadways: fifteen feet,
 - (C) For any private road: ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater,

- (D) For any railroad: twenty-three feet,
- (E) For a waterway or any other unspecified traverse way: the height of the highest mobile object that would normally use the traverse way;
- (4) Any other structure for which notice is required to be given to the FAA pursuant to current or future laws and regulations, including any such notice requested by the FAA for any construction or alteration that would be in an instrument approach area and available information indicates the height might exceed any FAA obstruction standard.
- (5) Airports, airstrips, heliports, vertiports, spaceports or similar aviation-flight use.

Any notice required by this section shall be on [~~FAA Form 7460-1~~]designated FAA forms, available from the regional offices of the FAA.

(b) Construction or Alteration Not Requiring Notice. Notice to the FAA is not required for construction or alteration of any of the following:

- (1) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographical features of equal or greater height and would be located in the congested area of a city, town or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
- (2) Any antenna structure of twenty feet or less in height, except one that would increase the height of another antenna structure.
- (3) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator of the FAA, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.

SECTION 15. Title 20, Chapter 20.13, Section 20.13.060 of the Clark County Code, is hereby amended to read as follows:

20.13.060 Permit Required

- (a) A permit from the director of aviation shall be required before any of the following:
 - (1) Any new structure or use which is required to give notice under Section 20.13.050(a) may be constructed or established;
 - (2) Any existing structure or use which is required to give notice under Section 20.13.050(a) may be substantially changed or substantially altered;
 - (3) Any nonconforming structure or tree may be replaced, substantially altered, rebuilt, allowed to grow higher, or replanted.

No such permit shall be required to make maintenance repairs to any existing structure, or to replace parts of any existing structure, which repairs or replacements do not substantially enlarge or increase the height of an existing structure.

(b) The applicant for such permit shall apply to the director of aviation, on forms prescribed by the director of aviation, and together therewith, provide the following information:

- (1) If notice is required under Section 20.13.050(a) above, a copy of:
 - (A) The notice to the FAA,
 - (B) The acknowledgement thereof issued by the FAA pursuant to [~~Part 77 of Title 14 of the FAA Regulations (“Part 77”)~~] [FAA regulations](#) and
 - (C) Any further aeronautical study of the proposed construction or alteration conducted by the FAA [~~pursuant to Part 77~~];
- (2) A copy of the schematic plans for the contemplated structure or use, which plans shall demonstrate the height and configuration of the structure or use;
- (3) Such other studies and background information as the director of aviation may reasonably require.

(c) The director of aviation shall review the permit application and shall deny a permit if:

- (1) The granting of the permit would allow the establishment or creation of an airport hazard;
- (2) The granting of the permit would permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when these regulations were adopted or than it is when the application for a permit is made; or
- (3) The granting of the permit would exceed the height limitations set forth in Section 20.13.040 by more than two hundred feet.

In determining whether any structure or tree or use constitutes an airport hazard, the director of aviation shall consider, among other evidence, whether any such structure or tree or use has been determined by the FAA to be [objectionable or](#) a hazard to air navigation [~~pursuant to Part 77~~].

(d) The director of aviation shall have thirty days after receipt of an application for a permit to advise the applicant whether or not additional information is required. If the director advises the applicant that no additional information is required, the director of aviation shall have thirty additional days to grant or deny the permit. If additional information is required, the director of aviation shall have thirty additional days after receipt of all necessary specified information to grant or deny the permit. Failure to grant or deny the permit within such specified time periods shall be deemed to constitute a grant of such permit.

SECTION 16. If any section of this ordinance or portion 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 17. 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 18. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the 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.

PROPOSED on the 20th day of August, 2024.

PROPOSED BY: Commissioner Tick Segerblom

PASSED on the 17th day of September 2024.

AYES: Tick Segerblom

William McCurdy II

James B. Gibson

Justin Jones

Marilyn K. Kirkpatrick

Ross Miller

Michael Naft

NAYS: None

ABSTAINING: None

ABSENT: None

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: 
Tick Segerblom (Sep 23, 2024 13:50 PDT)
TICK SEGERBLOM, Chair

ATTEST:

Lynn Marie Goya

LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after the 2nd day of October 2024.








BCC 9/17/2024 #50 Approved item for signature

Final Audit Report

2024-09-24

Created:	2024-09-18 (Pacific Daylight Time)
By:	Ricky McColl (FYM@ClarkCountyNV.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA-tH9zByEB5LyLX933L_AwR5Vy4Kr-EJ7

"BCC 9/17/2024 #50 Approved item for signature" History

-  Document created by Ricky McColl (FYM@ClarkCountyNV.gov)
2024-09-18 - 9:52:27 AM PDT - IP address: 198.200.132.41
-  Document emailed to tsegerblom@clarkcountynv.gov for signature
2024-09-18 - 1:55:46 PM PDT
-  Email viewed by tsegerblom@clarkcountynv.gov
2024-09-23 - 1:50:32 PM PDT - IP address: 198.200.132.41
-  Agreement viewed by tsegerblom@clarkcountynv.gov
2024-09-23 - 1:50:33 PM PDT - IP address: 198.200.132.41
-  Signer tsegerblom@clarkcountynv.gov entered name at signing as Tick Segerblom
2024-09-23 - 1:50:46 PM PDT - IP address: 198.200.132.41
-  Document e-signed by Tick Segerblom (tsegerblom@clarkcountynv.gov)
Signature Date: 2024-09-23 - 1:50:48 PM PDT - Time Source: server- IP address: 198.200.132.41
-  Document emailed to Lynn Goya (Lynn.Goya@ClarkCountyNV.gov) for signature
2024-09-23 - 1:50:50 PM PDT
-  Agreement viewed by Lynn Goya (Lynn.Goya@ClarkCountyNV.gov)
2024-09-24 - 8:59:37 AM PDT - IP address: 198.200.132.69
-  Document e-signed by Lynn Goya (Lynn.Goya@ClarkCountyNV.gov)
Signature Date: 2024-09-24 - 8:59:46 AM PDT - Time Source: server- IP address: 198.200.132.69
-  Agreement completed.
2024-09-24 - 8:59:46 AM PDT

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

CC CLERK
ATTN: COMMISSION CLERK
RM 6037
500 S GRAND CENTRAL PKWY
LAS VEGAS NV 89155

Account # 104095
Order ID 322556

IMAGE ON NEXT PAGE(S)

Leslie McCormick, being 1st duty sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal/Las Vegas Sun, daily newspaper regularly issued, published and circulated in the Clark County, Las Vegas, Nevada and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal/Las Vegas Sun, in 2 edition(s) of said newspaper issued from 09/24/2024 to 10/01/2024, on the following day(s):

09/24/2024, 10/01/2024

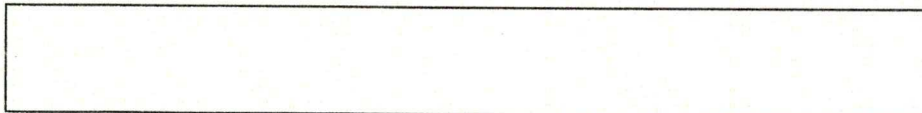
Leslie McCormick

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this October 1, 2024

Notary

Linda Espinoza



ORDINANCE NO. 5177

AN ORDINANCE TO AMEND TITLE 30, CHAPTERS 30.01, 30.02, 30.03, 30.04, 30.06, 30.07 AND TITLE 20, CHAPTER 20.13 OF THE CLARK COUNTY CODE TO INCLUDE ADDITIONAL USES TO BE REGULATED UNDER AIRSPACE, REQUIRING DEPARTMENT OF AVIATION DIRECTOR PERMITS FOR THOSE USES, AND MAKE RELATED UPDATES, CORRECTIONS, AND CLARIFICATIONS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

NOTICE IS HEREBY GIVEN that typewritten copies of the above numbered and entitled Ordinance are available for inspection by all interested parties at the Office of the County Clerk of Clark County, Nevada, at her Commission Division Office on the first floor of the Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, Nevada, and that said Ordinance was proposed by Commissioner Tick Segerblom on the 3rd day of September 2024 and passed on the 17th day of September 2024, by the following vote of the Board of County Commissioners:

Aye: Tick Segerblom
William McCurdy II
James B. Gibson
Justin Jones
Marilyn K. Kirkpatrick
Ross Miller
Michael Naft

Nay: None
Abstaining: None
Absent: None

This Ordinance shall be in full force and effect from and after the 2nd day of October 2024.

(SEAL) LYNN MARIE GOYA,
COUNTY CLERK
and Ex-Officio Clerk of the
Board of County
Commissioners

Dated this 17th of
September 2024.

PUB: Sept. 24, Oct. 1, 2024
LV Review-Journal