

ORDINANCE NO. 3339  
(ZOA-16-500114 – Waiver of Standards)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND TITLE 19, CHAPTER 19.6 - ADMINISTRATION - OF THE HENDERSON MUNICIPAL CODE TO CREATE A NEW APPLICATION TYPE (WAIVER OF STANDARDS) AND ESTABLISH PROCEDURES FOR THE REVIEW OF SAID APPLICATION, AND MATTERS PROPERLY RELATED THERETO.

- WHEREAS, it is the intent of the City of Henderson to maintain a zoning ordinance for the safe and orderly development of property; and
- WHEREAS, the City of Henderson adopted a new zoning ordinance on January 19, 2010; and
- WHEREAS, a zoning ordinance is considered a “living document” and will invariably need amending to make minor corrections, revisions, and updates as necessary; and
- WHEREAS, it is the intent of the Community Development and Services Department to streamline review and approval processes wherever possible; and
- WHEREAS, a Waiver of Standards application is similar to applications other Southern Nevada jurisdictions use and will eliminate confusion for both applicants and city staff when waivers from the Development Code are requested; and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

- SECTION 1. Chapter 19.6 - Administration - of the Henderson Development Code, is hereby amended, as represented in Exhibit A, hereto attached consisting of twelve (12) pages.
- SECTION 2. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.
- SECTION 3. All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

SECTION 4. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Review Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective. This Ordinance is scheduled for publication on May 6, 2016, in the Review Journal.

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PASSED, ADOPTED, AND APPROVED THIS 3<sup>RD</sup> DAY OF MAY, 2016.



Andy Hafen, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on April 19, 2016, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on May 3, 2016, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held May 3, 2016, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:      Andy Hafen, Mayor  
                                 Councilmembers:  
                                 Sam Bateman  
                                 John F. Marz  
                                 Gerri Schroder

Those voting nay:      None  
Those abstaining:      None  
Those absent:          Debra March



Andy Hafen, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk

Exhibit A  
19.6 Administration



**Table 19.6.2-1**  
**Waiver of Standards**

TABLE 19.6.2-1: SUMMARY TABLE OF DEVELOPMENT REVIEW PROCEDURES				
R = REVIEW      D = DECISION      A = APPEAL      <> = PUBLIC HEARING				
PROCEDURE (SECTION)	REVIEW AND DECISION-MAKING BODIES			
	DEVELOPMENT REVIEW COMMITTEE	COMMUNITY DEVELOPMENT DIRECTOR	PLANNING COMMISSION	CITY COUNCIL
<b>COMPREHENSIVE PLAN AND ZONING</b>				
Comprehensive Plan (Text and Map) (19.6.4.A)	R {1}	R	<R>	<D>
Development Code Text Amendment (19.6.4.B)		R		D
Rezoning (19.6.4.C)	R {2}	R	<R>	D
Rezoning to MP or PUD Overlay District (19.6.4.D)	R {2}	R	<R>	D
<b>LAND DIVISION</b>				
Parcel Map (19.6.5.A) {3}		D	A	
Boundary Line Adjustment (19.6.5.B) {3}		D	A	
Tentative Map (19.6.5.D)	R {2}	R	D	A
Final Map (19.6.5.E) {3}		D	A	
Reversion to Acreage (19.6.5.F)		D	A	
<b>ENTITLEMENTS</b>				
Conditional Use Permit (19.6.6.A)		R	<D>	<A>
Design Review (19.6.6.B)	R {2}	D {4}	A	A
Redevelopment Area Review (19.6.6.C) {5}		D		
Temporary Use Permit (19.6.6.D)		D	A	
<b>SIGNS</b>				
Master Sign Plan (19.6.7.B)	R	R	D	A
<b>VACATION</b>				
Type I (Streets/Non-Municipal Easements) (19.6.8.A)	R	R	<R>	D
Type II (Municipal Easements) (19.6.8.B)		R		D
<b>MODIFICATIONS AND APPEALS</b>				
Administrative Adjustment (19.6.9.B)		D {6}	A	
Variance (19.6.9.C)	R	R	<D>	<A>
Waiver (19.6.9.D) {7}{8}		R	<D>	<D>
<u>Waiver of Standards Applications (19.6.9.G) {8}{9}</u>		<u>R</u>	<u>&lt;D&gt;</u>	<u>&lt;D&gt;</u>
Appeal (19.6.9.E)			D	A
Interpretation (19.6.9.F)		D	A	
<b>OTHER PROCEDURES</b>				
Development Agreement (19.6.10.A)		R	<R>	<D>
Creation of Landscape Maintenance District (19.6.10.B)		R	<R>	<D>

**Table 19.6.2-1**  
**Waiver of Standards**

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<b>NOTES:</b> {1} Amendments to the future land use map of the Comprehensive Plan require review of a concept plan by the Development Review Committee. {2} Amendments to the Master Plan Overlay District, design review applications with structures of 50,000 square feet or more of floor area, and Projects of Significant Impact require concept plan review by the Development Review Committee. {3} Recombinations of existing lots resulting in subdivisions of five or more lots are reviewed in accordance with the procedure for final maps (Section 19.6.5.D); all others are reviewed in accordance with the procedure for a parcel map (Section 19.6.5.A). {4} A Design Review application associated with another type of application, such as a Conditional Use Permit, shall be processed concurrently with the other application, and shall be reviewed and decided by the same decision-making body deciding the other application. {5} Appeals are heard by the Redevelopment Agency. {6} Administrative Adjustments shall be approved prior to final decision on design review applications. {7} Waivers <del>[are not a separate application; they]</del> may be requested in conjunction with either a PUD or MP overlay or <del>[a Design Review]</del> <u>separately with a waiver of standards application.</u> {8} Waivers requested in conjunction with a PUD or MP overlay are final action at City Council. Waivers requested <del>[in conjunction with a Design Review]</del> <u>with a waiver of standards application</u> may be final action at Planning Commission. {9} <u>Waiver of standards applications associated with another type of application, such as a rezoning/zone change, shall be processed concurrently with the other application and shall be reviewed and decided by the same decision-making body.</u>				



**Table 19.6.3-1  
Waiver of Standards**

TABLE 19.6.3-1: PUBLIC NOTICE REQUIREMENTS		
APPLICATION TYPE	NOTICE REQUIRED {1}	
	WRITTEN (MAILED) NOTICE RECIPIENTS	POSTED NOTICE REQUIRED
<b>ENTITLEMENTS</b>		
Conditional Use Permit without alcohol sales or hazardous substances	In addition to general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 500 feet of the subject site and the nearest 30 real property owners. Newspaper notification is not required. {3}	Yes
Conditional Use Permit with alcohol sales outside the CT district; Airports and Landing Strips	In addition to general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 1,500 feet of the subject site, and the nearest 30 real property owners. Newspaper notification is not required.	Yes
Conditional Use Permit with hazardous substances, per NRS 459.3816	In addition to general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 1,000 feet of the subject site, and the nearest 30 real property owners, as required in NRS 278.147. Public hearing notices are sent out 30 days prior to Planning Commission meeting.	Yes
<del>[Design Review with Waiver requests</del>	<del>In addition to general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 500 feet of the subject site and the nearest 30 real property owners. Newspaper notification is not required.</del>	<del>Yes]</del>
Removal proceedings for nonconforming billboards	The applicant, real property owner, and owner of the nonconforming billboard.	No
Any application involving a nonrestricted gaming establishment or gaming enterprise overlay	In addition to general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 5,000 feet of the subject site, and the nearest 30 real property owners.	Yes
Project of Regional Significance	In addition to general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 750 feet of the subject site and the nearest 30 real property owners. {3}	Yes
Redevelopment Area Review	None required.	No
<u>Waiver of Standards</u>	<u>In addition to general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 500 feet of the subject site and the nearest 30 real property owners. Newspaper notification is not required.</u>	<u>Yes</u>

## 19.6.6. ENTITLEMENTS

### B. DESIGN REVIEW

This section sets out the required review and approval procedures for design review, which is a review procedure for determining compliance with the site planning, building design, and architectural standards of this Code.

#### 1. Applicability

Unless waived by the Community Development and Services Director, or included in Section 19.6.6.B.2, *Exemptions*, all of the following shall be subject to review and approval under the design review procedures of this Code prior to the issuance of a building permit:

- (a) Any building or non-building site improvement.
- (b) Any alteration or addition with a building permit valuation of \$5,000 or more that affects the external appearance, function, or external circulation of any permitted use in any nonresidential zoning district.
- (c) Any manufactured home or addition to a manufactured home.

#### COMMENTARY

When site plans are reviewed in conjunction with other forms of development approval, separate design review under the procedures of this section will not be required.

#### 2. Exemptions

The following forms of development are exempt from the standards in this section:

- (a) Any alteration or improvement not affecting the external appearance of a structure.
- (b) Any alterations or additions to a legally-established, conforming, single-family, detached dwelling.
- (c) Additions or alterations to any nonresidential or mixed-use building with a building permit valuation of less than \$5,000.
- (d) Site plans associated with a master plan or PUD for which site plans and building design/architectural plans have been approved in accordance with the applicable review procedures of this Code.

The Community Development and Services Director or the Building Official may require the development to comply with the standards of this section in cases where the proposed alteration or improvement endangers the public health, safety, or general welfare.

#### 3. Projects of Significant Impact and Developments Over 50,000 Square Feet

Projects of Significant Impact and new developments with 50,000 square feet or more shall undergo concept plan review in accordance with Section 19.6.3.A.3, *Concept Plans*, and a neighborhood meeting held in accordance with Section 19.6.3.B.3, *Neighborhood Meeting*.

#### 4. Application Filing

Applications for design review shall be submitted to the Community Development and Services Director.



## 19.6.6.B Design Reviews

### 5. Review and Decision

- (a) Design review applications that are not being processed concurrently with rezonings, planned unit developments, conditional use permits, or variances are eligible for administrative review and approval by the Community Development and Services Director.
- (b) Design review applications that are being processed concurrently with rezonings, conditional use permits, or variances shall be reviewed and approved concurrently with the other required approvals, and shall be decided by the decision-making body deciding the rezoning, conditional use permit, or variance.
- (c) Decision-making bodies shall review each application for design review and act to approve, approve with conditions, or deny the application based on whether the application complies with the standards of this Code or other approved design standards for the subject development, including the design and development standards in Chapter 19.7: Development and Design Standards.
- (d) When the Community Development and Services Director is the decision-making body, action shall be taken within 30 days of receipt of a complete application.

### 6. ~~[Approval Criteria for Applications with Development Code Waivers~~

~~A Design Review application with requests for waivers of the Development Code may be approved only if the City Council finds that all of the following criteria have been met:~~

- ~~(a) The proposal is consistent with the Comprehensive Plan;~~
- ~~(b) The proposed development addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments;~~
- ~~(c) The proposal mitigates any potential significant adverse impacts to the maximum practical extent;~~
- ~~(d) Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development; and~~
- ~~(e) The same development could not be accomplished through the use of other techniques such as variances or administrative adjustments.]~~

### 7. Notice of Decision

Within five days of a decision on a design review application, the Community Development and Services Director shall mail notice of the decision to the applicant and all other parties who have made a written request for notification.

### 8. Appeals

Appeals of the Community Development and Services Director's decision shall be taken to the Planning Commission, and appeals of the Planning Commission's decision shall be taken

**19.6.6.B**  
**Design Reviews**

to the City Council, in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*.

**9. Lapse of Approval**

An approved design review application shall lapse and have no further effect 18 months after its effective date or at such alternate time specified in the approval unless:

- (a) A building permit has been issued and construction diligently pursued;
- (b) A certificate of occupancy has been issued;
- (c) The use is established; or
- (d) The design review has been granted an extension of time.

**10. Extensions of Time**

The Community Development and Services Director may renew or extend the time of a design review when the applicant demonstrates good cause for the extension. Any such administrative extension granted shall not exceed 18 months in length. For design reviews originally approved by the Planning Commission or City Council, no more than one extension may be granted by the Community Development and Services Director. Additional extensions of time may be approved by the Planning Commission, whose decision may be appealed to the City Council in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*.



### 19.6.9.A, D, and G

### Waiver of Standards, Summary Table, and Waivers

## 19.6.9. MODIFICATIONS AND APPEALS

The development review procedures in this section are intended to allow relief and flexibility in the development review process. Generally, it is the intent of the City to allow significant reductions or deviations from the minimum standards of this Code only in exchange for a higher level of quality development and compensating ~~public~~ benefits.

### A. SUMMARY TABLE

Table 19.6.9-1, *Summary of Flexibility Options*, summarizes the principal tools that are available to provide relief from the strict application of the standards in this Code. The table includes procedures that allow reduction, waiver, adjustment, or exemption from certain Code standards, and any applicable limitations. ~~[Applicants seeking to use one or more of the procedures in this table shall provide compensating public benefits in accordance with the standards in Section 19.7.11, Compensating Public Benefits.]~~

TABLE 19.6.9-1: SUMMARY OF FLEXIBILITY OPTIONS				
PROCEDURE	DECISION- MAKING BODY	DESCRIPTION	LIMITATIONS	COMPEN- SATING BENEFITS REQUIRED?
Administrative Adjustment (19.6.9.B)	Community Dev. and Services Director	Allows minor deviations from certain standards, as specified in Table 19.6.9-2.	Only specified adjustments allowed; See approval criteria in Section 19.6.9.B.5.	No
Variances (19.6.9.C)	Planning Commission	Allows deviation from any development standard (except allowable use).	Hardship must be demonstrated. See approval criteria in Section 19.6.9.C.6.	No
Waivers (19.6.9.D)	Planning Commission or City Council per Section 19.6.9.D.4	Allows new development to depart from required development or design standards through the <del>[DRA]</del> <u>Waiver of Standards</u> or PUD or MP processes.	Does not exempt requirements; allows an alternative form of compliance equal to or better than standard.	Yes
Development Agreements (19.6.10.A)	City Council	Allows departure from Development Code and HMC in exchange for compensating benefits.	Subject to approval by City Council.	No

### D. WAIVERS

#### 1. Purpose and Scope

This section allows the approval of a waiver as part of a ~~[Design Review]~~ Waiver of Standards application or the PUD or Master Plan rezoning process, which allows development to occur in a manner that meets the intent of this Code, yet through an alternative design that does not strictly adhere to the Code's standards. This section authorizes a site-specific development alternative that is equal to or better than the strict application of the standards of this Code.

#### 2. Applicability

The waiver procedure is available only for the following:

### 19.6.9.A, D, and G

#### Waiver of Standards, Summary Table, and Waivers

- (a) Site or lot area, lot width, setback, height, building coverage, structure spacing, or dwelling size;
- (b) Section 19.4.8.F.3 through F.8, F.12 through F.17, and F.19, Hillside Development Regulations
- (c) Section 19.7.2, Common Open Space;
- (d) Section 19.7.3, Circulation and Mobility;
- (e) Section 19.7.4, Parking and Loading;
- (f) Section 19.7.5, Landscaping and Screening;
- (g) Section 19.7.6, Building Design Standards;
- (h) Section 19.7.7, District-Specific Standards;
- (i) Section 19.7.8, Operational Performance;
- (j) Section 19.7.12, Sustainability; and
- (k) Section 19.9, Subdivision Design and Improvements.

#### 3. Pre-Application Meeting

An applicant proposing to apply for a waiver may request and attend a pre-application meeting prior to submitting application materials for the applicable entitlement(s), to obtain nonbinding input from the Community Development and Services Director regarding proposed benefits. Based on the response, the application should include sufficient explanation and justification, in both written and graphic form, for the requested alternative compliance.

#### 4. Decision-Making Responsibility

Final approval of any proposed waiver shall be the responsibility of the Planning Commission for waivers requested ~~[in conjunction with Design Review applications]~~ through a waiver of standards application or City Council for waivers requested in conjunction with PUD or MP overlays.

#### 5. Criteria

A waiver may be approved if the applicant demonstrates that the following criteria have been met by the proposed alternative:

- (a) Achieves the intent of the subject standard to the same or better degree than the subject standard;
- (b) Advances the goals and policies of the Comprehensive Plan and this Code to the same or better degree than the subject standard;
- (c) Provides compensating benefits pursuant to this section; and
- (d) Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this ordinance.

#### 6. Compensating Benefits



#### **19.6.9.A, D, and G**

#### **Waiver of Standards, Summary Table, and Waivers**

- (a) Waivers shall be granted only when compensating benefits or amenities are offered that are reasonably related to the proposed waiver and would not otherwise be required by this Code or state law.
- (b) Compensating benefits may be provided to meet either, or a combination of, the following criteria:
  - (1) Benefits the general public:
    - i. Park(s), trails, or other similar public or cultural facilities;
    - ii. Public landscape buffers or beautification areas;
    - iii. Public art;
    - iv. Permanent conservation of natural areas or lands;
    - v. Increased building setbacks;
    - vi. Decreased building height;
    - vii. Other benefits as agreed upon by the Community Development and Services Director and/or approved by the Planning Commission or City Council.
  - (2) Benefits the users, customers, or residents of the proposed development:
    - i. Open space, trails, or other similar recreational amenities;
    - ii. Upgrades in architectural design;
    - iii. Increased landscaping;
    - iv. Increased buffering;
    - v. Permanent conservation of natural areas or lands;
    - vi. Secure bicycle facilities, where appropriate;
    - vii. Other benefits as agreed upon by the Community Development and Services Director and/or approved by the Planning Commission or City Council.
- (c) If the benefits provided are required by this Code, they must be provided in an amount that exceeds the requirement.

#### **7. Effect of Approval**

A waiver shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

#### **G. WAIVER OF STANDARDS APPLICATIONS**

##### **1. Purpose and Description**

This section outlines procedures for the submittal, review, and approval of the waiver of standards application. A waiver of standards application may be used to gain approval of waivers from, or modifications to, Development Code standards as set forth in 19.6.9.D, Waivers. It provides a method of obtaining waivers of the Development Code separate

**19.6.9.A, D, and G**  
**Waiver of Standards, Summary Table, and Waivers**

from submitting zone changes, tentative maps, design reviews, or other specific development plans.

**2. Applicability**

- (a) All requests must comply with Sec. 19.6.9.D, Waivers.
- (b) Applications may be submitted as a stand-alone request or with other, accompanying applications.
- (c) The applicant bears the burden of proof to establish that approval of the waiver(s) requested is warranted and appropriate.
- (d) The fact that a waiver for the same or similar use has been granted previously for the subject property or nearby property is a factor to be considered, but is not determinative.

**3. Public Hearing Notice**

Notice of public hearings on waiver of standards shall be posted and mailed in accordance with Section 19.6.3.B.4, Public Notice.

**4. Application Filing**

Applications for waiver of standards shall be submitted to the Community Development and Services Director.

**5. Community Development and Services Director Review and Report**

The Community Development and Services Director shall review each proposed waiver of standards application in light of the approval criteria of 19.6.9.G.7, Waiver of Standards Approval Criteria, and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Community Development and Services Director shall provide a report to the Planning Commission.

**6. Planning Commission Review and Decision**

- (a) Within 50 days of receipt of a complete application, the Planning Commission shall hold a public hearing on the proposed waiver of standards. At the close of the public hearing, the Planning Commission shall act to approve, approve with conditions, or deny the application, based on the approval criteria of Section 19.6.6.E.8, Waiver of Standards Approval Criteria. However, the Planning Commission's vote shall be a recommendation only when the application is being processed concurrently with an application that requires a final decision by the City Council.
- (b) Design review applications that are being processed concurrently with waiver of standards applications shall be reviewed and approved concurrently by the Planning Commission.

**7. Waiver of Standards Approval Criteria**

A waiver of standards application may be approved only if the Planning Commission or City Council finds that all of the following criteria have been met:

- (a) The proposal is consistent with the Comprehensive Plan;



#### 19.6.9.A, D, and G

#### Waiver of Standards, Summary Table, and Waivers

- (b) The proposed development addresses a unique situation, confers a substantial benefit to the City, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments;
- (c) The proposal mitigates any potential significant adverse impacts to the maximum practical extent;
- (d) The same development could not be accomplished through the use of other techniques such as variances or administrative adjustments.
- (e) The applicant has shown, by clear and convincing evidence, that the waiver(s) requested will not compromise the objective of the City in safeguarding the interests of the citizens of the City;
- (f) The waiver(s) will not be materially detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and land use and zoning districts in which the property is located; and
- (g) Granting the waiver(s) does/will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use or zoning district in which the property is located.

#### 8. Findings of Fact

The decision of the Planning Commission or City Council shall be accompanied by written findings of fact specifying the reasons for the decision.

#### 9. Notice of Decision

Within five days of the Planning Commission's decision on a waiver of standards application, the Community Development and Services Director shall mail notice of the decision to the applicant and all other parties who have made a written request for notification.

#### 10. Appeals

Appeals of the Planning Commission's decision on waiver of standards applications shall be taken to the City Council in accordance with the appeal procedures of Section 19.6.9.E, Appeals.

Appeals of the City Council decision on waiver of standards applications shall be processed through the court system.

#### 11. Lapse of Approval

An approved waiver of standards application shall lapse and have no further effect 18 months after its effective date or at such alternate time specified in the approval unless:

- (a) A building permit has been issued and construction diligently pursued;
- (b) In cases where mapping/map-related waivers have been granted, a final map has been recorded;

**19.6.9.A, D, and G**  
**Waiver of Standards, Summary Table, and Waivers**

- (c) A certificate of occupancy has been issued;
- (d) The use is established; or
- (e) The waiver of standards application has been granted an extension of time.

**12. Extensions of Time**

The Community Development and Services Director may renew or extend the approval period of a waiver of standards application when the applicant demonstrates good cause for the extension. Any such administrative extension granted shall not exceed 18 months in length, and no more than one extension may be granted by the Community Development and Services Director. Additional extensions of time may be approved by the Planning Commission, whose decision may be appealed to the City Council in accordance with the appeal procedures of Section 19.6.9.E, Appeals.

**FIGURE 19.6.9-E: SUMMARY OF THE WAIVER OF STANDARDS PROCESS**

