[Staff note: This draft is for the purpose of review and comment by the Board of Supervisors at their meeting on October 1, 2020. It includes technical corrections and modification in compliance with ordinance drafting standards throughout the document. Where substantive changes are proposed, those changes are so noted in the staff notes within that section.]

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Chapter 18.02 - ADMINISTRATIVE PROVISIONS

18.02.005 - Short title.

This title shall be known and may be cited in all proceedings as the Carson City Zoning Ordinance.
(Ord. 2001-23 § 2 (part), 2001).

18.02.007 - Power of the Board—Zoning and planning.

1. The Board may:

(a) Divide Carson City into districts and regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land within those districts;

(b) Adopt master plans for Carson City which will serve as a pattern and guide for the kind of orderly physical growth and development of the city that will minimize impairment of the city's natural resources; and

(c) Establish and adopt ordinances and regulations relating to the subdivision of land.

2. The Board shall carry out the provisions of subsection 1 in the manner prescribed by Chapters 278 and 278A of NRS.

(Ord. 2001-23 § 2 (part), 2001).

18.02.010 - Planning Commission: Creation; duties; appointment, terms and removal of members; compensation.

1. There is hereby created the Carson City Planning Commission pursuant to NRS 278.030.

2. In accordance with NRS 278.010 to 278.630, inclusive, and the provisions of CCMC, the Commission shall perform all duties that are required and may exercise all powers which have been granted.

3. The Commission must be composed of seven members, appointed by the Mayor from Carson City at large with the approval of the Board as required by NRS 278.030 and 278.040 and in accordance with the Policies and Procedures of the Carson City, Nevada Boards, Committees, and Commissions adopted by the Board, as may be amended.

4. The term of each member is 4 years, or until his or her successor takes office. A vacancy on the Commission that occurs other than through the expiration of a member's term must be filled for the unexpired term in the same manner provided in subsection 3.

5. Each member appointed to the Commission pursuant to this section must continuously reside and be registered to vote in Carson City throughout his or her term in office.

6. The members of the Commission shall elect a Chair and Vice-Chair by majority vote each year. Pursuant to NRS 278.060 and subject to any additional limitations set forth in the Policies and Procedures of the Carson City, Nevada Boards, Committees, and Commissions adopted by the Board, as may be amended, each term of Chair and Vice-Chair is one year, with eligibility for reelection.

7. A member of the Commission may be removed, after a public hearing, by a majority vote of the Board for just cause, including, without limitation, for any of the following conduct:

(a) Inefficiency;

(b) Neglect of duty;

(c) Malfeasance; or

(d) Violation of any provision set forth in the Policies and Procedures of the Carson City, Nevada Boards, Committees, and Commissions adopted by the Board, as may be amended.

8. The members of the Commission shall serve without compensation.

(Ord. 2018-3, 2018).

18.02.011 - Meetings; records.

The Commission shall:

1. Hold at least 1 regular meeting in each month;

2. Adopt bylaws and rules for the transaction of business; and

3. Keep a complete record of its resolutions, transactions, findings and determinations, all of which constitute a public record and must be maintained by the Department.

(Ord. 2018-3, 2018).

18.02.012 - Commission actions; appeal to Board; attendance of Director.

1. On any matter properly before the Commission and on which the Commission has taken final action, the action may be appealed to the Board by the proponent of the action, any party aggrieved by the action or any member of the Board pursuant to CCMC 18.02.060.

2. On any matter properly before the Commission and on which the Commission has made a recommendation for action to the Board, the approval or denial of the matter by majority vote of the Board shall be deemed to be the final action, unless the matter is remanded to the Commission by the Board for further consideration.

3. The Director or his or her designee shall attend each meeting of the Commission.

(Ord. 2018-3, 2018).

18.02.015 - Purpose.

The purpose of title 18 is to promote the health, safety and general welfare of Carson City's citizens by providing appropriate and reasonable controls for the development and use of lands in Carson City, while also protecting the rights of property owners. This title also intends to:

1. Implement the goals, policies and strategies adopted in the Carson City Master Plan and its elements through effective implementation of development review requirements;
2. Establish a system of comprehensive, consistent and equitable regulations, standards and procedures for the review and approval of all proposed land development within the city;
3. Implement the process oriented standards located in this title;
4. Implement design-oriented standards contained in the development standards which is parallel authority to this title;
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.

(Ord. 2001-23 § 2 (part), 2001).

18.02.020 - Administration of title 18 of CCMC.

The Director shall administer this title.

(Ord. 2001-23 § 2 (part), 2001).

18.02.025 - Jurisdiction, interpretation and application.

The provisions and standards contained in this title, as well as the standards contained in the development standards, shall be deemed to be minimum standards with which compliance is essential to the permitted uses, and shall not be construed as limiting the legislative discretion of the Board to further restrict the permissive uses or to withhold or revoke permits for uses when the protection of the public health, morals, safety, welfare and residential neighborhoods is necessary. Except as otherwise noted as exceptions in title 18, the requirements of title 18 and the corresponding development standards of title 18 Appendix A shall apply to all properties within Carson City.

1. When this title imposes a greater restriction upon the use of land, or upon height, bulk, location or use of buildings than is required by existing provisions of law or by private covenant or other restriction, the provisions of this title shall prevail. Private covenants or deed restrictions which impose more restrictive conditions than herein contained are not superseded by this title but are separate from the provisions of this title and are not enforced by this title.
2. Rules of Interpretation. In interpreting the language of this title, the rules set out in this subchapter shall be observed unless the interpretation would be inconsistent with the expressed language of this title.
3. Text Controls. In case of any conflict between the text of this title and any figure, the text shall control.
4. Computation of Time. The time within which an act is to be performed shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or legal holiday**,** the period runs until the next day which is not a Saturday[~~.~~]**,** Sunday, or legal holiday. The following time-related words shall have the meanings ascribed below:
   (a) "Day" means a calendar day unless otherwise stated.
   (b) "Week" means 7 calendar days.
   (c) "Month" means 1 calendar month.
   (d) "Year" means a calendar year, unless a fiscal year is indicated.
5. Other Clarifications.

(a) Headings. The headings contained in this title are for convenience only and do not limit or modify the intent or meaning of the provisions.

(b) Tense. Unless clearly indicated to the contrary, words used in the present tense shall include the future, words used in the plural shall include the singular, words used in the singular shall include the plural, and words of one gender shall include the other.

(c) Use of Certain Words. The words "shall," "must," and "will" are always mandatory. The terms "may" and “should” are discretionary. Words and phrases shall be construed according to the common and approved usage in the language, except for technical words and phrases that may have acquired a peculiar and appropriate meaning as may be specifically defined within this title.

(d) Conjunctions. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:

(1) "And" indicates that all connected items or provisions apply; and

(2) "Or" indicates that the connected items or provisions may apply singularly or in any combination.

6. Delegation of Authority. Whenever reference is made to the head of a department or to some other City officer or employee, the reference shall be construed as authorizing the head of the department or other officer to designate, delegate to and authorize subordinates to perform the required act or duty, unless expressly provided otherwise.

7. Amendments to this title may create nonconforming uses. In this instance, standards from the previous code still apply to property made nonconforming by the amended code. All applications and permits that have been filed and are in process of review and approval, or when construction is occurring at the time of zoning changes to this title, will be reviewed and approved under the terms of the previous title 18 in effect at the time of application. The expansion of a nonconforming use or the development of a new use on a nonconforming property shall only be done in accordance with the provisions of this title. (Ord. 2001-23 § 2 (part), 2001).

18.02.030 - Enforcement.

It is unlawful for any person, firm or corporation, whether as a principal, agent, employee, or otherwise (hereinafter referred to as "party"), to construct, build, convert, alter, erect or maintain a building, structure or any use of property, equipment, or operation in violation of a provision of this title. Any use contrary to this title is a misdemeanor offense as defined in CCMC 1.08 (Misdemeanor Declared) and a public nuisance. The following procedure shall apply to enforce the provisions of this title:

1. In the event of a violation of this title, the Director may deliver to any party in violation of this title an order to comply with the provision of this title in a time period up to 30 days from the issuance of the order to comply, at the Director’s discretion.

2. Upon failure of any party in violation of this title to comply with the order described above, the Director is authorized and empowered to prepare, sign, and serve a criminal misdemeanor citation for the violation. A party is guilty of a separate offense for each and every day on which such violation of this title or failure to comply with any order is committed, confined, or otherwise maintained.

3. The Director may also refer notice of a violation to the district attorney for commencement of action to abate, remove and enjoin the violation as a public nuisance and a criminal action in the manner provided by law.

4. The conviction and punishment of any person under this section shall not relieve the person from the responsibilities of correcting the nuisance.
(Ord. 2001-23 § 2 (part), 2001).

18.02.035 – Commission and Board applications.

1. Application Deadline. An application for a Variance, Special Use Permit, Zoning Map Amendment, Zoning Code Amendment, Master Plan Amendment, Tentative Subdivision Map, Tentative Planned Unit Development, or an abandonment of a right-of-way or easement shall be filed with the

Director no later than 12:00 p.m. on the Thursday of the sixth week prior to the Commission meeting at which the application will be heard.

2. Determination of a Complete Application. Not more than 3 working days after the Commission or Board application deadline, the Director shall determine whether the application is complete and forward written notice to the applicant of the determination. If it is determined that the application is not complete, the written notice shall specify the application's deficiencies and describe the additional information required in order to make the application complete. The Director shall take no further action on the application unless the deficiencies are remedied. An incomplete application shall only be scheduled for Commission or Board review upon the submittal of a complete application pursuant to the provisions of this section. An application may only be scheduled for Commission review if the Director deems the application complete no later than 12:00 p.m. 33 days prior to the Commission meeting. If the Director fails to make a determination of completeness within 3 working days after the Commission or Board application deadline without the written concurrence of the applicant, the application is deemed complete. A determination of completeness shall not constitute a determination of compliance with other requirements of this title or NRS.

3. Processing of an Application. Following the determination of completeness of an application, the applicant shall tender the application fee to the Department. The Director shall review the application and prepare a report for the Commission or Board, as applicable, recommending approval, conditional approval, denial, or continuance for re-design. The Director shall schedule the application for public hearing within the time and in the manner required by this title, NRS, and administrative guidelines.

4. Official Filing Date. The time for processing and acting on Commission or Board applications as established by NRS or this title shall commence on the date that the application is deemed complete and the fees are paid. Material modifications of any application by the applicant following the filing of the application shall reestablish the time for processing and acting on the application upon the Director's determination that the modified application is complete.

5. Continuance of Application. An applicant may request a continuance of any application to a future meeting that is held not more than 180 days after the continuance request. A continuance requested by an applicant suspends the time established in NRS Chapter 278 and title 18 in which the applicable hearing body must render a decision. The applicable decision-making body may continue an application upon its own action provided that the meeting to which the application is continued allows for a decision on the application within required time limits established in NRS and this title.

6. Withdrawal of Application.

(a) After an application has been deemed complete, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Director. No further action shall be taken on an application once the withdrawal letter is received by the Director.

(b) An applicant is not entitled to a refund of application fees for a withdrawn application. However, the Director may refund fees not expended during staff review of the application, based on an hourly basis of staff time, if the application is withdrawn prior to the publication of the notice of public hearing.

(Ord. 2007-41 § 1, 2007: Ord. 2007-33 § 2, 2007: Ord. 2004-13 § 9, 2004: Ord. 2003-2 § 1, 2003: Ord. 2001-23 § 2 (part), 2001).

18.02.040 – Subsequent applications.

A second or subsequent application substantially similar to the first for a Variance, Special Use Permit, Zoning Map Amendment, Zoning Code Amendment or Master Plan Amendment shall not be submitted for review prior to 1 year after the first application's denial by the Commission or Board with respect to that parcel or any portion of that parcel unless the Director determines that the subsequent application is substantially different such that the facts supporting the previous denial from the Commission or Board no longer exist.

Where the holder of an application for a development approval wishes to file a subsequent application for a project which is substantially different from the first project, the new development

application shall supersede the previous development application, and the applicant shall state on his or her application that, upon approval by the Commission or Board of the subsequent application, the first development approval is withdrawn.
(Ord. 2004-13 § 10, 2004: Ord. 2001-23 § 2 (part), 2001).

18.02.045 - Notice of public hearings.

1. Except as otherwise provided, all public hearing notices that are required for zoning or land division applications as identified in this title and title 17 (Division of Land) of CCMC shall comply with the provisions of this section.

2. Required public hearing notices shall be published in a newspaper of general circulation and mailed to surrounding property owners not less than 10 days before the public hearing. Required notices shall:

(a) Identify the application type;

(b) Describe the nature and scope of the proposed project or request;

(c) Describe the location of the property that is subject to the application;

(d) Identify the date, time and location of the hearing being noticed;

(e) Provide contact information that may be used by interested persons to obtain additional information regarding a public hearing item;

(f) If the application is for a Master Plan Land Use Amendment or Zoning Map Amendment, provide existing and proposed Master Plan or Zoning Map designations, as applicable; and

(g) If a proposed Zoning Map amendment involves a change in the boundary of a zoning district that would reduce the density or intensity with which a parcel of land may be used, the property owner notice must include a section that an owner of property may complete and return to the governing body to indicate his or her approval of or opposition to the proposed amendment.

3. Except as otherwise noted in this section for noticing of public right-of-way abandonments, public hearing notices shall be sent via first-class mail to the applicant or appellant, as applicable, and all property owners as shown on the most recent equalized assessment rolls and all tenants of a mobile home park located within the following radius measured from the perimeter boundaries of the property subject to the application:

(a) If the subject property is one acre or less in size, 300 feet;

(b) If the subject property is larger than one acre and less than 40 acres in size, 600 feet; or

(c) If the subject property is 40 acres or larger in size, 900 feet; and

(d) If the owners of record of the properties described in subparagraphs (a), (b) and (c) of this paragraph comprise less than 30 unique property owners, additional distance from the subject property as necessary to result in a total of 30 unique property owners within the notification radius.

4. A public hearing notice for a right-of-way abandonment shall be published in a newspaper of general circulation and mailed not less than 10 days before the public hearing. Notice shall be sent via U.S. mail, pursuant to a method that provides confirmation of delivery and does not require the signature of the recipient, to:

(a) The applicant; and

(b) Every owner of record of property that abuts upon the proposed right-of-way to be abandoned.

(Ord. 2004-13 § 11, 2004: Ord. 2002-41 § 1, 2002: Ord. 2001-23 § 2 (part), 2001). (Ord. No. 2016-11, § I, 7-7-2016)

18.02.050 - Review.

1. The Commission and Board in reviewing and judging the merit of a proposal for a Variance, Special Use Permit, Zoning Map Amendment, Master Plan Amendment, Zoning Code Amendment, or public right-of-way abandonment shall find that the regulations and standards in this title or state law are met.

2. The Commission and Board, after reviewing a proposal and taking public testimony, shall reduce their respective decisions to writing and shall include therein the decision in a concise and explicit statement of the evidence. A copy of the Commission's or Board's decision must be mailed by certified mail, delivered electronically to the applicant's email address provided on the application, or hand delivered to the applicant. The applicant must sign the notice of decision and return the notice of decision to the Department within 21 working days of receipt. A copy of the Commission's or Board's decision shall be placed in the Department files as a record of the decision. Failure of the applicant to return the notice of decision within the required timeframe may be cause to place the application on the next Commission or Board agenda for further review.

3. The Board shall have the power to review the recommendations and appeals of decisions of the Commission and by majority vote may affirm, deny, modify or return the recommendations or decisions to the Commission for further consideration.

4. The applicant for a Variance, Special Use Permit, Zoning Map Amendment, Master Plan Amendment, Zoning Code Amendment, or public right-of-way abandonment shall have the burden of proof by a preponderance of the evidence to provide facts supporting the proposed application. For purposes of legal clarity, this shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Commission or Board. The applicant shall provide adequate information in the application and on any site plan to substantiate the findings required in this chapter. The Commission and Board shall determine if the information presented is adequate to support their decisions.

(Ord. 2004-13 § 12, 2004: Ord. 2001-23 § 2 (part), 2001).

18.02.052 - Hearing examiners.

1. Appointment. A Hearing Examiner shall be appointed by formal action of the Board and must meet the qualifications as established in NRS 278.263.

2. Compensation. The Hearing Examiner is entitled to no extra compensation for the hearing examiner duties.

3. Powers and Duties. The Hearing Examiner shall have the power and duty to study, review, approve, disapprove or approve with conditions all Administrative Permit applications and any other applications that may be authorized by this title for the hearing examiner's review.

4. Procedure.

(a) All hearings conducted by the Hearing Examiner pursuant to the provisions of this title must be at a meeting for which notice is given in accordance with the Open Meeting Law contained in NRS.

(b) Notice of a hearing shall be provided in accordance with CCMC 18.02.045 (Notice of public hearings).

(c) An audio recording of the hearing must be made and copies of the recordings must be made available to the public.

(d) The Hearing Examiner shall produce his or her decision in writing not more than 10 days after the date of the hearing.

5. Decision. Where this title indicates the Hearing Examiner process may be used, the decision of the Hearing Examiner is final unless appealed in accordance with CCMC 18.02.060 (Appeals).

(Ord. 2004-13 § 13, 2004: Ord. 2001-23 § 2 (part), 2001).

18.02.055 - Fees and service charges.

[Note: This section will be deleted in its entirety, and fees will be adopted by Resolution of the Board of Supervisors. No changes to fees are proposed except as noted below.]

Before deeming any application required by this title complete for processing, fees as provided in this section shall be charged, collected and deposited with the planning division of the Department.

1. Zoning Application Fees:

Administrative Permit	$750.00 + $60.00/hr over 10 hours
Appeal	$250.00 + $60.00/hr over 4 hours
Zoning Map Amendment	$2,450.00
Continuance	$600.00
Historic Resources Review	No Charge
Major Project Review	No Charge
Master Plan Amendment	$3,050.00
Minor Variance	$500.00 + $60.00/hr over 4 hours
Mobile Home Park Review	$2,300.00
Recreational Vehicle Park Review	$2,300.00
Special Use Permit—Minor (conditional uses or height use permit within any residential zoning district)	$2,200.00
Special Use Permit—Major (all special use permits not considered minor)	$2,450.00
Temporary Use Permit	$750.00
Variance	$2,150.00
Zoning Code Amendment	3,250.00

2. Division of Land Fees Pursuant to Title 17 **of CCMC**.

Development Agreement	$1,800.00
Development Agreement Amendment	$800.00
Land Division Map	$750.00
Lot Line Adjustment or Deletion	$500.00 + $60.00/hr over 4 hours
Parcel Maps	$2,750.00
Plat Amendment	$2,550.00
Planned Unit Development—Tentative	$3,450.00
Planned Unit Development—Final Map	$3,550.00 per Phase
Subdivision—Tentative	$3,500.00
Subdivision—Final	$1,800.00 per Phase
Subdivision Map Recording	Fees required per Recorder's office fee schedule.

3. General Planning Division Fees.

Manufactured Home in Single Family Zoning	$500.00
Modification to Zoning or Division of Land Approvals	75% of Current Application Fee
Private Activity Bond Volume Cap Allocation/Review of Application	$500.00

Public Utility Easement Abandonment	$1,850.00
Research Fee	Per City Policy
Right-of-Way Abandonment	$2,450.00
Time Extension, Administrative[~~)~~]*	$100.00
Time Extension, Public Hearing*	$600.00

*Not applicable to Development Agreements.

4. All fees are non-refundable except for recording fees when there is no actual recording.

5. An applicant who requests the continuance of an application after the notice of public hearing for the application has been published or mailed to property owners shall pay the continuance fee listed above, and the applicable public hearing body shall consider whether to grant or deny the continuance when the item is considered on the agenda. If the public hearing body denies the request for a continuance, the fee shall be refunded and the hearing conducted in accordance with the posted agenda.

(a) Notwithstanding the above provisions, the applicant shall not be required to pay a continuance fee if the applicable public hearing body requests the continuance.

6. No part of a filing fee will be refunded in the event that an application is not approved.

7. All application costs shall be payable to Carson City.

(Ord. 2007-28 § 1, 2007: Ord. 2001-23 § 2 (part), 2001). (Ord. No. 2013-29, § I, 11-7-2013)

18.02.060 - Appeals.

1. Appeals of Staff Decisions. An administrative decision of the Director may be appealed by the applicant or any aggrieved party to the Commission by following the procedures in subsection 4 of this section. The Commission may affirm, modify or reverse the decision.

2. Appeals of Commission, Hearing Examiner or Historic Resources Commission Decisions. Any decision of the Commission, Hearing Examiner or the Historic Resources Commission may be appealed to the Board by the applicant, any aggrieved party, or any member of the Board by following the procedures in subsection 4 of this section. The Board may affirm, modify or reverse the decision.

3. Appeals of Board Decisions. A decision of the Board is final. Any appeal of its decision shall be in a court of competent jurisdiction within the time frames established by NRS.

4. Procedures for Filing an Appeal.

(a) Standing for filing an appeal. Any project applicant or any aggrieved party may file an appeal as specified in this section provided that the appellant has participated in the administrative process prior to filing the appeal.

(b) Issues for an Appeal. Issues not addressed in the public hearing stage of the administrative process for a project which is being appealed may not be raised as a basis for the appeal unless there is substantial new evidence which has become available accompanied by proof that the evidence was not available at the time of the public hearing. If new information is submitted to the Board, the application may be referred back to the Commission for further appeal, review and action.

(c) Appeal Application. An appeal shall be accompanied by the appropriate fee and filed in writing with a letter of appeal to the [~~director.~~] Director not more than 10 days after the date of the decision that is being appealed. The letter of appeal must include:

(1) The appellant's name, mailing address, daytime phone number and email address;

(2) A description of the project or decision for which the appeal is being requested. The letter shall indicate which aspects of the decision are being appealed. No other aspect of the appealed decision shall be heard; and

(3) The necessary facts or other information that support the appellant's contention that the applicable decision-making body erred in its consideration or findings supporting its decision.

(d) Decision. The Commission or Board, whichever has jurisdiction over the appeal, shall render its decision on the appeal not more than 60 days after the submittal of a complete appeal application.

(e) Notice of Appeals. Notice of an appeal hearing shall be provided in accordance with CCMC 18.02.045.

(Ord. 2004-13 § 14, 2004: Ord. 2001-23 § 2 (part), 2001). (Ord. No. 2016-11, § II, 7-7-2016)

18.02.065 - Administrative abandonment of public utility easements.

1. For the purposes of this section a "public utility easement" is an easement obtained by Carson City or a public utility which is owned or controlled by Carson City and which runs in favor of the City. Pursuant to NRS 278.480(10) and through the use of the procedure contained in this section, a public utility easement may be abandoned without a hearing of the Board or the Commission. The owner of property who seeks abandonment of a public utility easement involving his or her property shall file an application in writing with the Department on the forms required by the Department. The application shall also include a legal description and exhibit prepared and signed by a surveyor licensed in the state of Nevada unless the city engineer waives the requirements of retaining a state licensed surveyor for the preparation of the documents. The Director may issue a written order abandoning a public utility easement after:

(a) Receiving a complete application;

(b) Obtaining the written approval of the city engineer or his or her designee, and the utilities director or his or her designee; and

(c) Determining the subject public utility easement is no longer necessary or useful to Carson City.

2. The abandonment of a public utility easement pursuant to this section does not affect an easement held by a private utility company even if such private utility easement was created by the same instrument or it has the same legal description, and also does not affect an easement held by the public as distinguished from an easement held by Carson City or a public utility owned or controlled by Carson City.

3. A decision of the Director made under this section may be appealed in the manner provided for in CCMC 18.02.060 (Appeals).

(Ord. 2001-23 § 2 (part), 2001).

18.02.070 - Master Plan.

1. Purpose. The purpose of this subchapter is to provide for the adoption of Carson City's Master Plan and amendments to the Master Plan.

2. Adoption of Master Plan. The Commission shall prepare and adopt a comprehensive, long term master plan for the physical development of Carson City. This plan shall be known as the Carson City Master Plan and must be so prepared that all or portions thereof may be adopted by the Board as the basis for the development of the city for a set, reasonable period of time pursuant to NRS 278.150.

3. Elements of the Master Plan. The Master Plan, along with accompanying charts, drawings, diagrams, schedules and reports, may include, but is not limited to, the subject matter as are appropriate for the city and as may be the basis for the physical development thereof as stated under NRS 278.160.

The Commission may prepare and adopt all or a portion thereof of the Master Plan for all or any part of the City pursuant to NRS 278.170.

The Commission shall, during the formation of plans for community design and public buildings, notify the school district's governing body to consider the preparation of such plans and to adequately and properly locate school sites.

4. Interest in Master Plan. The Commission shall endeavor to promote public interest in and understanding of the Master Plan and regulations relating thereto. As a means of furthering the purpose of the Master Plan, the Commission shall make annual recommendations to the Board for the implementation of the Master Plan. It also shall consult and advise with public officials, agencies and citizens to implement the Master Plan.

Pursuant to subsection 3 of NRS 278.190, the Commission members and employees, in the performance of their functions, may enter upon any land and make examinations and surveys. Furthermore, pursuant to subsection 4 of NRS 278.190, the Commission shall have power as may be necessary to enable it to fulfill its function and carry out the provisions of this title and NRS 278.010 to 278.630, inclusive. The Master Plan shall be, but is not limited to, a map, together with such charts, drawings, diagrams, schedules, reports, ordinances, or other printed or published material, or any one or a combination of any of the foregoing as may be considered essential to the purpose of carrying out this title and NRS 278.010 to 278.630, inclusive.

5. Implementation of Master Plan by the Board. Whenever the Board has approved the Commission's adopted Master Plan or a part thereof, the Board shall, upon recommendation of the Commission, determine a reasonable and practical means for implementing the Master Plan or a portion thereof. The Master Plan will serve as a pattern and guide for orderly physical growth and development of Carson City, which will cause the least amount of natural resource impairment and will conform to the adopted growth management plan, and will serve as a basis for the efficient expenditure of funds relating to the implementation of applicable elements of the Master Plan. After recommendation from the Commission, the Board may adopt and use procedures as may be necessary for the implementation of this title.

6. Requirements for Application.

(a) Initiation of Amendments. A Master Plan Amendment may be initiated by the Board or Commission by resolution, or an owner of real property may initiate a Master Plan Amendment for their property through an application filed with the Department.

(b) Types of Master Plan Amendments. Master Plan Amendments include:

(1) An amendment to the land use map of the land use element;

(2) An amendment to revise the text in any Master Plan element; and

(3) Adoption of a new Master Plan element.

(c) Timing of Amendments. Except as otherwise provided in this subsection, the Commission may not amend the Master Plan land use plan more than 4 times in a calendar year. Applications for Master Plan Amendments shall only be accepted during the Commission application submittal dates in January, April, July, and October for review by the Commission at its regular meeting the month following the applicable application submittal date. Master Plan elements or other Master Plan text amendments may be submitted in any month during the calendar year for adoption. The provisions of this subsection do not apply to:

(1) A change in the land use designated for a particular area if the change does not affect more than 25 percent of the area; or

(2) A minor amendment adopted pursuant to NRS 278.225, including:

(I) A change in a boundary that is based on a geographical feature, including, without limitation, topography, slopes, hydrographic features, wetland delineation and floodplains, when evidence is produced that the mapped location of the geographical feature is in error;

(II) A change made to reflect the alteration of the name of a jurisdiction, agency, department or district by the governing body, governing board or other governing authority of the jurisdiction, agency, department or district, as applicable, or by another entity authorized by law to make such an alteration; and

(III) An update of statistical information that is based on a new or revised study.

(d) Frequency of Amendment. Only the Board or Commission may initiate an amendment of the Master Plan for a parcel less than 12 months after an amendment on that parcel has been approved or denied.

(e) Completeness. No Master Plan Amendment or element shall be processed until the information necessary to review and decide upon the proposed Master Plan Amendment or element is deemed complete by the Director.

7. Review Procedures. The Commission shall review a Master Plan Amendment or element in conformance with this section.

(a) General Provisions. The Commission shall conduct at least 1 public hearing with notification for the purpose of receiving oral and written evidence regarding the application. The Commission shall approve, modify, or deny the application based on the results of this review.

(b) Specific Plan. A specific plan may be submitted as part of a Master Plan Amendment. A specific plan will allow for more precise implementation of the Master Plan by requiring or permitting review of large scale planning issues in order to protect the natural environment, ensure compatible uses, conserve energy, achieve coherent and diverse development patterns, and ensure that roads and other infrastructure are or will be adequate to serve new development. At a minimum, all specific plans shall include:

(1) A written description and land use plan map identifying the distribution, location and extent, density and general intensity of land uses, including open space;

(2) The distribution, location and extent of major infrastructure systems to address transportation, sewage, water, drainage, solid waste and other essential services;

(3) A plan for phasing the development of land uses and infrastructure;

(4) A financing plan for proposed infrastructure;

(5) A handbook containing guidelines, performance standards and other criteria including zoning standards and CC&Rs, if applicable, by which development will proceed;

(6) Performance standards for the protection and conservation of natural resources including floodways, wildlife, soils, topography, geology, hillsides and slopes;

(7) Performance standards to achieve the goals and objectives of the Master Plan;

(8) Where adjacent land uses are not compatible, appropriate performance standards for transition zones for buffering, screening and open space to protect adjacent uses;

(9) Other requirements including development agreements as deemed appropriate by the Director.

(c) Concurrent Processing of Applications. If a proposed project requires more than 1 application under the provisions of this title, the applications may be filed at the same time and processed concurrently.

(d) Time Period for Hearing. The Commission shall conduct a public hearing regarding a Master Plan Amendment not more than 65 days after the date the resolution initiating the amendment was adopted by the Commission or Board or the date on which a complete application from a property owner was accepted.

8. Notice for Master Plan Amendments or Elements. Notice of the Commission hearing for all Master Plan Amendments or elements shall be given in accordance with the provisions of this section and NRS 278.210. If a proposed Master Plan Amendment includes changes to the Master Plan land use map, property owner notice shall also be provided in accordance with CCMC 18.02.045 (Notice of Commission hearings).

9. Commission Action. The Commission must take action to adopt or deny a Master Plan Amendment not more than 65 days after the date the resolution initiating the amendment was adopted by the Commission or Board or the date on which a complete application from a property owner was accepted. An action to adopt the Master Plan Amendment or element shall be by resolution of the Commission carried by the affirmative votes of not less than two-thirds of the total membership. The resolution shall refer expressly to the maps, descriptive matter, text or other matter intended by the Commission to constitute the amendment or element. Failure of the Commission to hold a public hearing or take action within the time frames provided in this article shall constitute a recommendation of approval of the Master Plan Amendment application.

10. Commission Findings. 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.

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

(a) The proposed element is consistent with and not contrary to the present elements 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 element is contrary to some of the goals, policies, or action programs in the Master Plan;

(b) The element shall be part of the Master Plan, which is a comprehensive long-term document for the physical development of Carson City, and this element will now supplement the other Master Plan elements that compose the Master Plan; and

(c) The proposed element will promote a desired pattern of orderly, physical growth of the city, or guides a particular type of development activity within Carson City, which will be based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

12. Planning Commission Report. Not more than 45 days after the action by the Commission on the proposed Master Plan Amendment or element, a report describing the amendment or element, the discussion at the public hearing, testimony, notice and vote of the Commission, along with a certified copy of the proposed amendment or element shall be transmitted to the Board. If the Commission does not recommend adoption, the report must state why the Commission could not make the required findings for adoption. Failure of the Commission to report to the Board not more than 45 days after the date of its hearing shall be deemed a recommendation of approval.

13. Action by Board. The Board shall review a Master Plan Amendment or element in accordance with the provisions of this section.

(a) Timing for Hearing. The Director shall schedule a public hearing before the Board regarding a Master Plan Amendment or element not more than 45 days after the action by the Commission.

(b) Notice of Hearing. The public hearing shall be noticed as required by NRS 278.220.

(c) Board Action. In reviewing a Master Plan Amendment or element, the Board shall consider the record and evidence introduced to the Commission, and may approve, modify or deny the Commission's action. Final action to approve, modify or deny the Master Plan Amendment or element

shall require a simple majority of the Board members in attendance. If the Board proposes to modify the Commission's action regarding a Master Plan Amendment or element, the proposed modifications shall be referred to the Commission for consideration. The Commission shall conduct a public hearing on the modification. The Commission shall submit a report on the proposed modification back to the Board not more than 90 days after the date of referral by the Board. Failure of the Commission to report to the Board within the required time period shall be deemed a recommendation of approval. Prior to making a final decision, the Board shall conduct a public hearing and notice this hearing as required by NRS 278.220. Approval of the proposed modification by the Board shall require a simple majority vote of the Board members in attendance.

14. Effective Date. A Master Plan Amendment or element shall become effective immediately upon a determination by the Board that the amendment or element is in conformance with the Master Plan and all noticing procedures have been fully complied with.

15. One-Year Wait for Denials. After the denial of a Master Plan Amendment by the Board, no application for a Master Plan Amendment for the same or similar amendment may be accepted for 1 year after the date of the Board action denying the application.

(Ord. 2005-21 § 2, 2005: Ord. 2002-41 § 2, 2002: Ord. 2001-23 § 2 (part), 2001).

18.02.075 - Zoning Map Amendment and Zoning Code Amendment.

1. Amendments. This title and the zoning map incorporated herein may be amended, repealed or supplemented by the Board.

2. Initiation of amendments. A Zoning Map Amendment or Zoning Code Amendment may be initiated by an affirmative vote of a majority of the Commission or Board, or an owner of real property may initiate a Zoning Map Amendment or Zoning Code Amendment for their property through an application filed with the Department.

3. Investigation. The Director shall investigate each application to assure that the proposal is consistent with the requirements of this title.

4. Hearing.

(a) The Commission shall hold a public hearing on all proposed amendments not more than 65 days after the acceptance of a complete application.

(b) When the Commission or Board deems it appropriate as part of the review of a Zoning Map Amendment, it may consider other property for amendment, in addition to that sought in the application, and instruct the Director to initiate a Zoning Map Amendment for the additional property. An amendment for any additional property directed by the Commission or Board is subject to the requirements of this section.

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.

6. Decision of the Commission. Following the public hearing, the Commission shall determine if there is adequate evidence in the record to support the facts and findings required by this section and shall approve, modify or deny the request for the Zoning Map Amendment or Zoning Code Amendment.

7. Report to the Board.

(a) After the hearing of the Commission, the Commission shall make a recommendation on the application to the Board.

(b) The Commission shall forward to the Board a copy of its decision and findings in accordance with this section recommending approval, modification or denial of the proposed Zoning Map Amendment or Zoning Code Amendment.

(c) Failure of the Commission to report to the Board not more than 30 day after the date of its hearing shall be deemed a recommendation of approval.

8. Action by Board. The Board shall consider the evidence relating to the Zoning Map Amendment or Zoning Code Amendment and may approve, modify or deny the recommendation of the Commission by a simple majority vote of the Board members in attendance.

(Ord. 2004-13 § 15, 2004: Ord. 2001-23 § 2 (part), 2001). (Ord. No. 2016-11, § III, 7-7-2016)

18.02.080 - Special Use Permit (conditional uses).

1. Authority. The Commission shall have the discretionary authority to approve, conditionally approve or deny a Special Use Permit for any conditional use.

2. Application Requirements. Before a Special Use Permit may be considered for approval:

(a) Any person requesting a Special Use Permit shall file a complete application with the planning division. The application shall include the information, site plans and other materials determined by the Director to be necessary to support the requirements of this section.

(b) The proposed use shall be listed as a conditional use in the zoning district in which the property is located or shall be a similar use to a use listed as a conditional use in that zoning district as determined by the Director pursuant to CCMC 18.04.020 (Determination of districts).

3. Investigation. The Director shall investigate each application to assure that the proposal is consistent with the requirements of this title.

4. Hearing.

(a) The Commission shall hold a public hearing, not more than 65 days after acceptance of a complete application.

(b) Notice of the Commission hearing shall be given in accordance with CCMC 18.02.045 (Notice of Commission hearing).

(c) The Commission shall hear and consider evidence and facts regarding the Special Use Permit application from any person at the public hearing or by written communication from any person.

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. 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.

6. Decision. Following the public hearing, the Commission shall determine if there is a preponderance of evidence in the record to support the findings required by this section and shall approve, conditionally approve, modify or deny the Special Use Permit request.

7. Conditions of Approval. The Commission, in approving a Special Use Permit, may require certain conditions under which the lot or parcel may be used or the building constructed if, in the Commission's opinion, the conditions are necessary for the use to meet the required findings for approval of the Special Use Permit. Standard conditions of approval are found in CCMC 18.02.105.

8. Expiration; Revocation.

(a) Where a use permitted by an approved Special Use Permit is not initiated on the property not more than 12 months after the date of approval, unless additional time is granted by the Commission based upon consideration of the specific circumstances of the project, then without further action, the Special Use Permit shall be null and void and the use shall not be permitted on the property except upon the granting of a new Special Use Permit.

(b) If the use for which the Special Use Permit was granted is discontinued for 12 consecutive months, the Special Use Permit is void.

(c) In the event that circumstances beyond the control of the applicant result in a failure to complete applicable Special Use Permit conditions and initiate the use prior to the expiration date, the applicant may, in writing, request an extension of the expiration date. The written request for an extension must be received by the planning division not less than 30 days prior to the expiration date and shall state the reason for the extension. The Director may approve a 1-year extension from the original date of Special Use Permit expiration, or the Director may refer the extension request to the Commission. The Commission may approve additional extensions of time subject to the consideration of the continued appropriateness of the Special Use Permit based on the required Special Use Permit findings. When considering an extension, the Commission may impose additional conditions on the Special Use Permit to ensure that the activity permitted by the Special Use Permit continues to meet the required findings for approval of a Special Use Permit.

(d) A Special Use Permit shall be, upon violation, subject to revocation or amendment by the Commission in accordance with CCMC 18.02.090.

(Ord. 2004-13 § 16, 2004: Ord. 2001-23 § 2 (part), 2001). (Ord. No. 2008-37, § I, 12-4-2008)

18.02.085 - Variances.

1. Authority. The Commission shall have the discretionary authority to approve, conditionally approve or deny a Variance.

2. Application Requirements.

(a) Any person requesting a Variance shall file a complete application with the planning division. The application shall include the information, site plans and other materials determined by the Director to be necessary to support the requirements of this section.

3. Investigation. The Director shall investigate each application to assure that the proposal is consistent with the requirements of this title.

4. Hearing.

(a) The Commission shall hold a public hearing not later than 65 days after the acceptance of the complete application.

(b) Notice of the Commission hearing shall be given in accordance with CCMC 18.02.045 (Notice of Commission hearing).

(c) The Commission shall hear and consider evidence and facts regarding the Variance application from any person at the public hearing or by written communication from any person.

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.

6. Decision. Following the public hearing, the Commission shall determine if there is adequate evidence in the record to support the findings required by this section and shall approve, conditionally approve, modify or deny the Variance request.

7. Conditions of Approval. The Commission, in approving a Variance, may require conditions under which the lot or parcel may be used or the building constructed that, in the Commission's opinion, are necessary for the project to meet the required findings for approval of the Variance. Standard Conditions of Approval are found in CCMC 18.02.105.

8. Expiration.

(a) Where an approved Variance is not initiated within 12 months of the date of approval, unless additional time is granted by the Commission based upon consideration of the specific circumstances of the project, then without further action, the permit shall be null and void and such development activity shall not be initiated on the property except on the granting of a new Variance.

(b) In the event that circumstances beyond the control of the applicant result in a failure to complete applicable Variance conditions and initiate the project prior to the expiration date, the applicant may request in writing an extension of the expiration date. The written request for an extension must be received by the Director not less than 30 days prior to the expiration date and shall state the reason for the extension. The Director may approve a 1-year extension from the original date of Variance expiration, or the Director may refer the extension request to the Commission. The Commission may approve additional extensions of time subject to the consideration of the continued appropriateness of the Variance based on the required Variance findings. When considering an extension, the Commission may impose additional conditions on the Variance to ensure that the project permitted by the Variance continues to meet the required findings for approval of a Variance.

9. Limitations on Variances. No variance shall be granted that allows a land use that is prohibited in the zoning district in which it is located or that changes any boundary of the district; nor shall any variance be granted that changes the permitted residential density of a zoning district.

10. Minor Variances. The Director may grant a deviation of less than 10 percent from the requirements of title 18 established within a zoning district, subject to the following:

(a) The applicant shall submit the request in writing to the Director stating the provision of the zoning ordinance that is proposed to be modified, including the extent of the deviation to the existing

zoning provision. The request shall include maps, including the relation of the property and deviation to surrounding properties, displays and other materials as necessary for the Director to review the application.

(b) The applicant must submit the written consent of the owner of any adjacent property that could be affected by the requested deviation. If written consent is not submitted to the satisfaction of the Director, the Director may require the applicant to submit a Variance application, including all Variance submittal requirements and fee, for review by the Commission.

(c) In approving minor variance, the Director shall find that the deviation will not impair the purpose of the zoning district in which the property is located or the zoning regulation from which relief is being sought.

(d) The Director may impose conditions of approval for a Minor Variance pursuant to CCMC 18.02.105 (Standard Conditions of Approval) and as necessary to meet the required finding.

(e) The Director shall render a decision not more than 30 days after the receipt of the request, and shall send written notification of the decision to the applicant.

(f) The Director's decision may be appealed to the Commission pursuant to CCMC 18.02.060 (Appeals).

(Ord. 2007-9 § 1, 2007: Ord. 2004-13 § 17, 2004: Ord. 2001-23 § 2 (part), 2001). (Ord. No. 2008-37, § II, 12-4-2008)

18.02.090 - Revocation or reexamination of Variance or Special Use Permit.

1. Any of the following reasons or occurrences are grounds for a hearing on revocation or reexamination of a Variance or Special Use Permit, pursuant to show cause procedures of CCMC 18.02.095:

(a) Failure or refusal of the applicant to comply with any of the terms or conditions of a Variance or Special Use Permit.

(b) Any misrepresentation made in the application for a Variance or Special Use Permit.

(c) Any act or failure to act by the applicant or its agents or employees directly related to the Variance or Special Use Permit that would be a violation of federal law, NRS or CCMC;

(d) Any act or failure to act by the applicant or its agents or employees directly relating to the Variance or Special Use Permit that creates or tends to create a public nuisance or is detrimental to the public health, safety and welfare;

(e) A failure to return a signed copy of the notice of decision not more than 21 days from the date of receipt of the notice.

2. Resubmittal of plans that substantially differ from those approved as part of a Variance or Special Use Permit application shall require the submittal of an amended Variance or Special Use Permit application, as applicable, including applicable fees.

3. The continued use of a revoked Variance or Special Use Permit shall constitute a violation of this title and shall be subject to enforcement as provided in CCMC 18.02.030.

(Ord. 2007-28 § 2, 2007: Ord. 2004-13 § 18, 2004: Ord. 2001-23 § 2 (part), 2001).

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

1. Procedures.

(a) The Commission, upon its own motion, or upon the sworn complaint in writing of any person, or upon information presented by the Director, may direct the Director to investigate whether grounds for revocation or reexamination of any Variance or Special Use Permit exist. The Director shall notify the owner of the property to which the Variance or Special Use Permit applies of any investigation initiated by the Commission prior to any public hearing.

(b) After an investigation, if the Commission determines that grounds for revocation or reexamination of a Variance or Special Use Permit exist, the Commission may direct staff to issue and serve the owner of the property to which the Variance or Special Use Permit applies with an order to

show cause why the Variance or Special Use Permit should not be revoked or reexamined. The order shall contain:

(1) A statement directing the property owner or property owner's representative to appear before the Commission at a particular time and place;

(2) A statement of the grounds for revocation;

(3) A statement that the property owner or property owner's representative shall have an opportunity to be heard, present witnesses and respond to any witnesses against him.

(c) Notice of the show cause hearing must be served to the owner of the property to which the Variance or Special Use Permit applies not less than 10 days prior to the show cause hearing date. Service on the owner shall be made by personally delivering a copy of the order to show cause to one of the persons whose name is listed on the Assessor's tax rolls as the owner of the subject property or by mailing a copy of the order by registered mail with return receipt to the owner's address.

2. Hearing.

(a) At the hearing on the order to show cause, the owner and the complainant, if there is one, may be represented by attorneys or other persons, present testimony and question witnesses. If the hearing is pursuant to a complaint, the complainant must also be present.

(b) After the conclusion of discussion and public testimony, the possible actions that the Commission may take include approval, approval with conditions, denial, modification of permit conditions of approval, and limited suspension of the approved permit.

(c) Not more than 20 days after the hearing, the Commission must render its decision as to revocation or reexamination and give notice of the decision to the owner of the subject property. An order of revocation requires a majority vote of the Commission members in attendance.

3. Appeal of Show Cause Hearing Determination.

(a) Appeals shall be made in accordance with and are subject to the provisions of CCMC 18.02.060 (Appeals) for appeals of the Commission's decision.

(b) Notwithstanding other provisions of this section or CCMC 18.02.060, an appeal of the Commission's decision regarding a show cause hearing shall be heard by the Board not more than 45 days from the date of the Commission's decision.

(Ord. 2004-13 § 19, 2004: Ord. 2001-23 § 2 (part), 2001).

18.02.100 - Major Project Review (MPR).

1. Purpose. The purpose of the Major Project Review process is to provide a preliminary review of development plans to reduce the need for an applicant to contact individual city departments and other agencies to obtain information relevant to the approval of a project. This review allows an applicant to ascertain what may be required to gain approval for a project during the city's permitting review process. The Major Project Review process is utilized to solicit many of the requirements and recommendations of the various city departments in a coordinated and comprehensive fashion.

2. Applicability.

(a) A Major Project Review is required prior to submitting for any other required permit for the following project types:

(1) Mobilehome and manufactured home parks;

(2) RV parks;

(3) Campgrounds;

(4) Multi-family residential development;

(5) Commercial, industrial, institutional and public development with a building area of more than 50,000 square feet; and

(6) Increases of 10 percent or more in floor area or number of units or spaces for the project types listed above.

(b) Applicants for smaller projects or other types of projects may make application for a Major Project Review on a voluntary basis.

3. Process.

(a) The Director, upon submission of a Major Project Review application and required submittal information, shall circulate the application to city departments and agencies for review. A Major Project Review meeting will be scheduled by staff no more than 30 days after the date of submittal. At the Major Project Review meeting, city staff from various city departments will identify design concerns, offer alternative design considerations, identify code deficiencies and other issues as can be determined from the application materials. Applicants are encouraged to ask staff questions relevant to the project.

(b) A letter shall be sent to the applicant upon conclusion of the Major Project Review meeting outlining the recommendations and concerns of various City departments.

(c) For projects for which a Major Project Review is required pursuant to this section, an applicant may submit for applicable permits only after receiving the Major Project Review letter.
(Ord. 2007-9 § 2, 2007: Ord. 2001-23 § 2 (part), 2001).

18.02.105 - Standard conditions of approval.

The standard conditions contained in this section are imposed on applications requiring discretionary approval. Additional conditions may be imposed by city staff, the Commission or the Board as necessary to make the required findings for each application type.

1. Special Use Permit.

(a) All development shall be substantially in accordance with the plans approved with the application, as modified by any conditions of approval.

(b) All on and off-site improvements shall conform to city standards and requirements.

(c) The use for which this permit is approved shall be initiated not more than 12 months after the date of final approval. A request for a single, 1-year extension of time may be requested and granted by the Director provided that the request is submitted in writing to the planning division not less than 30 days prior to the 1-year expiration date. Should this permit not be initiated within 1 year and no extension granted, the permit shall become null and void.

(d) The applicant must sign and return the notice of decision not more than 21 working days after receipt of the notice of decision. If the notice of decision is not signed and returned within 21 working days, the item may be rescheduled for the next Commission meeting for further consideration.

2. Variance.

(a) All development shall be substantially in accordance with the plans approved with the application, as modified by any conditions of approval.

(b) All on and off-site improvements shall conform to city standards and requirements.

(c) The use for which this permit is approved shall be initiated not more than 12 months after the date of final approval. A request for a single, 1-year extension of time may be requested and granted by the Director provided that the request is submitted in writing to the planning division not less than 30 days prior to the 1-year expiration date. Should this permit not be initiated within 1 year and no extension granted, the permit shall become null and void.

(d) The applicant must sign and return the notice of decision for conditions of approval not more than 21 working days after receipt of the notice of decision. If the notice of decision is not signed and returned within 21 working days, [~~then~~] the item may be rescheduled for the next Commission meeting for further consideration.

3. Administrative Permits.

(a) All development shall be substantially in accordance with the plans approved with the application, as modified by any conditions of approval.

(b) All on and off-site improvements shall conform to city standards and requirements.

(c) The use for which this permit is approved shall be initiated not more than 12 months after the date of final approval. A request for a single, 1-year extension of time [~~must~~] may be requested and granted by the Director provided that the request is submitted in writing to the planning division not less than 30 days prior to the 1-year expiration date. Should this permit not be initiated within 1 year and no extension granted, the permit shall become null and void.

(d) The applicant must sign and return the notice of decision not more than 21 working days after receipt of the notice of decision. If the notice of decision is not signed and returned within 21 working days, then the item may be rescheduled for the next administrative hearing meeting for further consideration.

4. Temporary Use Permit.

(a) All development shall be substantially in accordance with the plans approved with the application, as modified by any conditions of approval.

(b) All on and off-site improvements shall conform to city standards and requirements.

(c) The use for which this permit is approved shall be initiated not more than 12 months after the date of final approval. A request for a single, 1-year extension of time must be submitted in writing to the planning division not less than 30 days prior to the 1-year expiration date. Should this permit not be initiated within 1 year and no extension granted, the permit shall become null and void.

(d) The applicant must sign and return the notice of decision not more than 21 working days after receipt of the notice of decision. If the notice of decision is not signed and returned within 21 working days, the item may be reconsidered by the Director.

5. Tentative Map.

(a) All final maps shall be in substantial accord with the approved tentative map.

(b) Prior to submittal of any final map, the applicant must submit construction plans to the development engineering division for all required on-site and off-site improvements and obtain City approval of the plans. The plans must adhere to the recommendations contained in the project soils and geotechnical report and all applicable conditions of approval.

(c) Lots not planned for immediate development shall be left undisturbed and mass grading and clearing of natural vegetation shall not be allowed. Any and all grading shall comply with city standards. A grading permit from the Nevada Division of Environmental Protection shall be obtained prior to any grading.

(d) All lot areas and lot widths shall meet the zoning requirements approved as part of this tentative map.

(e) With the submittal of any final maps, the applicant shall provide evidence from the City health and fire departments indicating the agencies' concerns or requirements have been satisfied. The correspondence shall include approval by the fire department of all hydrant locations.

(f) The following note shall be placed on all final maps:

"These parcels are subject to Carson City's growth management ordinance and all property owners shall comply with provisions of the ordinance."

(g) Placement of all utilities shall be underground within the subdivision. Any existing overhead facilities shall be relocated prior to the submittal of a final map.

(h) The applicant must sign and return the notice of decision for conditions for approval not more than 21 working days after receipt of the notice of decision. If the notice of decision is not signed and returned within 21 working days, the item may be rescheduled for the next Board meeting for further consideration.

(i) Hours of construction will be limited to 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. If the hours of construction are not adhered to, the Carson City building department may issue a warning for the first violation, and upon a second violation, will have the ability to cause work at the site to cease immediately and the City may take other enforcement actions as permitted under CCMC.

(j) The applicant shall adhere to all city standards and requirements for water and sewer systems, grading and drainage, and street improvements.

(k) The applicant shall obtain a dust control permit from the Nevada Division of Environmental Protection for site grading. The site grading must incorporate proper dust control and erosion control measures.

(l) A detailed storm drainage analysis, water system analysis, and sewer system analysis shall be submitted to and approved by the development engineering department prior to approval of a final map.

(m) Prior to the recordation of the final map for any phase of the project, the improvements associated with the particular phase of the project must either be constructed and approved by Carson City, or the construction of the improvements secured by providing the city with a proper surety in the amount of 150 percent of the engineer's cost estimate for the improvements. In either case, upon acceptance of the improvements by the City, the developer shall provide the City with a proper surety in the amount of 10 percent of the engineer's cost estimate to secure the developer's obligation to repair defects in workmanship and materials which appear in the work less than 1 year after the date of acceptance by the city.

(n) The applicant must provide a "will serve" letter from the water and wastewater utilities [~~shall be provided~~] to the Nevada Health Division prior to approval of a final map.

(o) Unless a longer time is provided through a development agreement or by action of the Board prior to the expiration of the tentative map approval:

(1) The final map for the entire subdivision or the first final map for any phase thereof must be recorded not more than 4 years from the date of final approval of the tentative map; and

(2) Any final map for a subsequent phase of the subdivision must be recorded not more than 2 years after the recordation date of the previous phase.

The applicant is responsible for ensuring that plans are submitted to the City with adequate time for review and recordation prior to the tentative map expiration date.

6. Planned Unit Development. All tentative map conditions of approval shall apply, and the following:

(a) All lot areas and lot widths shall meet the zoning requirements approved as part of this planned unit development.

(b) The applicant shall preserve as many trees as practicable within the common open space areas. Mature trees damaged by fire and others in poor health shall be removed only after approval of the planning division.

(c) The homeowner's association shall maintain all common open space areas, including any area devoted to the guest parking.

7. Parcel Map.

(a) These parcels are subject to the growth management ordinance and a note shall be placed on the map stating: "These parcels are subject to Carson City's growth management ordinance and all property owners shall comply with provisions of the ordinance."

(b) The parcels created by this parcel map shall not be subdivided by parcel map prior to 1 year after the date of recordation of the parcel map. Any subsequent subdivision of the parcels created by this parcel map prior to 1 year after the date of recordation of the parcel map shall require approval of a tentative map.

(c) If map corrections are necessary after the second redline review by staff, the City may hire a private surveying firm to review the corrected map and note corrections for staff. The applicant will be responsible for the consulting surveying firm's review fees.

(d) The existing assessor's parcel number is a required notation on the treasurer's certificate.

(e) [An electronic copy of the map and proof of taxes being paid in full for the fiscal year must be submitted to the planning division prior to recordation of the map.

(f) The zoning designation and master plan designation must be noted on the map.

(g) The adjacent assessor's parcel numbers and property ownership must be noted on the map.

8. Historic Resources Commission.

(a) All development shall be substantially in accordance with the plans approved with the application, as modified by any conditions of approval.

(b) All on and off-site improvements shall conform to city standards and requirements.

(c) The use for which this permit is approved shall be initiated not more than 12 months after the date of final approval. A request for a single, 1-year extension of time may be requested and granted by the Director provided that the request is submitted in writing to the planning division not less than 30

days prior to the 1-year expiration date. Should this permit not be initiated within 1 year and no extension granted, the permit shall become null and void.

(d) The applicant must sign and return the notice of decision within 21 working days of receipt of notification. If the notice of decision is not signed and returned within 21 working days, then the item may be rescheduled for the next Historic Resource Commission meeting for further consideration.

9. Abandonment of Public Right-of-Way.

(a) Prior to the recordation of the right-of-way abandonment, the applicant shall be responsible for the submittal of all necessary legal documentation and title search materials in order to fully complete the abandonment process.

(b) The applicant must sign and return the notice of decision for conditions of approval not more than 21 working days after receipt of the notice of decision. If the notice of decision is not signed and returned within 21 working days, the item may be rescheduled for the next Board meeting for further consideration.

(Ord. 2001-23 § 2 (part), 2001).

18.02.110 - Administrative Permit.

1. Authority. A hearing examiner shall have the discretionary authority to approve, conditionally approve, or deny an Administrative Permit.

2. Purpose. The purpose of Administrative Permits is to provide for the method of reviewing proposed uses which possess characteristics that have the potential to adversely affect other land uses, transportation or facilities in the vicinity. The hearing examiner may require conditions of approval necessary to eliminate or reduce any adverse effects of a use.

3. Applicability. This chapter establishes a process that authorizes the hearing examiner to review and render final decisions on zoning matters and development proposals identified within title 18 as requiring an Administrative Permit.

4. Process.

(a) Any person requesting an Administrative Permit shall file a complete application with the planning division. The application shall include the information, site plans and other materials determined by the Director to be necessary to support the requirements of this section.

(b) Except as otherwise provided in this section, all procedural requirements, including those related to noticing of the administrative hearing, time periods for action, findings and all post-decision provisions, shall be made in the same manner as prescribed for a Special Use Permit in accordance with CCMC 18.02.080.

(c) The Director or hearing examiner may refer the application to the Commission for its review and decision.

5. Findings. In approving an administrative permit, the hearing examiner shall make the findings as required for a Special Use Permit in CCMC 18.02.080.

6. Notification and Appeal of Decision. The hearing examiner shall notify the applicant not more than 10 days after the date of the decision. The decision of the hearing examiner may be appealed to the Commission by the applicant or any aggrieved party pursuant to CCMC 18.02.060 (Appeals).

(Ord. 2007-9 § 3, 2007: Ord. 2006-13 § 1, 2006: Ord. 2004-13 § 20, 2004: Ord. 2001-23 § 2 (part), 2001).

18.02.115 - Temporary Use Permit.

1. Purpose. This section provides for the temporary permitted uses of short-term commercial activities that may not meet the normal development or use standards of the applicable zoning district but may otherwise be acceptable because of their temporary nature.

(a) Carson City has an economy that is partly dependent on tourism and retail sales, and is therefore, partly dependent on its appearance. Outside sales, display preparation service and storage can adversely affect the appearance and public image of Carson City. It is within the public interest and contributes to the general welfare to project an attractive community image and to promote retail sales.

(b) Outside sales, activities and uses are generally prohibited by the provisions of title 18. Except as specifically provided otherwise by CCMC, all temporary outside sales, storage and displays shall be conducted entirely in accordance with the provisions of this section.

2. Authority. The Director shall have the discretionary authority to approve, conditionally approve or deny a Temporary Use Permit application.

3. Applicability. This Chapter establishes a process for the Director's review of a proposed temporary use to ensure basic health, safety and community welfare standards are met, and only suitable temporary uses with the minimum necessary conditions or limitations consistent with the temporary nature of the use may be approved.

4. Process. An application for a Temporary Use Permit to establish a temporary use, as described in this section, must be filed with the Department in a manner prescribed by the Director, along with the required fee.

5. Findings. The Director may approve or conditionally approve a Temporary Use Permit application if the following findings can be made:

(a) Adequate parking will be provided in areas not located within the public right-of-way, and adequate parking and pedestrian circulation remains available for any existing uses on the site being used by the temporary use;

(b) The proposed temporary use is in compliance with all applicable City, State and Federal laws;

(c) The Fire Chief has determined that the proposed use would not create a fire safety hazard;

(d) The subject property is located within a commercial, industrial, or public use zoning district;

(e) If the use is occurring on City owned property, permission from the City Manager or their designee has been obtained;

(f) Operation of the use would not create adverse traffic safety impacts nor result in detrimental impacts upon the neighborhood in which it is to be located;

(g) The establishment, maintenance, or operation of the temporary use would not be detrimental to the public health, safety or welfare of person residing or working in the neighborhood of the proposed use; and

(h) Approved measure for removal of the use and site restoration have been required to ensure that no changes to the site will limit the range of possible future land uses otherwise allowed by title 18.

5. Conditions of Approval. In approving a Temporary Use Permit, the Director may impose any conditions deemed reasonable and necessary to ensure that the approval will be in compliance with the required findings. Standards for floor areas, heights, landscaping areas, off-street parking, setbacks and other structure and property development standards that apply to the category of use or the zoning district of the subject site shall be used as a guide for determining the appropriate development conditions for the temporary use. However, the Director may grant an adjustment from the specific requirements as deemed necessary or appropriate. Standard conditions of approval are found in CCMC 18.02.105.

6. Post Approval Procedures. The following procedures shall apply following the approval of a Temporary Use Permit:

(a) Conditions of Site Following Temporary Use. Each site occupied by a temporary use shall be cleaned of debris, litter or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used in compliance with the provisions of this title. The Director may require a cash surety as a condition of approval to ensure the site restoration and adequate cleanup after the use is finished; and

(b) Revocation or Modification. If necessary to ensure continued compliance with the required findings, the Director may revoke or modify a Temporary Use Permit if done with not less than 24-hour notice to the applicant.

7. Appeals. Appeals of the Director's decision to deny a Temporary Use Permit shall be taken to the Commission in accordance with the appeal procedures of CCMC 18.02.060.

8. Outdoor Sales and Activities

(a) Outdoor sales and activities shall be permitted within the Retail Commercial, General Commercial and Industrial zoning districts, subject to the approval of the Director.

(b) Outside sales and activities must be designed to primarily promote an existing**,** permanently licensed primary business activity in Carson City.

(c) Promotional sales and activities or display of items not customarily related to the year-round primary business activity on a site, or the primary inventory carried by the retail outlet, may be permitted upon review and approval of the Director on a case specific basis.

(d) Any permit approved for outdoor sales and activities in accordance with this section shall include the following conditions of approval:

(1) The applicant shall observe strict compliance with the approved plot plan.

(2) The applicant shall comply with all city requirements, including the requirements of the Carson City fire department and health department.

(3) A written schedule must be submitted to the Director, providing the number of days per month that temporary outdoor sales and displays will be conducted. The Director must be notified by the applicant in writing when display or sale of merchandise is about to begin.

9. Required Information and Plans. A Temporary Use Permit application for the review of a temporary outdoor sales and activity event shall contain:

(a) A concise statement describing the proposed event, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking and other pertinent information required by the Director to fully evaluate the application.

(b) An accurate plot plan for the property which represents existing conditions on the site, including entrances and exits, parking and driving areas, and an accurate representation of any proposed temporary structures, including tents, stands, traffic barriers, fences, stands, screening devices and signs.

(c) An accurate floor plan, when, in the judgment of the Director, such a plan is necessary to properly evaluate the location of the event and the effectiveness of building entrances and exits.

10. Standards. These standards are to be considered as minimums. Based on the specific particulars of a case the Director may utilize a different standard than the standard recommended by this section.

(a) Time limits. The following time limits shall be specified for each Temporary Use Permit:

(1) The period for which the Temporary Use Permit is valid, which may be for no more than 2 years.

(2) The number of days per year that the temporary use may be conducted, which may be no more than 120 days per year.

(3) The number of consecutive days the temporary use may be conducted, which may be no more than 30 consecutive days.

(4) The daily hours of operation.

(b) Display area shall be limited to that approved by the Temporary Use Permit.

(c) Site conditions. Sales activities may be conducted in a paved area when the activity does not interfere with the safe parking, traffic circulation or emergency vehicle access.

(d) Tents, stands and other similar temporary structures and temporary vehicles and mobile equipment may be utilized, provided they are clearly identified on the submitted plan and provided it is determined by the Director that they will not impair the parking capacity, emergency access, or safe and efficient movement of pedestrian and vehicular traffic on or off site.

(e) The submitted plan shall clearly demonstrate that adequate off-street parking for the proposed event can and will be provided during the event. Consideration must be given to the parking needs and requirements of permanent occupants of the site.

(f) There shall be a consideration of the need for the provision of temporary sanitary conveniences when permanent sanitary facilities are not readily available at the site.

(g) The height of the stacks of merchandise shall be specified in the Temporary Use Permit. A maximum height of 6 feet is recommended.

(h) The use of temporary signage shall comply with the sign requirements of Division 4 (Signs) of title 18 Appendix A, CCMC 18.16 (Development Standards).

(i) All facilities for the preparation or dispensing food shall be approved by the City health department.

(j) The use of animals in any event shall comply with the regulations of the City health department and animal control department.

(k) The site layout and use of temporary appurtenances shall be approved for use by the fire department.

(l) During and immediately after an outdoor activity takes place, the applicant shall keep the area clean from litter and debris arising from the operation.

11. Permit Revocation.

(a) The Director may immediately revoke or suspend the permit, or deny either the issuance or renewal thereof, if it is found that:

(1) The applicant or permittee has violated or failed to meet any of the provisions of this section or conditions of the permit;

(2) The operation is detrimental to the surrounding businesses or to the public due to either appearance or conditions of safety;

(3) Any required licenses have been suspended, revoked, or canceled; or

(4) The scheduled hours of operation are not followed.

(b) Upon suspension or revocation, the Director shall notify in writing the applicant or permittee of the action that has been taken and the reasons for it.

(c) Violation of an issued permit or of the provisions of this section also may be grounds for denial of future permit applications.

(Ord. 2001-23 § 2 (part), 2001). (Ord. No. 2008-33, § I, 9-4-2008)

18.02.120 - Moratorium.

The Board may declare a moratorium on the acceptance and processing of planning applications or permits for a specific type of application or a specific geographical area and for a specified length of time for the purposes of preparing applications to the City.

1. Initiation. Only the Board through resolution may initiate the process for declaring a moratorium. The Commission may recommend a resolution to initiate the process for declaring a moratorium to the Board.

2. Commission Hearing. Should the Board initiate the process to declare a moratorium, the Board shall first refer the matter to the Commission for a recommendation regarding the moratorium. The Commission shall then conduct a public hearing not more than 45 days after the date of referral by the Board.

3. Notice of Commission Hearing. Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation in Carson City not less than 10 days prior to the date of the public hearing to be conducted by the Commission. The notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.

4. Commission Recommendation. After completion of the public hearing by the Commission, it may recommend that the Board approve a moratorium, modify the extent and area of moratorium, or that the moratorium not be imposed. A recommendation to declare a moratorium shall require a two-thirds majority vote of the total membership of the Commission.

5. Findings. When making its recommendation for approval or modification, the Commission, shall, at a minimum, make the following findings of fact:

(a) The moratorium is necessary to promote the health, safety and welfare of the area described in the moratorium declaration;

(b) The moratorium is necessary to permit the staff, the Commission, the Board and the public to focus on the efficient and effective preparation of an amendment to the Master Plan or CCMC; and

(c) The moratorium is necessary because continued development during the proposed moratorium period possibly would result in development that may conflict with the Master Plan or Zoning Code Amendment.

6. Commission Report. Not more than 45 days after the action by the Commission, a report describing the proposed moratorium, discussion at the public hearing, and the action and vote by the Commission shall be transmitted to the Board. Failure to report within the time limit provided in this subsection or failure to schedule a hearing not more 45 days after the date of referral of the matter by the Board to the Commission shall constitute a recommendation not to declare a moratorium.

7. Board Hearing. The Director shall schedule a public hearing before the Board not more than 45 days after date of the Commission's action to make a recommendation.

8. Notice of Board Hearing. Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation in Carson City not less than 10 days prior to the public hearing date. The notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.

9. Required Vote. After completion of the public hearing by the Board, it may declare a moratorium by a simple majority vote of the Board members in attendance.

10. Affirmation of Findings. In declaring a moratorium, the Board shall, at a minimum, affirm the findings of fact contained in the Commission's recommendation or, if the Commission did not make these findings, shall make the findings of fact in subsection 5 of this section.

11. Period in Effect. A moratorium declared by the Board shall be in effect for a period of not less than 90 days and not more than 180 days after the date of effectuation. The Board may only extend the moratorium for an additional 60-day period before holding another public hearing pursuant to the provisions of this section.

(Ord. 2001-23 § 2 (part), 2001).

18.02.130 - Reasonable accommodation.

1. Notwithstanding any other provision of this title, Carson City shall at all times comply with the applicable requirements concerning the granting of reasonable accommodations as set forth in the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq., and any regulations adopted pursuant thereto.

2. A request for a reasonable accommodation made pursuant to subsection 1 must be submitted in writing to the Director for approval or denial as an administrative decision, which may be appealed in accordance with CCMC 18.02.060. The Director:

(a) Must issue his or her decision in writing; and

(b) May deny a request for a reasonable accommodation only if the denial does not constitute a violation of federal or state law or regulation.

(Ord. 2017-29, 2017)