

SEC. 10-1.3200 CONDITIONAL USE PERMIT

Sections:

Section 10-1.3205	Purpose
Section 10-1.3210	When Required.
Section 10-1.3215	Application Form and Submittal.
Section 10-1.3220	Administrative Options.
Section 10-1.3225	Findings.
Section 10-1.3230	Conditions.
Section 10-1.3235	Notice of Decision and Effective Date.
Section 10-1.3240	Time Limits for Final Decision.
Section 10-1.3245	Appeals.
Section 10-1.3250	Referrals.
Section 10-1.3255	Lapse of Approval.
Section 10-1.3260	Revocations and Modifications.
Section 10-1.3265	Reapplication.
Section 10-1.3270	Discontinued Uses.

SEC. 10-1.3205 PURPOSE.

The purposes for requiring conditional use permit approval are to assure certain uses, as specified in the various districts, are permitted where there is a community need, and to assure said uses occur in maximum harmony with the area and in accordance with official City policies. All conditions of approval and all elements of the exhibit approved with the use permit are required to be completed before occupancy or onset of business unless specifically indicated otherwise.

SEC. 10-1.3210 WHEN REQUIRED.

a. **General.**

All uses requiring use permit approval, as specified in the various zoning districts of this Ordinance, are subject to the regulations and procedures contained herein, except that expansion or remodeling in connection with a use existing by virtue of an approved use permit does not require further use permit approval if, in the opinion of the Planning Director, said expansion or remodeling are minor in nature and will not materially alter the character or appearance of the property or area.

b. **Site Plan Review.**

When the provisions of this Ordinance require both site plan review and use permit approval, an application for a use permit constitutes an application for both. Information as required for site plan review must be furnished by the applicant, and decisions regarding the site plan must be made according to the guidelines set forth for site plan review.

SEC. 10-1.3215 APPLICATION FORM AND SUBMITTAL.

An application for a conditional use permit shall be submitted as specified in Section 10-1.2815.

SEC. 10-1.3220 ADMINISTRATIVE OPTIONS.

The Planning Director may refer a conditional use permit application to the Planning Commission, with or without a recommendation. Recommendations must be based on the findings listed in Section 10-1.3225.

If after applying for a conditional use permit application, the applicant fails to provide changes or additional information necessary to make a decision on the project and there is no activity taking place in connection with the application for a period of 6 months, the application shall be closed and the applicant so informed.

SEC. 10-1.3225 FINDINGS.

The Planning Commission or other approving authority may approve or conditionally approve an application when all of the following findings are made:

- a. The proposed use is desirable for the public convenience or welfare;
- b. The proposed use will not impair the character and integrity of the zoning district and surrounding area;
- c. The proposed use will not be detrimental to the public health, safety, or general welfare; and
- d. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

SEC. 10-1.3230 CONDITIONS.

To implement official City policy and to attain the purposes for requiring use permit approval, as stated in Section 10-1.3205 as well as the general findings listed in Section 10-1.3225, the Planning Commission may attach to approvals such conditions as it deems necessary. These conditions may include, but are not limited to:

- a. Site plan and architectural requirements such as, but not limited to, building arrangement, safe and efficient access, adequate open space, landscaping, screening, parking and yards, shielded lighting, compatible signs, harmonious external building design, and sufficient variety to avoid monotony in external appearance.
- b. Activities and equipment permitted;
- c. Time of day activities shall be permitted;
- d. Specified time period within which approval is valid;
- e. Furnishing of guarantees assuring compliance with conditions;

- f. Adequate safeguards against the emission of dust, heat, glare, electromagnetic interference, odors, smoke and particulate matter, wastes, refuse, water pollution and the like. The Commission may refer the application to qualified consultants for a report if it deems necessary. Cost of consultant services must be paid by the applicant; and

SEC. 10-1.3235 NOTICE OF DECISION AND EFFECTIVE DATE.

The decision of the Planning Commission shall take effect in accord with the provisions of Section 10-1.2825 and notice shall be given pursuant to Section 10-1.2820.

SEC. 10-1.3240 TIME LIMITS FOR FINAL DECISION.

Where applicable, a final decision on all applications for a conditional use permit will be made within the time limits set forth in the Permit Streamlining Act of the State of California. A conditional use permit application which is dependent on a General Plan amendment or other legislative proposal shall not be subject to the Permit Streamlining Act's time limits until the General Plan amendment or legislative proposal is adopted.

SEC. 10-1.3245 APPEALS.

a. **Decision of Planning Director Appealed to Planning Commission.**

Administrative decisions of the Planning Director relating to a conditional use permit may be appealed to the Planning Commission, in accord with the appeals process detailed in Section 10-1.2845.

b. **Decision of Planning Commission Appealed to City Council.**

- (1) The decision of the Planning Commission may be appealed to the City Council, in accord with the appeals process detailed in Section 10-1.2845. The Council may approve, conditionally approve, or disapprove the application based on the findings in Section 10-1.3225.
- (2) In the event significant new evidence, which may include substantial changes to the proposal, is presented in conjunction with the appeal, the matter shall be returned to the Planning Commission for further consideration and a decision.

SEC. 10-1.3250 REFERRALS.

- a. The Planning Commission may refer a conditional use permit application to the City Council at any time, with or without a recommendation. The Council shall then conduct a public hearing, for which notice shall be given in accord with Section 10-1.2820.
- b. On referral, the Council may approve or conditionally approve the application based on the findings in Section 10-1.3225. The Council must disapprove the application if it is unable to make any of the required findings.

SEC. 10-1.3255 LAPSE OF APPROVAL.

a. **General.**

Conditional Use Permit approval is void 36 months after the effective date of approval unless:

- (1) Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or a time extension of the approval has been granted by the Planning Director.
- (2) If a building permit is issued for construction of improvements authorized by the conditional use permit approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on the conditional use permit approval. A request for an extension must be submitted in writing to the Planning Division at least 15 days prior to the above date.
- (3) Business operations have commenced in accordance with all applicable conditions of approval.

b. **24-Month Extension.**

- (1) The Planning Director may grant an extension(s) for whatever time period is deemed appropriate, provided that the cumulative total of time extension(s) does not exceed 24 months. Decisions of the Planning Director regarding time extension(s) may be appealed to the Planning Commission or the City Council, as appropriate.
- (2) A request for an extension of time must be filed with the Planning Division at least 15 days prior to the anniversary date of approval, and action on the request shall be taken within 30 days. Notice of said action shall be given pursuant to Section 10-1.2820.
- (3) In making a decision on approval of an extension, the following shall be considered:
 - (a) the cause for delay in submittal of the building permit; and
 - (b) whether the proposal is in conformance with existing development regulations.
- (4) Conditions of approval may be added or modified by the Planning Director as a result of the processing of an extension of time.

SEC. 10-1.3260 REVOCATIONS AND MODIFICATIONS.

- a. In accord with the notice and hearing provisions detailed in Sections 10-1.2820 and 10-1.2825, the Planning Commission may revoke a conditional use permit, or modify, or add to the conditions of approval, or refer the matter to the City Council, with or without a recommendation in order to insure the use is consistent with the findings made pursuant to Section 10-1.3225.

- b. Requests for modifications may be approved by the Planning Commission or Planning Director without a public notice or hearing or notice of such item, if the Planning Director determines that such proposed modification is of a minor nature.
- c. A conditional use permit may be revoked when the Planning Commission finds that:
 - (1) The use or the manner in which it is conducted, managed or operated impairs the character and integrity of the zoning district and surrounding area; or
 - (2) The applicant has not fully complied with or completed all conditions of approval or improvements indicated on the approved development plan and modification of the conditions or plan would not be in the public interest or would be detrimental to the public health, safety, or general welfare.

SEC. 10-1.3265 REAPPLICATION.

A conditional use permit that has been disapproved or revoked may not be applied for within one year of the final decision to disapprove or revoke said application except when, prior to that time, the Planning Director finds that new evidence, a change of conditions, or a change in the project justifies reconsideration.

SEC. 10-1.3270 DISCONTINUED USES.

All uses that cease operation for a period of more than six consecutive months shall be deemed to be discontinued, and the use permit establishing said use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining a new use permit.