ARTICLE 27 CONDITIONAL USE PERMITS

SEC. 25-27-01 PURPOSE

To allow the proper integration into the community of uses which may be suitable only in specific locations in a zoning district or only if such uses are designed or laid out on the site in a particular manner.

SEC. 25-27-10 APPLICATION

A conditional use permit shall be required for all uses listed as conditional uses in the Residential, Commercial, and Industrial Land Use Tables or elsewhere in this chapter.

- A. Filing: Application shall be made in writing by the property owner or his authorized agent, on forms provided by the Community Development Department, and accompanied by such data and information as may be necessary to fully describe the request.
- B. Fee: The filing and investigation fee shall be as prescribed by City Council resolution.

SEC. 25-27-20 PUBLIC HEARING

A public hearing will be held pursuant to Government Code Section 65905. A notice of hearing shall be mailed at least ten calendar days prior to said hearing to all property owners, any part of whose property lies within a radius of three hundred feet of the applicants property, using for this purpose the names of such owners as shown on the last equalized assessment roll, or alternatively, from such other records of the assessor or the tax collector as contain more recent addresses. In addition, if warranted in the determination of the community development director, notice shall be provided by conspicuously posting the subject property for at least ten days prior to the hearing. Failure to receive the notice required by this section shall not invalidate the action of the planning commission. (Ord. No. 1024, § 2; Ord. No. 1254, § 24; Ord. No. 1339, § 2, (part); Ord. No. 1350, § 2.)

SEC. 25-27-30 PLANNING COMMISSION ACTION

The Planning Commission may approve, conditionally approve or deny an application for a conditional use permit; and in authorizing a conditional use, may impose such requirements and conditions with respect to location, construction, time period, maintenance, and operation, as deemed necessary for the protection of adjacent properties and the public interest, when reasonably related to the use of the property. Before granting any conditional use permit the Planning Commission shall be satisfied that the proposed structure or use conforms to the requirements and the intent of this chapter and the General Plan.

SEC. 25-27-40 ZONING ADMINISTRATOR ACTION

The Zoning Administrator may approve minor condition use permits (i.e. Zoning Administrator permits) as noted in the Residential, Commercial and Industrial Land Use Tables. The Zoning Administrator may approve, conditionally approve or deny an application for a minor conditional use permit, and in authorizing such use impose such requirements and conditions with respect to location, construction, time period, maintenance, and operation, as deemed necessary for the protection of adjacent properties and the public interest, when reasonably related to the use of the property. Before granting any permit, the Zoning Administrator shall be satisfied that the proposed structure or use conforms to the requirements and the intent of this Chapter and the General Plan.

SEC. 25-27-50 APPEALS

The planning commission action on the conditional use permit shall be final unless, within fourteen (14) calendar days after the decision, the applicant or any other person including the city council, any individual city council member, or the city manager, not satisfied with the decision of the planning commission, may appeal to the city council. No conflict of interest shall exist solely by reason of the filing of an appeal by the city council, an individual city council member, or the city manager. Any appeal shall be filed with the city clerk and, except an appeal by the city council, a council member, or the city manager, shall be accompanied by a filing fee as prescribed by city council resolution. The city clerk shall set a date for a public hearing and shall give notice to the appellant, the applicant and neighboring property owners in the manner provided in Section 25-27-20.

The Zoning Administrator's action on the minor conditional use permit shall be final unless, within ten (10) calendar days after the decision, the applicant or any other person not satisfied with the decision of the Zoning Administrator, may appeal in writing to the Planning Commission. Said appeal shall be accompanied by a filing fee as prescribed by City Council resolution. At its next regular meeting after the filing of such appeal, the Planning Commission shall set a date for a public hearing and shall give notice to the appellant, the applicant and neighboring property owners.

SEC. 25-27-60 ISSUANCE

No conditional use permit which has been approved by the Planning Commission or Zoning Administrator shall be issued prior to the expiration of the appeal period as set forth in SEC. 25-27-40, or the final action on an appeal to the City Council.

SEC. 25-27-70 EXPIRATION

In the event the Planning Commission or Zoning Administrator finds the use permit has not been exercised within the time limit set by the Commission, or within one (1) year if no specific time limit has been set, the permit shall be null and void without further action; except that the Zoning Administrator may extend the approval of a use permit for one (1) additional year, with the same conditions of approval, if circumstances have not changed. The request in writing must be received prior to the expiration of the use permit.

SEC. 25-27-80 MINOR MODIFICATION TO USE PERMIT

The Zoning Administrator may approve minor modification to an approved use permit.

SEC. 25-27-90 REVOCATION

In the event the conditions of a use permit have not been, or are not being, complied with, the Community Development Department shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to a Planning Commission review thereon. After the conclusion of the review, the Planning Commission may revoke such permit.