

BILL NO. 2773

INTRODUCED BY COUNCIL

ORDINANCE NO. \_\_\_\_\_

CA-4-19 - City of Sparks

AN ORDINANCE BY THE CITY OF SPARKS AMENDING TITLE 20 OF THE SPARKS MUNICIPAL CODE TO ADD OR REVISE STANDARDS PERTAINING TO HOURS OF OPERATION, THE NUMBER OF PERMITS ALLOWED PER DWELLING UNIT, PERMITTED USES, AND STANDARDS AND PROCEDURES FOR REVOCATION OF HOME OCCUPATIONS PERMIT.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

**SECTION 1:** Chapter 20.03.020 (Home Occupations) of the Sparks Municipal Code is hereby amended as depicted in Exhibit '1'.

**SECTION 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law and to record the plan certified herein as provided by law.

**SECTION 4:** This ordinance shall become effective upon passage, approval, publication.

**SECTION 5:** The provisions of this ordinance shall be literally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

**SECTION 6:** If any subsection, phrase, sentence or portion of this section is for any reason held invalid or unconstitutional

by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

**SECTION 7:** The City Council finds that this ordinance is not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_,  
2020, by the following vote of the City Council:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_,  
2020 by:

\_\_\_\_\_  
**RONALD E SMITH, Mayor**

**ATTEST:**

**APPROVED AS TO FORM & LEGALITY:**

\_\_\_\_\_  
**LISA HUNDERMAN, City Clerk**

\_\_\_\_\_  
**CHESTER H. ADAMS, City Attorney**

Section 20.03.020 - Home occupations.

Use Category: Residential

- A. Applicability. This Section applies to any Home Occupation.
- B. Standards.
  - 1. The home occupation shall be operated entirely within a dwelling unit by a person or persons residing in the dwelling unit as a clearly secondary and incidental use of the dwelling for residential purposes. The home occupation must not change the residential character of the dwelling unit.
  - 2. There shall be no use of any garage, accessory building, yard space or any activity outside the living area of the residence in association with the home occupation.
  - 3. Not more than 20 percent of the living area of the residence shall be used for the home occupation.
  - 4. The home occupation may include storage for stock-in-trade, supplies, or goods included in the maximum area allowed in subsection 3 above. Areas used for storage shall not be visible from outside of the dwelling unit.
  - 5. Up to five client visits or service deliveries to the home occupation are allowed per day between the hours of 7:00 a.m. and 8:00 p.m.
  - 6. Not more than one vehicle, not exceeding 10,000 pounds GVWR ton in capacity with commercial advertising displayed, shall be kept at the residence.
  - 7. There shall be no indication of the home occupation on the exterior of the premises:  
  
\*U unless required by state or federal law or regulation. The applicant bears the burden of demonstrating that this exception applies to the proposed home occupation. Demonstration of this requirement is necessary for the City to permit indication on the exterior of the home occupation.
  - 8. There shall be no manufacturing, processing, or similar activity on the premises ~~which~~ that generates noise, odor, dust, vibration, fumes, smoke, electrical interference or other interference with adjacent properties.
  - 9. The home occupation shall not be operated without the written consent of the owner of the real property.
  - 10. No employees of the business shall be allowed to report for duty either at or near the residence.

11. The business use(s) of the residence shall be limited to the use(s) described in the home occupation permit application as submitted and approved.
12. Only one (1) home occupation permit may be issued for any dwelling unit at any time. An accessory dwelling unit is not a separate dwelling unit for purposes of this section.

C. Home Occupation Permit.

1. Permit Required. A person desiring to conduct a home occupation shall complete a home occupation permit application. No permit application shall be accepted or reviewed until the applicant has first ~~filed~~ applied for a city business license under Title 5 of this code.
2. Permit Application Review Procedure. The Administrator shall review the completed permit application, ~~and~~ conduct a site visit, and take one of the following actions:
  - a. Issue a home occupation permit if the information contained on the completed permit application clearly indicates all of the standards will be met; or
  - b. Provide written notice to the ~~The~~ applicant that the home occupation permit application is denied ~~shall apply for a conditional use permit~~ if the information contained on the completed permit application indicates that one or more of the conditions contained in subsection B of this section ~~may be violated~~ will not be met.
3. Revocation. The Administrator may revoke the home occupation permit if:
  - a. The applicant provides materially false information in the home occupation permit application ~~or, if required, a conditional use permit application~~;
  - b. The applicant violates any standard provided in this section; or
  - c. If a conditional use permit was required, the applicant violates any condition of the conditional use permit. In any twelve-month period, two (2) or more notices of violation for any violation(s) of this Code are issued to the property on which the home occupation is conducted.