BILL NO. _____   **INTRODUCED BY COUNCIL**

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 1.10 AND 20.05 OF THE SPARKS MUNICIPAL CODE, REGARDING PUBLICATION OF CERTAIN NOTICES, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

SECTION 1. Section 1.10.010: "Public hearings—Required in certain cases," is hereby repealed.

SECTION 2. Section 20.05.001: Common Processes, "Generally," is hereby amended as follows:

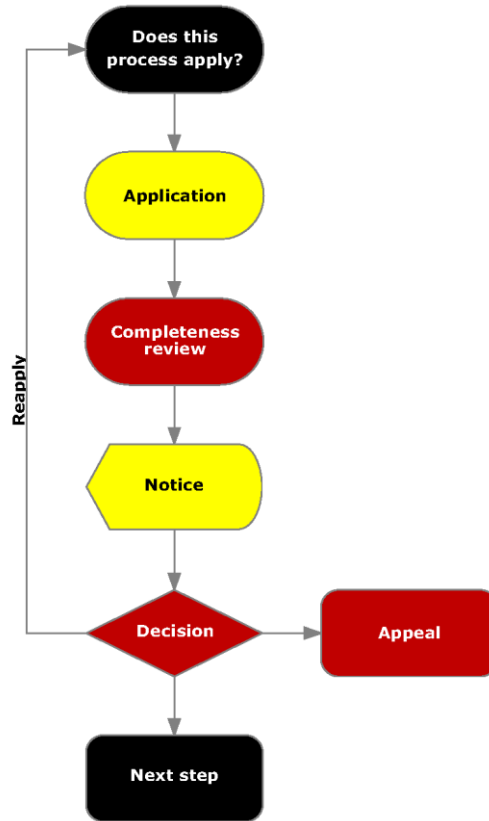**Section 20.05.001 – Generally.**

A.   Applicability.

1.   This chapter applies to any application of land development approval in the City.

2.   This chapter establishes procedures for land development decisions made under this chapter. These include:

   a.   Legislative decisions, including rezoning and changes to this Zoning Code and the Master Plan. These involve a new policy or rule, or a change in land development policy.

   b.   Quasi-judicial decisions, including conditional use permits and variances. These proceedings require a weighing of the evidence, a balancing of the equities, an application of rules, regulations and ordinances to facts and a resolution of specific issues. These also involve a public hearing and the exercise of discretion by the decision-making body.

   c.   Administrative decisions, such as building permits and certificates of occupancy. These apply this code or conditions of a quasi-judicial decision to a specific project that is either clearly defined in this code, or that has already obtained all necessary legislative and quasi-judicial approvals. Because these involve the application of non-discretionary rules to specific projects, these decisions are made by City staff without a public hearing.

B. Process Elements. This chapter sets up rules for procedures, such as pre-application, neighborhood notification, notices and public hearings. It then describes the process for specific land use decisions. The procedures all have a common workflow and description, as follows:

Table 20.05-1 Process Elements

The processes established in this Code are summarized below.

Table 20.05-2 Process Summary

Process	Administrator/ Staff	Planning Commission	City Council	Publication	Mail	Cross Reference
Administrative Review	✓					Section 20.05.007
Annexation		✓	✓	✓	✓	Section 20.05.005
Appeal			✓	✓	✓	Section 20.05.013
Conditional Use Permit		✓		✓	✓	Section 20.05.008
Development Agreement		✓	✓			Section 20.05.009

Minor Deviation	✓					Section 20.05.010
Major Deviation		✓			✓	Section 20.05.011
Rezoning		✓	✓	✓	✓	Section 20.05.006
Code Amendment		✓	✓	✓		Section 20.05.006
Variance		✓		✓	✓	Section 20.05.012
Tentative Map		✓	✓	✓̶		

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 5. This ordinance shall become effective upon passage, approval, and publication.

SECTION 6. The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare, and convenience.

SECTION 7. If any subsection, phrase, sentence or portion of this ordinance 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 8. 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 _____, 20___, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this _____ day of _____, 20___, by:

_____
GENO MARTINI, Mayor

ATTEST:

_____
TERESA GARDNER, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
CHESTER H. ADAMS, City Attorney