

## **Chapter 21.04 CONDITIONAL USE PERMITS**

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### **21.04.010 Purpose.**

It is the purpose of this chapter to establish review and permit approval procedures for unusual or unique types of land uses, which, due to their nature, require special consideration of their impact on the neighborhood, and land uses in the vicinity. The uses approved under the provisions of this chapter may be located in zone districts listing the use as a “Conditional Use” under such conditions as the hearing examiner may approve. (Ord. 690-98)

### **21.04.020 Uses requiring a conditional use permit.**

The following are the uses that require a conditional use permit:

- A. The uses listed in the use districts as “Conditional Uses” require a conditional use permit in order to locate and operate or expand in an appropriate zone district within the city.
- B. Existing nonconforming uses which wish to expand. (Ord. 690-98)

### **21.04.030 Application – Requirements and fees.**

- A. Application for conditional use permits shall be filed with the planning department on forms prescribed by that office.
- B. A filing fee in the amount set by the Fee Schedule adopted by the City Council shall accompany all applications.
- C. The hearing examiner will conduct public hearings on conditional uses and may deny, approve, or approve with conditions. .
- D. Conditional use applicants must adhere to all applicable public notification requirements.
- E. Denial of conditional use permit applications is appealable to Superior Court as provided in 2.26.160.

### **21.04.050 Criteria.**

The following criteria shall apply in granting a conditional use permit:

- A. The proposed conditional use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed conditional use or in the district in which the subject property is situated;
- B. The proposed conditional use shall meet or exceed the performance standards that are required in the district it will occupy;
- C. The proposed conditional use shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design as approved by the design review committee;
- D. The proposed conditional use shall be consistent with the goals and policies of the comprehensive land use policy plan;
- E. All measures have been taken to minimize the possible adverse impacts, which the proposed use may have on the area in which it is located. (Ord. 690-98)

**Section 21.04.052 and 21.04.054 moved to Section 16.24.020**

**21.04.060 Expiration and renewal.**

- A. A conditional use permit shall automatically expire one year after a notice of decision approving the permit is issued unless a Development Authorization or Building Permit conforming to plans for which the CUP was granted is obtained within that period of time.
- B. A conditional use permit shall automatically expire unless substantial construction of the proposed development is completed within two years from the date a notice of decision approving the permit is issued.
- C. The hearing examiner may authorize longer periods for a conditional use permit if appropriate for the project.
- D. The hearing examiner may grant a single renewal of the conditional use permit if the party seeking the renewal can demonstrate extraordinary circumstances or conditions not known or foreseeable at the time the original application for a conditional use permit was granted. No public hearing is required for a renewal of a conditional use permit. (Ord. 690-98)

**21.04.070 Revocation of permit.**

- A. The hearing examiner may revoke or modify a conditional use permit. Such revocation or modification shall be made on any one or more of the following grounds:
  - 1. That the approval was obtained by deception, fraud, or other intentional and misleading representations;
  - 2. That the use for which such approval was granted has been abandoned;
  - 3. That the use for which such approval was granted has at any time ceased for a period of one year or more;
  - 4. That the permit granted is being exercised contrary to be the terms or conditions of such approval or in violation of any statute, resolution, code, law or regulation;or

5. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety.
- B. Any aggrieved party may petition the hearing examiner in writing to initiate revocation or modification proceedings.
  - A. Before a conditional use permit may be revoked or modified, a public hearing shall be held. Procedures concerning notice and reporting for petition to revoke or modify a conditional use permit shall be the same as required by this chapter for the initial consideration of a conditional use permit application. (Ord. 690-98)

#### **21.04.080 Performance bond and other security.**

A performance bond or other adequate and appropriate security may be required for any elements of the proposed project which the hearing examiner determines are crucial to the protection of the public welfare. Such bond shall be in an amount equal to 125 percent of the cost of the installation or construction of the applicable improvements. (Ord. 690-98)

#### **21.04.090 Resubmittal of application.**

An application for a conditional use permit, which has been denied, may not be resubmitted within six months from the date of denial. (Ord. 690-98)