

BILL NO. _____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 20 OF THE SPARKS MUNICIPAL CODE; TO ADD CHAPTER 20.12 TO ESTABLISH AN ADMINISTRATIVE REVIEW INCLUDING THE PROCESS, APPLICATION REQUIREMENTS, FINDINGS AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

Section 1. Section 20.12: “Administrative Review” is hereby added as follows:

Section 2. Section 20.12.010: “Purpose” is hereby added as follows:

The purpose and intent of administrative review is to determine whether the proposed use will conform to the zoning ordinance, building and fire codes and other applicable ordinances and requirements of the city. Administrative review shall insure the development of an aesthetically acceptable and well-ordered community serving the interests of public health, safety and general welfare.

Section 3. Section 20.12.020: “Administrative review application requirement and review process” is hereby added as follows:

- A. *Any person seeking an administrative review must submit to the administrator the required application fee accompanied by an administrative review application and supporting materials as prescribed by the administrator. The application shall include information as may be necessary as deemed by the administrator for adequate review of the application. Within fifteen (15) working days of receipt of an application, the administrator shall review the application, determine whether the application is deemed complete and send a written notice of such determination to the applicant. If the administrator determines that the application is incomplete, the notice of determination shall specify the information necessary to make the application complete. Within fifteen (15) working days of receipt of additional submitted materials, the administrator shall determine whether the application is then deemed complete and send a written notice of such determination to the applicant. If following this additional submittal the administrator has determined that the application is not deemed complete, the applicant may appeal that determination to the Planning Commission by filing a written notice of appeal with the administrator. The notice of appeal shall be filed within ten (10) days following the receipt of the written determination of the administrator by the applicant. The Planning Commission shall issue a written determination on the appeal within sixty (60) days after receipt of the notice of appeal. Nothing in this section precludes an applicant and the City from mutually agreeing to an extension of any time limit provided by this section.*
- B. *Within thirty days from the filing of a complete administrative review application with the planning and community services department, the planning and community services department shall submit to the applicant a letter and conditions of approval relative to the administrative review.*

Title 20 Zoning and Land Use Amendment (April 2014)

Section 4. Section 20.12.030: “Considerations in review of application” is hereby added as follows:

The plan review committee and the administrator shall consider the following matters, and others when applicable, in their review of applications:

- A. *Considerations relating to land use:*
 - 1. *The surrounding land uses considering the potential impacts on the existing uses;*
 - 2. *The potential impacts the proposed use could have on the surrounding existing and proposed uses;*
 - 3. *Whether the proposed use is consistent with the intent and purpose of this Code; and*
 - 4. *Whether the proposed use is consistent with the intent and purpose of the applicable zoning district.*
- B. *Considerations relating to public safety and traffic conditions:*
 - 1. *The effect of the site development plan on traffic conditions on abutting streets;*
 - 2. *The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, walkways and fire-department access lanes;*
 - 3. *The arrangement and adequacy of off-street parking facilities to prevent traffic congestion;*
 - 4. *The location, arrangement, and dimensions of loading and unloading facilities;*
 - 5. *The surfacing and lighting of off-street parking; and*
 - 6. *Location of refuse storage and disposal facilities.*
 - 7. *The review of any issues relating to public safety, health and welfare.*
- C. *Considerations relating to landscaping and drainage:*
 - 1. *The location, height and materials of walls, fences, hedges, and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations or other unsightly development;*
 - 2. *The planting of ground cover or other surfacing to prevent dust and erosion;*
 - 3. *The unnecessary destruction of existing healthy trees; and*
 - 4. *The effect of the site development plan on the adequacy of the storm and surface water drainage.*

Section 5. Section 20.12.040: “Issuance of administrative review permit” is hereby added as follows:

Following approval of an administrative review by the plan review committee, the administrator will issue an administrative review permit after the conditions of approval have been satisfied. If such conditions of approval have not been satisfied within two years of the date of the letter from the administrator, or within another specified time limit stated as a condition of approval, the approval is automatically rescinded.

Section 6. Section 20.12.050: “Responsibility” is hereby added as follows:

Compliance with and maintenance of the conditions of approval of an administrative review permit issued by the administrator for a particular piece of property becomes the responsibility of the property owner. An administrative review runs with the land, subject to termination in accordance with the procedures set forth in this chapter.

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Section 7. Section 20.12.060: “Modifications” is hereby added as follows:

If the administrative review requires the issuance of building permits for construction, the administrator may permit minor adjustments of the location and/or dimensions of buildings, parking areas and roadways, provided such adjustments do not change any points of ingress or egress to the site nor reduce the parking or landscaping requirements to less than the minimum required. No modification of an approved application can be approved unless specifically provided in writing.

Section 8. Section 20.12.070: “Amendments” is hereby added as follows:

- A. *Administrative review must be amended when it appears that:*
 - 1. *One or more of the conditions of approval cannot be met;*
 - 2. *There are substantial changes in the project; or*
 - 3. *In the opinion of the administrator, proposed changes to an approved project will impact surrounding properties.*
- B. *Amendments to administrative reviews must follow the same procedure as for a new application, including, but not limited to, the application fee, application forms and supporting documents as required by Section 20.12.020(A) of this code.*

Section 9. Section 20.12.080: “Expiration of administrative review” is hereby added as follows:

Once an administrative review has been approved by the administrator, the applicant has two years to establish the permitted use, unless another specified time limit is stated in the conditions of approval. If the permitted use has not been established or construction to accommodate that use begun within two years or time specified in the conditions of approval 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 administrative review and the administrative review permit has been issued by the administrator, the permit will be valid until revoked unless there is a specific expiration date.

Section 10. Section 20.12.090: “Revocation” is hereby added as follows:

An administrative review may be revoked by the administrator for any of the following reasons:

- A. *The permit holder violates one or more conditions of the permit;*
- B. *The permitted use becomes a public nuisance; or*
- C. *The permit was granted on the basis of false statements or a fraudulent application.*

Section 11. Section 20.12.100: “Extension of time” is hereby added as follows:

In the event that an applicant is unable to establish the approved use or begin construction to accommodate such use within 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 12: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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SECTION 13: The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 14: This ordinance shall become effective upon passage, approval and publication.

SECTION 15: 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 16: 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 17: 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