

SEC. 10-1.2950 ZONING CONFORMANCE PERMIT

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SEC. 10-1.2955 PURPOSE.

A Zoning Conformance Permit is associated with a simplified process for reviewing applications for activities that are allowed as a matter of right, subject to fixed standards or objective measurements set forth herein. Any action of the Planning Director pursuant to this section may be taken without neighborhood notice or public hearing. The decision by the Planning Director pursuant to this section shall be final.

SEC. 10-1.2960 WHEN REQUIRED.

A Zoning Conformance Permit shall be required for all uses or development that are allowed as a matter of right and that are identified as requiring a Zoning Conformance Permit. Site Plan Review may be required if the Planning Director determines that the project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines, in accordance with the Site Plan Review provisions of this Ordinance.

SEC. 10-1.2965 APPLICATION.

- a. Application for a Zoning Conformance Permit shall be on a form provided by the Planning Division and shall be signed by the applicant and by an owner of the property or the owner's authorized representative. The application shall be submitted to the Planning Division and shall be accompanied by payment of a fee, as established by resolution of the City Council.
- b. Each application shall be accompanied by:
 - (1) A scaled map or diagram of the property;
 - (2) A statement describing the existing improvements or use of the subject property and any proposed changes;
 - (3) Other documents or information in such form and number as may be required by the Planning Director, including, but not limited to, materials specifically required for the proposed use or development, title reports, dimensioned architectural drawings showing elevations of existing and proposed buildings, existing and proposed landscaping and other ground treatment, required parking facilities and circulation, provisions for refuse,

fencing, lighting, storage, signs, proposed open space, building materials and drainage facilities, and existing and proposed grades.

- c. No application shall be acted upon until it is deemed complete by the Planning Director.

SEC. 10-1.2970 NOTICE OF DECISION AND EFFECTIVE DATE.

- a. Notice. Any notice provided for in this section shall be served on the applicant and the property owner in accordance with State law, and shall include the name of the applicant, the purpose of the application and the location of the property. A copy of the notice will be mailed to the person(s) and address(es) identified in the application. The failure of any person to receive notice properly given shall not affect the validity of any proceedings hereunder.
- b. Effective Date. The decision of the Planning Director shall take effect upon approval.

SEC. 10-1.2975 CONFORMANCE.

A Zoning Conformance Permit issued on the basis of plans and applications approved by the Planning Director are valid only for uses, arrangements, and construction set forth in the permit. Any use, arrangement, or construction other than those set forth in the permit is a violation of the Zoning Ordinance.

SEC. 10-1.2980 USES NOT SPECIFIED.

When a proposed use is not listed where other uses of the same general character are specified, the Planning Director may interpret the Ordinance to include said use as comparable to a primary or conditional use in the same district.

SEC. 10-1.2985 VIOLATIONS AND PENALTIES.

- a. Any person violating any provision of this Ordinance or failing to comply with any approved plans or conditions, shall be guilty of an infraction or misdemeanor as set forth in Chapter 1, Article 3 of the Hayward Municipal Code.
- b. Whenever there exists cause to suspect a violation of any provision of this Ordinance, the official responsible for enforcement may enter on any site or into any structure for the purpose of investigation. No secured building shall be entered without the consent of the owner or occupant or agent thereof. Where the owner refuses to permit entry for investigation, the official responsible for enforcement may seek to obtain a warrant issued by the Superior Court of Alameda County for the purposes of inspection.
- c. The procedures for abatement of an infraction set forth herein shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances and regulations or abating public nuisances in any other manner provided by law.
- d. Any violation of this ordinance shall be a public nuisance and may be abated as such. Nothing in this Ordinance shall be deemed to prevent the commencement of a civil

proceeding to abate a public nuisance pursuant to applicable law or from pursuing any other remedy available under applicable law.

- e. Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in California Government Code section 36900. After a third conviction for a violation of the same provision, subsequent violations within a 12-month period may be charged as a misdemeanor. Upon conviction of a misdemeanor, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth in California Government Code section 36901.
- f. Each day that a violation or failure to comply continues shall be deemed a separate offense and may be punished as such.
- g. The remedies provided for herein shall be cumulative and not exclusive.

Ord. 15-15, adding Section 10-1.2950, Chapter 10, Article 1 of the Hayward Municipal Code relating to Zoning Conformance Permit, adopted June 23, 2015.