

BILL NO. 2651

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

CA-6-12 - City of Sparks

AN ORDINANCE AMENDING TITLE 20 OF THE SPARKS MUNICIPAL CODE TO MODIFY THE EXPIRATION PROVISIONS FOR SPECIAL USE PERMITS (CHAPTER 20.13) AND SITE PLAN REVIEW (CHAPTER 20.31) AND OTHER MATTERS PROPERLY RELATING THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

SECTION 1: Section 20.13.070 is hereby amended as follows:

A. Issuance of special use permit and rescission of approval.

Following final approval of a special use, the administrator shall issue the permit after the conditions of approval, except for continuing conditions, have been satisfied. If such conditions of approval have not been satisfied within ~~one~~ two years after final action was taken, or within such other time limit specified in the permit, the approval is automatically rescinded.

B. Section 20.13.080 Expiration of special use permit.

Once a special use permit has been approved, the applicant has ~~one~~ two years after the date of the approval to establish the permitted use. If the permitted use has not been established, or construction to accommodate that use has not begun within ~~one~~ two years after the approval, and diligently pursued, it shall become null and void.

C. Section 20.13.090 Extension of time.

If a permit holder is unable to establish the permitted use or begin construction to accommodate such use within one two years, or the time specified in the special use permit, the body which approved it may extend the expiration date of the special use permit for a maximum of one year beyond the original expiration date. To obtain such an extension, written request must be submitted to that body by the permit holder before permit expires.

D. Section 20.31.090 Expiration of site plan review.

Once a site plan review has been approved by the administrator, the applicant has one two years to establish the permitted use. If the permitted use has not been established or construction to accommodate that use begun within one two years following approval and diligently pursued, it shall become null and void. Once a permitted use has been established in accordance with the conditions of approval of the site plan review and the site plan review permit has been issued by the administrator, the permit will be valid until revoked unless there is a specific expiration date.

E. Section 20.31.110 Extension of time.

In the event that an applicant is unable to establish the approved use or begin construction to accommodate such use within one two years or a time specific to the particular site plan review, the administrator may extend the expiration date, provided that a written request, which includes the current status of the project, is submitted to the administrator by the applicant before the approval expires.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed. All Site Plan Reviews and Special Use Permits which have not yet expired will be affected by this ordinance.

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 _____,
2013, by the following vote of the City Council:

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED this _____ day of _____,
2013 by:

GENO MARTINI, Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Linda Patterson, City Clerk

CHESTER H. ADAMS, City Attorney