

ORDINANCE NO. 2503

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING CHAPTER 18.192 OF THE REDLANDS MUNICIPAL CODE RELATING TO CONDITIONAL USE PERMITS AND CHAPTER 18.196 OF THE REDLANDS MUNICIPAL CODE RELATING TO VARIANCES

Section 1. Chapter 18.192 of the Redlands Municipal Code is hereby deleted in its entirety and rewritten to read as follows:

“Chapter 18.192 CONDITIONAL USE PERMITS

18.192.010 Purpose.

A. The purpose of a conditional use permit (“CUP”) is to establish a review process for the development of a use that may be desirable under appropriate circumstances but is not permitted by right in the applicable zone. The intent of this Chapter is to permit review of such proposed uses on a case-by-case basis to determine whether, and under what conditions, the use may be approved at a given site. Further, the intent of this Chapter is that each use be developed so as to fully protect the public health, safety and welfare of the City. To provide this protection, conditions may be imposed on a use to address potential adverse effects. The privileges and conditions of a CUP are a covenant that runs with the land and, in addition to binding the permittee, bind each successor in interest. A CUP is granted at the discretion of the City, and is not an automatic right of any applicant.

18.192.020 Specific uses permitted subject to conditional use permit.

A. Uses listed in the City's zones as "uses permitted subject to a conditional use permit" may be permitted in such zones pursuant to the provisions of this Chapter.

B. The following uses may be permitted in any zone, except where expressly prohibited, when such uses are determined by the City to be essential or desirable for the public health, safety and welfare in accordance with the provisions of this Chapter:

1. Airport, heliport;
2. Cemeteries, columbariums, mausoleums;
3. Religious places of worship;
4. Convalescent homes, board and care homes;
5. 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;
6. Educational institutions, public or private;
7. Golf courses, excepting driving ranges and miniature courses;

8. Governmental enterprises;
9. Hospitals and medical clinics;
10. Neighborhood stores and shopping centers;
11. Planned residential developments, subject to the provisions of Chapter 18.144; 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 or more dwelling units;
12. Public utility structures and service facilities;
13. Transitional Uses. A use, or combination of uses that will provide an orderly bridge between more-intensive and less-intensive uses:
 - a. Adjacent to commercial districts, excepting C-1 and C-2: Administrative and professional offices, offstreet 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 listed as permitted,
 - b. Adjacent to industrial districts: Administrative and professional offices, and off-street parking; no retail sales are permitted,
 - c. 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;
14. 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;
15. 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;
16. Meeting places of nonprofit civic groups or community organizations other than social or fraternal clubs;
17. 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 fifty-five years of age or older.

18.192.030 Application--Submittal requirements.

Applications for a CUP shall be made to the Planning Commission on forms prescribed by the City. The applicant for a CUP shall be the property owner or the authorized agent of the property owner as evidenced by written document. A completed application and payment of all applicable fees as established by the City shall be submitted to the Community Development Department. The application for a CUP shall include a site plan prepared to scale, showing accurately and with complete dimensions, all buildings and structures proposed and existing on property.

18.192.040 Consideration of permit--Public hearing by Planning Commission.

A. The Planning Commission shall have the authority to approve, conditionally approve or deny an application for a CUP. In instances when an application for a CUP is processed concurrently with other land use entitlements requiring action by the City Council, the Planning Commission shall make a recommendation on the CUP application to the City Council.

B. A public hearing shall be held by the Planning Commission after a complete application has been filed and legally required notice has been given for the hearing. Notice of the hearing shall be published in a newspaper of general circulation and be mailed to owners of property within a radius of three hundred feet of the external boundaries of the property described in the application not less than ten days before the date set for the Commission hearing. For this purpose, the name and address of such owners shall be as shown on the latest official assessor's roll of the County.

C. At the public hearing, the Planning Commission shall review the application and statements, plans and drawings submitted therewith and shall review evidence concerning the proposed use and the proposed conditions under which the use would be operated and maintained. The Planning Commission shall make findings and its decision on whether to approve or deny the application based upon substantial evidence in the form of verbal or written testimony presented during the public hearing.

18.192.050 Public improvement and dedication requirements.

A. The City may require the dedication of land and improvements for streets, alleys, drainage, public utilities, bridle trails and flood control purposes that are reasonably related to the proposed use of the project and which are necessary for the orderly development of the site and surrounding properties. Improvements include, but are not limited to:

1. Grading and drainage structures;
2. Curbs and gutters;
3. Sidewalks;
4. Street pavement;
5. Water service;
6. Sanitary sewer facilities and connections;
7. Services from public utilities;
8. Street trees;

9. Streetlights and street signs;

B. Security, in a form acceptable to the City, may be required by the City to ensure that any public improvements required in connection with the approval of a CUP are constructed and completed prior to the issuance of any building permit or certificate of occupancy for the CUP. Notwithstanding the foregoing, the City shall not require a bond as security for any improvements not reasonably related to the use approved in the CUP.

18.192.060 Approval of permit - findings.

A CUP may be approved or conditionally approved only if the Planning Commission, or the City Council as appropriate, makes the following findings:

A. That the proposed development will not adversely affect the applicable land use plans of the City;

B. That the proposed development will not be detrimental to the public health, safety and welfare.

C. That the proposed development will comply to the maximum extent feasible with the regulations of the City's General Plan, the applicable zoning district and the City's development standards;

D. That the proposed development is appropriate at the proposed location.

18.192.070 Appeal from Planning Commission decision.

A. Within ten days of the Planning Commission's decision, any person may appeal the decision to the City Council. The appeal shall be made on forms provided by the City, and upon payment of the fees established by resolution of the City Council.

B. The City Council shall forthwith hold a public hearing on the CUP after the hearing is noticed as set forth in Section 18.192.040.

C. After such public hearing, the City Council shall either approve, modify or disapprove the CUP based up findings required by Section 18.192.050.

18.192.080 Council action in absence of appeal.

A. Within ten days after the Commission's decision, or at its next regularly scheduled City Council meeting after the Commission's decision, whichever is later, the City Council may, if determined to be in the public interest to do so, appeal any decision of the Commission.

B. Notice of the City Council hearing shall be published and mailed as required by Section 18.192.040.

C. After the hearing, the City Council shall either approve, modify or disapprove the CUP.

18.192.090 Conditional use permit-- Expiration.

A. Except for a CUP issued for a planned residential development and, unless otherwise specified by the Planning Commission or City Council in the conditions of approval for a CUP, a CUP shall expire two years from the date of its approval unless the holder of the permit obtains a building permit or, in those instances where no building permit is required, a certificate of occupancy for the use, within such two-year period. The City Council may, upon submittal of a written application for a time extension by the holder of the permit and prior to the expiration of the CUP, grant a one-year extension of time; provided, however, that the total number of extensions for a CUP shall not exceed three.

B. Failure to develop the use within the time limits of this section shall amount to the forfeiture of all development entitlement under the CUP.

18.192.100 Revocation or voiding of permit.

A. The Commission may, after notice and public hearing, revoke any CUP for noncompliance with any of its conditions.

B. Notice shall be mailed to the record owner or lessee of the subject property not less than twenty days prior to giving public notice. Such notice shall set forth the noncompliance, and shall request appearance by the permittee at the time and place specified for the hearing, to show cause why the CUP should not be revoked.

C. Notice shall be given as provided in Section 18.192.040.

D. Within ten days after the hearing, the Planning Commission may revoke or modify the CUP. After revocation, the subject property shall conform to all regulations of the zone in which it is located.

18.192.110 Reapplication--Waiting period.

Following the denial of a CUP or the revocation of a CUP by the City, no application for a CUP for the same or substantially the same use on the same or substantially same site shall be filed within six months of the date of the denial or the revocation of the CUP."

18.192.120 Violation.

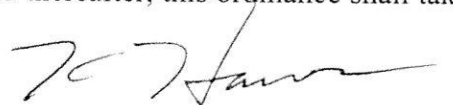
It is unlawful for any person to maintain, use or develop any premises without a CUP if such a permit is required for the use or development, or to maintain, use or develop any premises contrary to the requirements or conditions of any existing CUP."

Section 2. Section 18.196.030 of the Redlands Municipal Code is hereby amended to read as follows:

"A. The Planning Commission shall have the authority, subject to the procedures set forth in this title, to grant variances from any property development standard of this title when it is found that the strict and literal interpretation of such provisions would deny a use of property consistent with the intent and purpose of this title and the General Plan. In instances when a variance is processed concurrently with other land use entitlements requiring action by the City Council, the Planning Commission shall make a recommendation to the City Council."

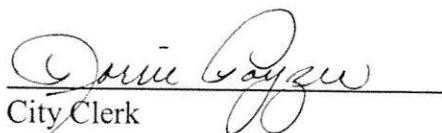
Section 3. Section 18.196.140 relating to the approval of variances by the City Council as a result of socio-economic impact studies is hereby deleted in its entirety.

Section 4. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City, and thereafter, this ordinance shall take effect in accordance with law.



Mayor of the City of Redlands

ATTEST:

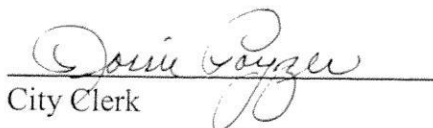

City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on 21st day of January, 2003 by the following vote:

AYES: Councilmembers Peppler, Gilbreath, Harrison;
Mayor Haws

NOES: None

ABSENT: Councilmember George


City Clerk