

## CHAPTER 48



## Conditional Use Permits

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### **17.48.01 Purpose**

The purpose of this chapter is to establish procedures for processing conditional use permits and temporary use permits.

Specific uses listed in districts this Ordinance are permitted subject to receiving a conditional use permit. Because of their unusual characteristics, or unique area in which they are proposed, these uses require special consideration so that they may be located properly with respect to the purpose and objectives of this Ordinance and with respect to their effects on surrounding properties.

**17.48.02 Application and Fee**

An application for a conditional use permit shall be made to the Planning Department on a form prescribed by the Department. The application shall be accompanied by a fee set by resolution of the City Council.

**17.48.03 Hearings and Notice**

Upon receipt of a conditional use permit application, the Planning Department shall prepare a notice for a public hearing consistent with the requirements contained in Chapter 17.04 Public Hearings. The application shall include the following information:

- A. Name and address of applicant.
- B. Statement that the applicant is the owner of the property, or is the authorized agent of the owner.
- C. Statement setting forth the precise circumstances or conditions applicable to the land, structure, or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right, together with any other data pertinent to the findings prerequisite to the granting of the use permit;
- D. An accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site showing the existing locations of streets and property lines and a list of the names and last known addresses of the recorded legal owners, as shown on the county assessor's records, of all drawings shown on the drawing.
- E. Preliminary floor plans and front, side and rear elevations of the proposed structures.
- F. A site plan, drawn to scale, which shall show the following:
  - 1. Lot and building dimensions.
  - 2. All buildings and structures: location, size, height, and proposed use.
  - 3. Yards and space between buildings.
  - 4. Walls and fences; location, height and materials.
  - 5. Off-street parking and loading: Location, number of spaces, dimensions of spaces, and internal circulation pattern
  - 6. Access: pedestrian, vehicular and service. Points of ingress and egress.

7. Signs: location, size, height, and type of illumination.
8. Lighting: location and general nature.
9. Street dedication and improvements.
10. Landscaping and irrigation: location and type.

**17.48.04 Report and Findings**

The Planning Department shall prepare a report on the conditional use permit application. The Department shall provide a recommendation based on the following findings.

- A. That the location of the proposed use is in accordance with the purpose and objectives of this Ordinance and the purpose of district in which the subject site is located.
- B. That the location of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public interest, health, safety, convenience or welfare, or materially injurious to properties or improvements in the vicinity.
- C. That the proposed use will not have a significant impact on the environment.
- D. That the proposed use will comply with applicable provisions contained in this Ordinance.
- E. That the proposed use is consistent with the Woodlake General Plan.
- F. That the site for the proposed use is adequate in size, shape and location to accommodate the use the district for which it is proposed.

**17.48.05 Action of the Planning Commission**

Following the public hearing, the Planning Commission shall take action on the conditional use permit. The Commission can approve, approve with conditions or deny the conditional use permit based on the finding listed above. The Commission's decision shall be forwarded to the City Council for their consideration.

Within 10 days of adopting a resolution on the conditional use permit, the Commission shall transmit a copy of its resolution to the person that filed the conditional use permit application.

**17.48.06 Conditions**

The Planning Commission can approve a conditional use permit subject to conditions. Conditions may involve the operation of the use, maintenance of the property or specific aspects associated with the development, including storage and display of goods, grading, surfacing and drainage improvements; vehicular ingress and egress; parking and loading; landscaping and irrigation and maintenance thereof; regulation of light, vibration, odors, and noise; appearance of buildings, grounds, signs, and other structures; street dedication and improvements; and hours of operation. In cases where certain improvements may be phased over time, Woodlake may request a bond or monetary deposit to insure faithful performance on the part of the applicant. The value of the bond or deposit shall be determined by the city engineer.

Conditions set forth for a conditional use permit can only be required in order to achieve the purpose and objectives of this Ordinance. Conditions which require dedication of land for a purpose not reasonably related to the use of the property shall be prohibited.

**17.48.07 Review by City Council**

At the first regular meeting held more than 30 days after a decision on the conditional use permit by the Planning Commission, the City Council shall review the decision. The City Council may affirm, reverse, or modify a decision of the Commission; provided, that if a decision denying the conditional use permit is reversed or a decision granting a use permit is modified, the City Council shall, on the basis of the record transmitted and such evidence as may be submitted, make the findings prerequisite to the granting of a use permit detailed in Section 17.48.04.

A use permit shall become effective three days following the date on which the use permit is granted by the City Council.

**17.48.08 Lapse of Conditional Use Permit**

A conditional use permit shall lapse and become void one year from the date it became effective, unless by conditions of the use permit a greater time is allowed, or unless a building permit is issued by the Chief Building Official and construction on the use has commenced.

**17.48.09 Extension of Conditional Use Permit**

A conditional use permit for which no building permit has been issued may be renewed in increments of one year, not to exceed three one-year extensions; provided, that prior to the one year expiration, an application for renewal is filed with the Planning Department. The Planning Commission by resolution may approve, approve with conditions or deny the renewal application.

**17.48.10 Revocation**

Where the City finds that a use operating under a conditional use permit is not complying with the conditions of that use permit, the operation of the use shall be suspended. Within 60 days of the suspension, the Planning Commission shall hold a public hearing on the conditional use permit. Based on a report from the Planning Department, findings contained in Section 17.48.04 of this Chapter, and testimony from the public, the Commission may revoke the conditional use permit with conditions that may be necessary to assure compliance with the purpose and objectives of this Ordinance. The Commission's decision shall be final unless appealed to the City Council consistent with the requirements contained in Chapter 17.06 Appeals.

**17.48.11 New Application**

Following the denial or revocation of a conditional use permit, no application for the same or substantially the same conditional use permit shall be filed within one year of the date of denial or revocation.

**17.48.12 Use Permit to Run with the Land**

A conditional use permit shall run with the land and shall continue to be valid upon change of ownership of the property or structure that was the subject of the use permit application.

**17.48.13 Preexisting Conditional Use Permits**

A conditional use permit granted under the provisions of the Tulare County Zoning Ordinance and supplementary provisions thereto prior to the enactment of this Ordinance shall, upon the annexation of the property into Woodlake, become null and void at the end of one year after said annexation has been completed.

**17.48.14 Temporary Conditional Use Permits**

A. Purpose

The purpose of a temporary conditional use permit is to provide for the short-term use of property and structures that are consistent with the purpose and objectives of this Ordinance.

B. Applicant and Fee

An application and fee for a temporary conditional use permit shall be made to the Planning Department on a form prescribed by the Department. The application shall be accompanied by a fee set by resolution of the City Council.

C. Report and Findings

The Planning Director is authorized to review and approve temporary conditional use permits subject to reviewing the following findings. The Director may add conditions to insure consistency with the purpose and objectives of the Ordinance including the following:

1. That egress and ingress and off-street parking facilities are properly designed and adequate to serve the use.
2. That the site is adequate in size and location and has the proper accessibility to accommodate the use.
3. That there are adequate public services, including fire protection, water supply, waste water disposal, and police protection to serve the use.
4. That upon termination of the use the site shall be restored to its original condition. All materials and equipment associated with the temporary use shall be removed.
5. That reasonable time limits be established for the use, not to exceed 30 days.
6. That the applicants for a temporary conditional use permit shall have all applicable licenses and permits.
7. That the signage for the use be approved by the Planning Department.

D. Processing

Temporary conditional use permits may be processed as an administrative matter by the Planning Director. Following a decision by the Director, an administrative agreement shall be prepared that outlines the findings and conditions on the temporary use permit.

E. Temporary Uses and Activities

The following uses and activities are eligible for a temporary use permit. The Planning Commission, by resolution, may add other uses to the list. The Planning Director shall determine the appropriate districts for the uses and activities listed below.

1. Christmas tree sales.

2. Promotional displays and activities, including amusement rides, street dances, concerts, live entertainment and promotional outdoor displays and sales. These activities may be conducted in any non-residential district. Temporary signs are permitted with the approval of Planning Director. All display material, signs and related improvements shall be removed no later than 24 hours from the end of the activity. Sales areas shall be located where adequate parking is available and sight distances at intersections and driveways will not be obstructed.
3. Temporary Uses.  

The temporary use of property by nonprofit or charitable organizations, including activities such as expositions, concerts, carnivals, amusement rides, and church rivals.
4. Temporary Outdoor Sales  

Temporary outdoor sales, sidewalk sales and parking lot sales in association with a permitted business for which there is an enclosed building. No off-site signs shall be permitted and no more than six of these events shall occur on the subject property per calendar year.
5. City-sponsored uses and activities, not occupying a structure and occurring at regular periodic intervals.

F. Exemptions

The following uses shall be exempt from securing a temporary use permit from the City of Woodlake.

1. Fireworks stands
2. Garage and yard sales

G. Appeal

A decision of Planning Director may be appealed to the Planning Commission consistent with the procedures contained in Chapter 17.06 Appeals.

Exhibit 48-1: *Conditional Use Permit Process*

Applicant submits application.

Staff reviews application to determine whether it is complete.

Staff prepares environmental analysis (as necessary) as required by California Environmental Quality Act (CEQA).

Staff prepares report to Planning Commission and prepares notices for public hearing.

Planning Commission public hearing. The Planning Commission may vote to recommend approval or denial of the request, or may continue the hearing to receive additional information. If approved, the application will be forwarded to the City Council for final action.

Staff prepares report to City Council.

City Council public hearing. The City Council considers the application and may vote to approve or deny the request, or may continue the hearing to receive more information. The Council's vote is final.