

17.96 – Conditional Use Permits

17.96.010 - Purpose

The purpose of this Chapter is to establish the procedures for approving or denying Minor and Major Conditional Use Permits which are intended to allow for activities and uses that are unique and which have the potential to impact the surrounding area. This Chapter applies to all land uses which are noted as requiring a CUP (Conditional Use Permit) on the use tables for each zoning district.

17.94.020 – Application

- A. **Application.** An application for a Minor or Major Conditional Use Permit shall be filed on the form prescribed by the City and filed with the Planning Division.
- B. **Fee.** The application for a Minor or Major Conditional Use Permit shall be accompanied by the fee listed on the City's Fee Schedule.
- C. **Materials.** The Applicant shall submit the information and plans listed on the City's checklist.

17.94.030– Review Procedures

A. Minor Conditional Use Permit

- 1. **Review.** Minor Conditional Use Permit applications shall be reviewed in accordance with Section 17.74.060, Application Review and Chapter 17.76, Environmental Review.
- 2. **Notice.** A notice shall be given ten days prior to action on the project in accordance with Section 17.74.080, Notice of Community Development Decision.
- 3. **Determination.** The Community Development Director or their designee will make a written determination on the project following the close of the notice period.
- 4. **Effective Date.** The permit shall become effective eleven days after the Community Development Director's decision if no appeals have been filed.

B. Major Conditional Use Permit

- 1. **Review.** Major Conditional Use Permit applications shall be reviewed in accordance with Section 17.74.060, Application Review and Chapter 17.76, Environmental Review.

2. **Notice.** Following project review, the Community Development Director shall schedule the application for review by the Planning Commission and provide a notice in accordance with Section 17.74.090, Notice of Public Hearing, and shall prepare a staff report in accordance with Section 17.74.100, Staff Reports.
3. **Public Hearing.** The Planning Commission shall review an application in accordance with Section 17.74.120 and provide a decision. For projects that also require City Council approval, the Planning Commission shall make a recommendation to the City Council who shall act on the application during a public hearing.

17.96.040 - Findings for a Conditional Use Permit

In approving or denying a Conditional Use Permit, the decision maker shall make the following findings:

- A. The proposed use is conditionally allowed within the subject zoning district and complies with all of the applicable provisions of this Zoning Ordinance.
- B. The proposed use is consistent with the General Plan and any applicable specific plan.
- C. The site and tenant space are physically suitable for the type and intensity of the proposed use including access, parking, and circulation.
- D. The use will not be detrimental to the health, safety, and welfare of persons residing or working in the surrounding area or to the general welfare of the City.

17.96.050 – Approval to Run with the Land

- A. **Approval.** The approval of a Conditional Use Permit shall continue to be valid for the location in which it was approved, upon change of ownership of the business, as long as the new business owner complies with all Conditions of Approval and complies with Section B below.
- B. **New Owner.** All new owner(s) of a business with an approved Conditional Use Permit shall submit a written description of their business (to show compliance with the approved characteristics of the business) and agree in writing to follow all conditions of approval of the permit. Any changes to the operational characteristics of the business shall require an amendment to the Conditional Use Permit in accordance with Section 17.96.070.

17.96.060 – Revocation

- A. **Revocation.** Failure to comply with the terms of the approved Conditional Use Permit or impacts to the surrounding neighborhood beyond what was originally anticipated may result in revocation of a Conditional Use Permit in accordance with Section 17.74.160, Permit Revocation.

17.96.070 – Amendments

Any amendment to the operational characteristics of an approved Conditional Use Permit (including but not limited to increasing the size of the operating space or intensity of the use, modifying the hours of operation, modifying the business in such a way as to no longer comply with a condition of approval, changing the nature of the business, etc.) shall require an amendment to the approved Conditional Use Permit as follows:

- A. **Amendment to a Minor Conditional Use Permit.** The Community Development Director shall have the authority to approve any amendments to a previously approved Minor Conditional Use Permit. Review of an amendment to a Minor Conditional Use Permit shall be conducted in accordance with Section 17.96.030(A), subject to the findings of Section 17.96.040.
- B. **Minor Amendment to a Major Conditional Use Permit.**
1. The Community Development Director shall have the authority to approve any of the following amendments proposed to an approved Major Conditional Use Permit.
 - a. The expansion of the physical space occupied by the use by no more than 500 square feet.
 - b. Relocation of the use within the same property or center where the space is equal to, smaller than, or no more than 500 square feet larger than the original size of the business.
 - c. Minor change in the operational characteristics of the business, as determined by the Community Development Director which would not result in any additional impacts to the environment or the surrounding area.
 - d. Any other proposed minor change for which, in the sole determination of the Director, the findings in Subdivision 3 of this section can be made.
 2. Review of a minor amendment shall be conducted in accordance with Section 17.96.030(A).

3. Approval of a minor amendment shall be subject to the following findings:

- a. Approval of the minor amendment is consistent with all applicable Zoning Ordinance and General Plan policies and requirements.
- b. Approval of the minor amendment will not result in any additional environmental impacts than was previously considered by the original approval of the Conditional Use Permit.
- c. The minor amendment is consistent with the original intent and intensity of the approved Conditional Use Permit.
- d. The most-recent amendment to the Conditional Use Permit was not also approved by a Director-level minor amendment.

C. **Major Amendment to a Major Conditional Use Permit.** The process for all other amendments shall be the same as for a new Major Conditional Use Permit and review shall in accordance with Section 17.96.030(B).