

AMENDMENT TO EXPIRATION OF SPECIAL USE PERMIT

BILL NO. 2640

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 20.13 OF THE SPARKS MUNICIPAL CODE; TO CHANGE THE EXPIRATION DATE RELATED TO THE CESSATION OF A USE ESTABLISHED BY A SPECIAL USE PERMIT FROM SIX (6) MONTHS TO TWO (2) YEARS; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

SECTION 1: Section 20.13.080: "Expiration of special use permit" is hereby amended as follows:

Once a special use permit has been approved, the applicant has one year 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 year after the 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 special use permit, and the special use permit has been issued by the administrator, the permit will be valid until revoked, unless it contains a specified expiration date. If the use for which the special use permit was issued ceases operation for *2 years* ~~6 months~~ or more, the special use permit becomes null and void. If a final subdivision map is recorded on any portion of a project while a special use permit for the project is in effect, the use of that portion of the project will be considered established, even if construction has not taken place, unless the subdivision map is amended or reverted to acreage.

A. Special use permit may be revoked by the body which approved it for any of the following reasons:

1. The permit holder violates one or more conditions of the permit.
2. The permitted use becomes a public nuisance.
3. The permit was granted on the basis of false statements or a fraudulent application.

If the administrator has reason to believe that a special use permit is subject to revocation, he may institute proceedings to revoke the permit. Before revoking any special use permit, ~~the~~ the body which approved it must hold a public hearing as provided in Section 20.07.050. (Ord. 1779, 1993; Ord. 1487 § 6 (part), 1985.) (Ord. 2077, Amended, 07/10/2000)

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SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.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

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

SECTION 5: 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 6: 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 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 27th day of February, 2012, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this 27th day of February, 2012, by:

GENO MARTINI, Mayor

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ATTEST:

LINDA K. PATTERSON, City Clerk

**APPROVED AS TO FORM AND
LEGALITY:**

CHESTER H. ADAMS, City Attorney