

ORDINANCE NO. 1831

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDLANDS AMENDING SECTION 52.00 OF ZONING ORDINANCE NO. 1000 TO ALLOW A PUBLIC HEARING BEFORE THE CITY COUNCIL ON CONDITIONAL USE PERMITS AND REVISING TIME EXTENSION PROVISIONS FOR CONDITIONAL USE PERMITS

SECTION ONE: That Section 52.00 of Ordinance No. 1000 is hereby amended to read:

SECTION 52.00: CONDITIONAL USE PERMITS (1831)

The purpose of the Conditional Use Permit is to allow certain uses that contribute to the orderly growth and development of the City to be properly integrated into the overall community pattern and district where located.

In recommending to the Council the granting of any permit, the Commission shall recommend those conditions which it determines will tend to safeguard the public health, safety, and general welfare in the district.

Uses existing on the effective date of this Ordinance which are listed as permitted subject to Conditional Use Permit may continue without securing such a Permit; however, any extension or expansion of such use shall comply with provisions of this Section.

A. USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

1. Uses listed in the zones as "Uses Permitted subject to Conditional Use Permit" may be permitted in said zones pursuant to the provisions of this Section.
2. The following uses may be permitted pursuant to the provisions of this Section in any zone except where expressly prohibited, when such uses are determined by both the Commission and Council to be essential or desirable for the public welfare and convenience and consistent with the General Plan:
 - a. Airport, heliport
 - b. Cemeteries, columbariums, mausoleums
 - c. Churches
 - d. Convalescent homes, board and care homes (1554)
 - e. Development of natural resources (excluding drilling for or producing oil, gas or other hydrocarbon substances or the production of rock and gravel) together with the necessary buildings, apparatus or appurtenances incident thereto
 - f. Educational institutions (public or private)
 - g. Golf courses (excepting driving ranges, miniature courses)
 - h. Governmental enterprises
 - i. Hospitals and medical clinics
 - j. Neighborhood stores and shopping centers
 - k. Planned residential developments subject to the provisions of Section 52.50; special

residential developments such as housing for retirement, elderly, or similar projects, provided they comply with the density of the General Plan; and all multiple residential developments containing thirty-five (35) or more dwelling units (1439)

- 1. Public utility structures and service facilities
- m. Transitional uses (1317) A use, or combination of uses, that will provide an orderly bridge between more intensive and less intensive uses:

- (1) Adjacent to commercial districts excepting C-1 and C-2, administrative and professional offices, off-street parking, motels and hotels. No retail sales are permitted unless proposed in conjunction with a complex of uses whereby the adjacent residential districts are buffered by the uses specifically as permitted.
- (2) Adjacent to industrial districts, administrative and professional offices, and off-street parking. No retail sales are permitted.
- (3) Adjacent to Administrative-Professional Districts, off-street parking, and administrative and professional offices provided property abuts a major or secondary highway and is not separated from the A-P District by a street.

n. Problem Areas

In those areas that are so located that their relationship to other uses of land or to topographical features, or where existing land subdivision patterns make use for the zoned purposes impractical, and where one particular use would be reasonable and desirable, the commission may determine such a use, if otherwise permitted by Ordinance, to be reasonable and recommend to the Council the granting of a Conditional Use Permit. (1317)

- o. Family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children may be permitted, subject to approval of a Conditional Use Permit, in any residential zone. Similar homes serving seven or more persons shall be permitted

only in the multiple family residential and agricultural zones subject to approval of a Conditional Use Permit (1527 and 1549).

- p. Meeting places of nonprofit civic groups or community organizations other than social or fraternal clubs (1785).
- q. Shared homes for nonrelated senior adults living together as a single household sponsored by a nonprofit organization may be permitted in any residential zone. Occupancy of the home shall not exceed two persons for each bedroom. Senior adults are defined as persons 55 years of age or older (1823).

B. APPLICATION PROCEDURE

1. General Criteria

- a. Applicant must be the property owner or an authorized agent of the owner.
- b. Responsibility for the posting of bond and for fulfilling City requirements for both ON and OFF-SITE improvements rests with the applicant.
- c. Prior to the issuance of any building permit, the applicant shall complete and file with the Planning Department a FINAL APPROVAL FORM within the approved time limit or any extension granted thereof.

2. Application

- a. A signed application and payment of a fee set by the City Council shall be submitted to the Planning Department.
- b. The site plan shall be prepared to scale showing accurately, and with complete dimensioning, all buildings proposed for the parcel. The data contained on said plan shall include information on all buildings, structures, signs, parking, landscaping, walls or fences, and the points of ingress and egress. In addition, all necessary information to clearly define the intended use of the property and its relationship to adjacent properties shall be included.

- c. The Commission may consider only site approval in certain situations. In such cases the applicant shall submit a site map along with a general statement concerning the location and height of any buildings, location of parking areas, and such other information deemed necessary to clearly define the intended use of the property. Subsequent consideration of a detailed site plan shall require an additional public hearing before the Commission. A supplemental fee as established by the City Council shall be paid to defray costs of additional public hearings. (1554)

3. Requirements

- a. Dedication for streets, alleys, and drainage and easements for public utilities, bridle trails, flood control, and such other rights-of-way as may be essential to the orderly development of the site and abutting properties.
- b. Improvements:
- (1) Grading, drainage and drainage structures.
 - (2) Curbs and gutters.
 - (3) Sidewalks.
 - (4) Street pavement.
 - (5) Adequate domestic water service.
 - (6) Sanitary sewer facilities and connections.
 - (7) Services from public utilities where provided.
 - (8) Street trees.
 - (9) Street lights and street name signs.
 - (10) All water lines are to be laid and fire hydrants installed pursuant to plans and specifications of the Public Works Department of the City of Redlands.
 - (11) In addition to the aforesaid minimum improvements, the Planning Commission shall recommend, and the City Council shall require, such additional improvements and facilities as determined necessary for the proper development of the site and area.

4. Scope

In cases where the Planning Department considers the application not within the scope of the Conditional Use Permit procedure, the applicant will be so informed, whereupon if the application is accepted, it shall be

signed by the applicant to the effect that he was so informed.

C. FINDINGS AND CONDITIONS

The Commission, in recommending to the Council a Conditional Use Permit, shall find as follows:

1. That 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 Ordinance.
2. That the said use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the General Plan, and is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located.
3. That the site for the intended use is adequate in size and shape to accommodate said use and all of the yards, setbacks, walls or fences, landscaping and other features required in order to adjust said use to those existing or permitted future uses on land in the neighborhood.
4. That 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.
5. That the conditions set forth in the permit and shown on the approved site plan are necessary to protect the public health, safety, or general welfare. Such conditions may include but are not limited to:
 - a. Regulation of use.
 - b. Special yards, spaces and buffers.
 - c. Fences and walls.
 - d. Surfacing of parking areas subject to City specifications.
 - e. Regulation of points of vehicular ingress and egress.
 - f. Regulation of signs.
 - g. Required landscaping and maintenance thereof.
 - h. Regulation of noise, vibration, odors and lights.
 - i. Regulation of time for certain activities.
 - j. Duration of use.

- k. 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 Ordinance.

D. COMMISSION PUBLIC HEARING

1. A public hearing shall be held by the Commission on the nearest scheduled meeting date not less than twenty-one (21) days after the filing of the application.
2. Notice shall be published in a newspaper of general circulation not less than ten (10) days before the date set for the Commission hearing. The notice shall contain all data related to the case.
3. Notices shall be mailed not less than five (5) days prior to the date of the meeting to owners of property within a radius of three hundred (300) feet of the external boundaries of the property described in the application, using for this purpose the name and address of such owners as are shown on the latest official tax roll of the County of San Bernardino. Such notice shall contain all pertinent data related to the case.

E. DECISIONS BY COMMISSION

The Commission shall make its findings and recommendations, in writing, to the Council within forty (40) days after the date of hearing and shall forthwith transmit a copy thereof to the applicant and to the Council. If the Commission fails to report within the time designated herein, it shall lose jurisdiction and the applicant may appeal to the Council.

F. CONDITIONS TO APPROVAL

In its report to the Council, the Commission shall set forth such conditions as it deems necessary and reasonable to protect the best interests of the surrounding property or neighborhood, the General Plan or the intent thereof.

G. COUNCIL ACTION

Within twenty-one (21) days after receipt of the Commission's report, findings, and recommendation, the Council shall either approve, modify, disapprove, or set for hearing the Conditional Use Permit. If no positive findings have been made by the Commission

pursuant to Section 52.00C, the Council must do so before approving the Conditional Use Permit.

H. COUNCIL ACTION WITH PUBLIC HEARING

1. Within twenty-one (21) days after receipt of the Commission's findings and recommendations, the Council may, if it is in the public interest to do so, hold a new public hearing on the Conditional Use Permit application. In determining whether to hold such a public hearing, no testimony shall be taken.
2. Notice of the Council public hearing shall be published and mailed again as in Section 52.00D.
3. After such public hearing the Council shall either approve, modify or disapprove the Conditional Use Permit. If the Commission has not made the findings required by Section 52.00C, the Council shall do so before approving and Conditional Use Permit.

I. TIME LIMITS FOR DEVELOPMENT

Unless the Commission specifies otherwise, the use shall be developed within one year. One year extensions (not to exceed a total of three) may be granted by the Council upon a showing of good cause. Notwithstanding the above time limits, a permit on a subdivision project under Section 5200A.k. shall extend for the life of the subdivision itself.

Failure to develop the use within these time limits shall amount to full forfeiture of all development permission under the permit.

J. REVISIONS TO SITE PLAN APPROVED AS PART OF CONDITIONAL USE PERMIT

1. Minor revisions to a site plan approved as part of a Conditional Use Permit may be made after review and approval by the Commission. Minor revisions are hereby defined as revisions which in no way violate the intent or any of the standards or conditions of the permit or of the zone.
2. Revisions other than minor revisions, as defined above, shall be made pursuant to the regular Conditional Use Permit procedure set forth in this section.

3. All copies of the approved revised site plan shall be dated and signed by the Planning Department and made a part of the record of the subject Conditional Use Permit. One (1) copy of said approved revised site plan shall be mailed to the applicant.

K. REVOCATION OR VOIDING OF CONDITIONAL USE PERMIT

1. The Council may, after notice and public hearing, revoke any Conditional Use Permit for non-compliance with any of its conditions.
2. Notice shall be mailed to the record owner or lessee of the subject property not less than twenty (20) days prior to giving public notice. Said notice shall set forth the non-compliance and shall request appearance by said owner or lessee at the time and place specified for the hearing to show cause why the permit should not be revoked.

Public notice shall be given as provided in Section 52.00D.

3. Within ten (10) days after the public hearing, the Council may revoke or modify the Conditional Use Permit. After revocation, the subject property shall conform to all regulations of the zone in which it is located.
4. Non-use or cessation of a use granted herein for a period of one (1) calendar year shall void the use permit granted.

L. REAPPLICATION

No person shall re-apply for a similar Conditional Use Permit for the same land, building, or structure within a period of six (6) months from the date of the denial of the application.

M. EXISTING PERMITS

Any Conditional Use Permit granted pursuant to any Zoning Ordinance enacted prior to the effective date of this Ordinance shall be construed to be a Conditional Use Permit under this Ordinance subject to all conditions imposed in such permit unless otherwise provided herein. Such permit may, however, be revoked or voided as provided in Subsection K.

SECTION TWO: This ordinance shall be in force and take effect as provided by law.

SECTION THREE: The City Clerk shall certify to the adoption of this ordinance and cause it to be published in the Redlands Daily Facts, a newspaper of general circulation printed and published in this city.

Carol Beswick
Mayor of the City of Redlands

ATTEST:

Lorrie Poyzer
City Clerk

I, Lorrie Poyzer, City Clerk, City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 20th day of December, 1983, by the following vote:

AYES: Councilmembers Johnson, Martinez, Larsen; Mayor Beswick

NOES: None

ABSENT: Councilman DeMirjyn

Lorrie Poyzer
City Clerk