

**SEC. 10-1.3100 ADMINISTRATIVE USE PERMIT**

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**SEC. 10-1.3105 PURPOSE.**

The purposes for requiring administrative use permit approval are to assure certain specified uses are permitted where there is community need, and to assure said uses occur in maximum harmony with the area and in accordance with official City policies. Unless specifically indicated otherwise by the Planning Director, all conditions of approval shall be completed prior to occupancy of structures and onset of business.

**SEC. 10-1.3110 WHEN REQUIRED.**

- a. All uses which require the issuance of an administrative use permit, as specified in the regulations for the various districts, shall be subject to the regulations and procedures contained herein.
- b. 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. 10-1.3115 APPLICATION FORM AND SUBMITTAL.**

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

**SEC. 10-1.3120 ADMINISTRATIVE OPTIONS.**

The Planning Director may approve, conditionally approve, disapprove, or refer an administrative use permit application to the Planning Commission, with or without a recommendation. Except for referrals, action must be based on the findings listed below in Section 10-1.3125.

If after applying for an administrative 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. 10-1.3125 FINDINGS.**

The 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. 10-1.3130 CONDITIONS.**

In the event of conditional approval, such conditions as may be reasonably necessary to achieve a beneficial affect may be imposed and may include but not be limited to:

- a. Site plan architectural requirements such as building arrangement, safe and efficient access, adequate open spaces, 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. An application may be referred to qualified consultants if a report is deemed necessary. Cost of consultant services shall be paid for by the applicant.

**SEC. 10-1.3135 NOTICE OF DECISION AND EFFECTIVE DATE.**

The decision of the Planning Director shall take effect in accord with the provisions of Section 10-1.2825, and notice shall be given pursuant to Section 10-1.2820, except that notice need not be given to other than the applicant and property owner or authorized representative for and temporary uses not exceeding 15 days duration in any calendar year and small collection facilities.

**SEC. 10-1.3140 TIME LIMITS FOR FINAL DECISION.**

Where applicable, a final decision on all applications for an administrative use permit will be made within the time limits set forth in the Permit Streamlining Act of the State of California. An administrative 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. 10-1.3145 APPEALS.**

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

The decision of the Planning Director may be appealed to the Planning Commission in accordance with the appeals process detailed in Section 10-1.2845. The Planning Commission may approve, conditionally approve or disapprove the application based on the findings listed in Section 10-1.3125.

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 or conditionally approve, or disapprove the application based on the findings listed in Section 10-1.3125.
- (2) In the event significant new evidence, which may include substantial changes in the proposal, is presented in conjunction with the appeal, the matter shall be returned to the Planning Commission for further consideration and adoption.

**SEC. 10-1.3150 REFERRALS.**

- a. The Planning Director may refer an administrative use permit to the Planning Commission at any time, with or without a recommendation. The Planning Commission shall then conduct a public hearing for which notice shall be given in accord with Section 10-1.2820.

- b. The Planning Commission may refer an administrative 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.
- c. On referral, the Planning Commission or the Council, as the case may be, may approve or conditionally approve the application based on the findings in Section 10-1.3125. The Planning Commission or the Council must disapprove the application if it is unable to make any of the required findings.

**SEC. 10-1.3155 LAPSE OF APPROVAL.**

a. **General.**

Administrative 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 administrative 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 administrative 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) 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 administrative use 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. 10-1.3160 REVOCATIONS AND MODIFICATIONS.**

- a. In accord with the notice and hearing provisions detailed in Sections 10-1.2820 and 10-1.2825, the Planning Director may revoke an administrative use permit, or modify, or add to the conditions of approval, or refer the matter to the Planning Commission, with or without a recommendation in order to insure the use is consistent with the findings made pursuant to Section 10-1.3125.
- b. An administrative use permit may be revoked when the Planning Director 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 or the use is not operated in accordance with the exhibit approved as part of the use permit and modification of the conditions or plan would not be in the public interest, or would be detrimental to the public health, safety, or welfare.

**SEC. 10-1.3165 REAPPLICATION.**

An administrative use permit that has been disapproved or revoked may not be reapplied for within one year of the final decision to disapprove or revoke said application unless the Planning Director finds that new evidence, a change of conditions or a change in the project justifies reconsideration.

**SEC. 10-1.3170 DISCONTINUED USES.**

All uses that cease operation for a period of more than 6 consecutive months shall be deemed to be discontinued, and the administrative use permit approving use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining a new administrative use permit.