

1. The Variance is not used within the time specified as granted or extended, or if no date is specified within one hundred 180 days from the granting of the Variance.
2. The Variance has been abandoned or discontinued for six (6) consecutive months, or the owner of the property files a declaration with the City Planner that the Variance has been abandoned or discontinued.
3. The Variance has expired.
4. The Variance is brought into conformity with the provisions of this chapter due to a zone change or other amendment, or to development of the property.
5. The Variance is revoked as provided in Section 10-1-1933 of this division. [Formerly numbered Section 31-239; Renumbered by Ord. No. 3058, eff. 2/21/87; 2941, 2930, 2193.]

10-1-1933: REVOCATION:

The Council may, after 20 days' notice by mail to the record owner of the property and a public hearing, revoke a Variance on any one (1) or more of the following grounds:

1. That the Variance was obtained by fraud or misrepresentation.
2. That the Variance has been exercised contrary to the terms or conditions of approval, or in violation of any statute, ordinance, law or regulation not excused by the Variance.
3. That the use permitted by the Variance is being or has been so exercised as to be detrimental to the public health, welfare or safety or so as to constitute a nuisance. [Formerly numbered Section 31-240; Renumbered by Ord. No. 3058, eff. 2/21/87.]

DIVISION 4. CONDITIONAL USE PERMIT

10-1-1934: PURPOSE:

The Conditional Use Permit is intended for land use which requires special consideration before allowed in a particular zone because of the following reasons: size of the area needed for development of the use; unusual traffic, noise, vibration, smoke or other problems incidental to the use; special location requirements not related to zoning; or to the effect the use may have on property values, health, safety and welfare in the neighborhood or community. The Conditional Use Permit will assure that the degree of compatibility, made one of the purposes of this chapter, shall be maintained with respect to the particular use on the particular site giving consideration to the other existing and potential uses within the general area in which such use is located or proposed to be located. [Formerly numbered Section 31-241; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1935: AUTHORITY TO GRANT CONDITIONAL USE PERMIT:

The Board or Council, as hereinafter provided, may grant a Conditional Use Permit on such terms and conditions as may be in harmony with the general intent and purposes of this chapter if it is shown that the granting of such permit would be consistent with the purposes of this chapter and the General Plan and would serve the public health, convenience, safety and welfare. [Formerly numbered Section 31-242; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1936: REQUIREMENTS FOR CONDITIONAL USE PERMIT:

The Board or Council in granting a Conditional Use Permit must find that:

1. The use applied for at the location set forth in the application is properly one for which a Conditional Use Permit is authorized by this chapter.
2. The use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located.
3. The use will be compatible with other uses on the same lot, and in the general area in which the use is proposed to be located.

4. The site for the proposed use is adequate in size and shape to accommodate the use and all of the yards, setbacks, walls, fences, landscaping and other features required to adjust the use to the existing or future uses permitted in the neighborhood.
5. The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.
6. The conditions imposed are necessary to protect the public health, convenience, safety and welfare. [Formerly numbered Section 31-243; Renumbered by Ord. No. 3058, eff. 2/21/87; 2604, 2370, 2221.]

10-1-1937: CONDITIONS:

Conditions imposed by the Board or Council may include:

Regulation of use.

Special yards, spaces and buffers.

Fences and walls.

Surfacing of parking areas subject to City specifications.

Street, service road or alley dedications and improvements or appropriate bonds.

Regulation of points of vehicular ingress and egress.

Regulation of signs.

Landscaping and landscape maintenance.

Other maintenance of the grounds.

Regulation of noise, vibration, odors, etc.

Regulation of time for certain activities.

Time period within which the proposed use shall be developed.

Duration of use.

Such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purposes of this chapter. [Formerly numbered Section 31-244; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1938:

[Added by Ord. No. 2768; Formerly numbered Section 31-244.1; Deleted by Ord. No. 3557, eff. 10/28/00; 3457, 3058, 2859.]

10-1-1939 AND 1940: SECTION NUMBER RESERVED:

[This section repealed by Ord. No. 3259, eff. 8/10/91.]

10-1-1941: APPLICATION FOR CONDITIONAL USE PERMIT:

Applications for a Conditional Use Permit shall be made as follows:

1. On forms prescribed by the Board and furnished by the City Planner.
2. Signed by the owner of the property or his duly authorized agent and sworn to by declaration or before a notary public.
3. Filed with the City Planner.