

Chapter 17.70

CONDITIONAL USE PERMITS

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- 17.70.01 PURPOSE AND APPLICATION. The purpose of this Chapter is to establish procedures and general standards for the review and approval of conditional use permits authorized by various Sections of this Ordinance. Whenever a use is listed in any Section of this Ordinance as a use permitted subject to securing a conditional use permit, it shall be approved only if it is consistent with the General Plan and meets all requirements of this Ordinance and subject to any conditions deemed appropriate by the decision making authority.

Conditional Use Permits are unique and their effect on the surrounding environment can not be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use of the established development standards and design guidelines. This review shall determine whether the proposed use should be permitted by weighing the public need for and the benefit to be derived from the use against the impact which it may cause.

- 17.70.02 APPLICATION CONTENTS. An application for a Conditional Use Permit shall include the following:

- A. Name and address of applicant.
- B. Name(s) and address(es) of the property owner(s).
- C. Assessor's parcel number(s).
- D. Legal description of the property.
- E. A site development plan (3 copies) drawn at the scale specified by the Planning Department, which includes the following information:

1. Location of all existing buildings, structures, and improvements on the property.
 2. Location, size, height, and proposed use of all proposed buildings, structures, and improvements on the property.
 3. Existing and proposed streets and highways bordering and within the boundaries of the property.
 4. Location (and dimensions) of existing and proposed parking areas, lighting, signs, walls or fences.
 5. Proposed landscaping.
 6. North arrow.
- F. Elevations of proposed buildings or structures related to the Conditional Use Permit.
- G. A narrative description of the proposed use of development including:
1. Description of the nature of the proposed use or development.
 2. Identification of the applicable zoning district or districts and the Section of this Ordinance under which the conditional use permit is requested.
 3. Reasons applicant feels justify the granting of the conditional use permit.
- H. Application processing fees as adopted by the City Council.

17.70.03 REVIEW AND APPROVAL PROCEDURES. Verification: the City Administrator shall verify the accuracy and completeness of the application. The date of verification shall be noted on the application. Such verification shall be made within ten (10) days of the filing of such application. Formal Acceptance: if the application is found to be accurate and complete, it shall be formally accepted. The date of formal acceptance shall be noted on the application. Acceptance of the application shall not constitute an indication of approval. The application for a conditional use permit shall be reviewed and approved, conditionally approved, or denied by the Planning Commission in accordance with the procedures set out in Chapter 17.75 of this Ordinance.

17.70.04 BASIS FOR APPROVAL (FINDINGS). Following a hearing, the Commission shall record the decision in writing and shall recite therein the findings upon which the decision is based. The Commission may approve and/or modify a

Conditional Use Permit application in whole or in part, with or without conditions, only if all of the following findings are made:

- A. The proposed use is conditionally permitted within, and would not impair the integrity and character of the subject land use district and complies with all of the applicable provisions of this Zoning Ordinance;
- B. The proposed use is consistent with the goals and policies in the General Plan;
- C. The approval of the Conditional Use Permit for the proposed use is in compliance with the requirements of the California Environmental Act (CEQA), this Ordinance, and other applicable codes and ordinances;
- D. There will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored;
- E. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City;
- F. The subject site is physically suitable for the type and density/intensity of the use being proposed;
- G. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and,
- H. The proposed use meets the minimum requirements of this Ordinance applicable to the use and complies with all other applicable laws, ordinances, and regulations of the City of Huron and the State of California.

17.70.05 TERMS AND CONDITIONS.

- A. Any Conditional Use Permit may include such terms and conditions as deemed appropriate or necessary by the decision making authority to make the findings specified in this Section. If no terms or conditions are specified, the use permit shall be considered unconditional and valid for a five year period.
- B. Within 2 years of Conditional Use Permit approval, commencement of construction shall have occurred or the Conditional Use Permit shall become

null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, then the Conditional Use Permit shall become null and void. Projects may be built in phases if preapproved by the review authority. If a project is built in preapproved phases, each subsequent phase shall have a timeline as determined reasonable by the Planning Commission.

- C. All conditions of approval shall be final, and a request to delete or modify a condition to make it less restrictive shall only be considered at a properly noticed public hearing, unless said conditions are appealed pursuant to Section 17.75.
- D. The Commission may, upon an application being filed 30 days prior to expiration and for good cause, grant a time extension not to exceed 12 months. Upon granting of an extension, the Commission shall ensure that the Conditional Use Permit complies with all current Development Code provisions.

17.70.06 PERMIT REVOCATION AND MODIFICATION. The Commission may hold a hearing to revoke or modify a Conditional Use Permit granted pursuant to the provisions of Chapter 17.75. Ten days prior to the hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such Conditional Use Permit was granted. Notice shall be deemed delivered 2 days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the County of Fresno, and/or the project applicant.

A Conditional Use Permit may be revoked or modified by the Commission if any 1 of the following findings can be made:

- A. That circumstances have changed so that 1 or more of the findings contained in Section 17.70.04 (Basis for Approval) can no longer be made;
- B. That the Conditional Use Permit was obtained by misrepresentation or fraud;
- C. That the use for which the Conditional Use Permit was granted has ceased or was suspended for 6 or more consecutive calendar months;
- D. That 1 or more of the conditions of the Conditional Use Permit have not been met;
- E. That the use is in violation of any statute, ordinance, law or regulation; and,
- F. That the use permitted by the Conditional Use Permit is detrimental to the public health, safety or welfare constitutes a nuisance.

- 17.70.07 CONDITIONAL USE PERMIT TO RUN WITH THE LAND. A Conditional Use Permit granted pursuant to the provisions of this Chapter shall continue to be valid upon change of ownership of the site, the business, the service, use, or structure which was the subject of the permit application.
- 17.70.08 PERFORMANCE GUARANTEE. A developer may be conditioned to provide performance security in a manner similar to the requirements of the Subdivision Ordinance for the faithful performance of any or all conditions of approval.
- 17.70.09 MAPPING. Within thirty (30) days after the granting of a conditional use permit the City Administrator shall indicate on the zone map the lots affected by such conditional use permit. Such indication shall show the file number of such permit.