Chapter 18.02 - ADMINISTRATIVE PROVISIONS

Chapter 18.02 of the Carson City Municipal Code (CCMC) establishes the administrative procedures and other provisions for the various zoning applications and review processes. Many zoning review procedural requirements are established by NRS and are restated in this Chapter. City staff is proposing clerical corrections and other clarifications throughout the chapter that are not substantive to the administration of the code provisions. The purpose of this document is to summarize substantive changes that are being proposed.

18.02.015 - Purpose.

This section establishes the legal basis under which the zoning provisions of Title 18 are created, as well as establishing the purpose in clear language for everyone to understand. In addition to some clerical updating of this section, there are two additional intent statements added to the intent of Title 18, which are to:

5. Facilitate adequate provision of transportation, water, sewerage, drainage and other public facility requirements; and

6. Provide the economic and social advantages gained from a comprehensively planned use of land resources.

18.02.035 – Commission and Board applications.

Provisions regarding the continuance of zoning applications (for review at future applicable meetings) are consolidated from other code sections into paragraph 5 of this section. Provisions regarding the handling of withdrawal of applications are added in paragraph 6.

18.02.050 - Review.

Subsection 4 is added to consolidate provisions regarding the applicant's burden of proof to provide evidence that the application meets required findings. Currently, the statement regarding the applicant's burden of proof is spread out in each application section rather than under this section pertaining to review standards.

18.02.055 - Fees and service charges.

This section will be deleted in its entirety, and fees will be adopted by Resolution of the Board of Supervisors, consistent with the City's policy for adopting fees. No changes to zoning application fees are proposed.

18.02.070 - Master Plan.

The requirement for a minimum project area of 10 acres for a Specific Plan is deleted from subsection 7(b).

The time in which the Planning Commission must consider a Master Plan Amendment application from the date of submittal of an application is added in subsection 9. Currently, no time limit is stated in the code. A time limit of 65 days is added, consistent with other Planning Commission applications.

The required findings for approval of a Master Plan Amendment are revised. The general findings are the same, but additional guidance is added to include the factors that the Planning Commission and Board of Supervisors should consider when making the findings. The revised findings from subsection 10 are as follows:

10. Commission Findings for Master Plan Amendments. When forwarding its decision to the Board for adoption of a Master Plan Amendment, the Commission shall, at a minimum, make the following findings of fact:

(a) Consistency with Master Plan. The proposed amendment is in substantial compliance with the goals, policies and action programs of the Master Plan. In considering this finding, the Commission:

(1) Shall weigh competing plan goals, policies and action programs; and

(2) May approve an application even if the goals, policies, or action programs in the Master Plan are inconsistent with the proposed amendment;

(b) Compatible Land Uses. The proposed amendment will provide for land uses compatible with existing adjacent land uses, and will not adversely impact the public health, safety or welfare. The factors to be considered in evaluating this finding shall include:

(1) The general characteristics of the uses that may be conducted within the proposed land use designation are reasonably compatible with the types of uses permitted in the surrounding areas;

(2) The potential for property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or lighting;

(3) The potential for any hazard to persons or property from possible explosion, contamination, fire or flood; and

(4) The potential for any impact on surrounding properties resulting from unusual volume or character of traffic as compared to the volume or character of traffic that could be expected under the existing land use designation;

(c) Response to Changed Conditions. The proposed amendment addresses changed conditions that have occurred since the plan was adopted by the Board and the requested amendment represents a more desirable utilization of land; and

(d) Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the city and guides development of the city based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

18.02.075 - Zoning Map Amendment and Zoning Code Amendment.

The required findings for approval of a Zoning Map Amendment are revised. The general findings are the same, but additional guidance is added to include the factors that the Planning Commission and Board of Supervisors should consider when making the findings. The revised findings from subsection 5 are as follows:

5. Findings. The Commission, in forwarding a recommendation to the Board for approval of a Zoning Map Amendment or Zoning Code Amendment, shall make the following findings of fact:

(a) The proposed amendment is in substantial compliance with and supports the goals and policies of the master plan. In considering this finding, the Commission:

(1) Shall weigh competing plan goals, policies and action programs; and

(2) May approve an application that provides a public benefit even if the some of the goals, policies, or action programs in the Master Plan are inconsistent with the proposed amendment;

(b) The proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity. The factors to be considered in evaluating this finding shall include

(1) The general characteristics of the uses that may be conducted within the proposed zoning district are reasonably compatible with the types of uses permitted in the surrounding areas; and

(c) The proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare. The factors to be considered in evaluating this finding shall include:

(1) The potential for property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or lighting;

(2) The potential for any hazard to persons or property from possible explosion, contamination, fire or flood; and

(3) The potential for any impact on surrounding properties resulting from unusual volume or character of traffic as compared to the volume or character of traffic that could be expected under the existing zoning designation.

18.02.080 - Special Use Permit (conditional uses).

The required findings for approval of a Special Use Permit are revised. The general findings are the same, but additional guidance is added to include the factors that the Planning Commission should consider when making the findings. The revised findings from subsection 5 are as follows:

5. Findings. In approving a Special Use Permit, the Commission shall make the following findings of fact:

(a) The proposed use will be in substantial compliance with the objectives of the Master Plan elements. In considered this finding, the Commission:

(1) Shall weigh competing plan goals, policies and action programs; and

(2) May approve an application even if the goals, policies, or action programs in the Master Plan are inconsistent with the proposed project;

(b) The proposed location of the use is in accordance with the objectives of this title and the purpose of the zoning district in which the site is located;

(c) The proposed site location and scale, intensity, density, height, layout, setbacks, architectural and overall design of the development and the uses proposed contribute to and enhance the character of the area in which it is located;

(d) The granting of the Special Use Permit will not be materially detrimental to the public health, safety or welfare. The factors to be considered in evaluating this finding shall include:

(1) Property damage or nuisance resulting from noise, vibrations, fumes, odors, dust, glare or physical activity;

(2) Any hazard to person or property from possible explosion, contamination, fire or flood; and

(3) Any impact on the surrounding area resulting from unusual volume or character of traffic as compared to the volume or character of traffic that could be expected from permitted uses within the zoning district in which the property is located;

(e) The characteristics of the proposed use is reasonably compatible with the types of uses permitted in the surrounding area; and

(f) The use will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public improvements.

18.02.085 - Variances.

The required findings for approval of a Variance are revised. The revised findings from subsection 5 are as follows:

5. Findings. In approving a Variance, the Commission shall make the following findings of fact:

(a) Because of special circumstances applicable to the subject property, including shape, size, topography or relation to surrounding properties at the time of enactment of the regulation for which the Variance is being sought, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity within the same zoning district;

(b) The strict application of the regulation would result in peculiar and exceptional practical difficulties, or exceptional and undue hardship; and

(c) The granting of the Variance will not, under the circumstances of the particular case, be materially detrimental to the public health, safety or welfare, or injurious to property or improvements in the vicinity.

18.02.095 - Show cause procedure of Variance or Special Use Permit.

The term "applicant" is changed to "owner" throughout the section to reflect that an owner of the applicable property is the responsible party for maintaining a Special Use Permit or Variance for that property. Special Use Permits and Variances are "attached" to the property for which they were approved, not the applicant. An original Special Use Permit applicant is frequently not the current owner or operator of the use for which the Special Use Permit was granted. The change clarifies that the property owner must be notified of any show-cause proceedings and is responsible for ensuring that the issues pertaining to the applicable Special Use Permit or Variance on the property are addressed.

18.02.105 - Standard conditions of approval.

This section includes the standard conditions of approval for various zoning and subdivision applications. The following condition is deleted throughout the section:

(e) All other departments' conditions of approval, which are attached, shall be incorporated as conditions of this report.

Conditions from "other departments" are actually included in the final conditions of approval for an application. Referencing "attached" conditions is unnecessary and can lead to confusion as to which attached conditions are applicable.

The required time period in which an applicant must sign and return a notice of decision is changed from 10 days to 21 days throughout the section, consistent with the time period established in Section 18.02.050 (Review).

In subsection 5 (Tentative Map), the start time for hours of construction on Saturdays and Sundays for subdivisions is changed from 7:00 a.m. to 8:00 a.m. The hours of construction for subdivisions would then be 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday and Sunday.

In subsection 5 (Tentative Map), the time in which an applicant must record a final map is added consistent with the provisions of NRS Chapter 278.