

Article IV. Permits
Ord. No. 427-AC, 621-AC

Sec. 94.00. Permits required

- (a) The use made of property may not be substantially changed, substantial clearing, grading, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits:
 - (1) A zoning permit issued by the city planner;
 - (2) A special use permit issued by the planning commission;
 - (3) A conditional use permit issued by the city council;
 - (4) Sign permits issued by the city planner.
- (b) Zoning permits, special use permits, conditional use permits and sign permits are issued under this part only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this part if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in section 94.14, all development shall occur strictly in accordance with such approved plans and applications.
- (c) Physical improvements to land to be subdivided may not be commenced except in accordance with a conditional use permit.
- (d) A zoning permit, conditional use permit, special use permit, or sign permit shall be issued in the name of the applicant (except that application submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority. All such permits issued with respect to tracts of land in excess of one (1) acre (except sign permits and zoning permits for single- family and two-family residential uses) shall be recorded in the San Bernardino County registry after execution by the record owner. (Ord. 427-AC)
- (e) Reasonable Accommodation for Residential Uses. A request for reasonable accommodation can be made by any individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability, when the application of a land use or zoning regulation, or land use, zoning, or building policy, practice or procedure acts as a barrier to fair housing.

(1) Definitions. Article II Section 92 is hereby amended to add the following definitions:
Fair Housing Laws: The Federal Fair Housing Act (42 U.S.C. § 3601 et. Seq.), the California Fair Employment and Housing Act (Government Code §12900 et seq.), and the California Disabled Persons Act (Civil Code § 54 et. Seq.).
Individual with a Disability: A person who has a medical, physical, or mental conditions that limits a major life activity, as those terms are defined in California Government Code section 12926

Reasonable Accommodation: A modification in the application of land use or zoning regulations or in the application of land use, zoning, or building policies, procedures, or practices when necessary to eliminate barriers to housing opportunities; which does not

impose undue financial or administrative burdens on the City or require a fundamental or substantial alteration of the City's regulations, policies, procedures or practices.

(2) Submittal requirements for reasonable accommodations. Each application for a Reasonable Accommodation shall be accompanied by the site plan information required by Article IV Section 94(e) (2) (a) through {n}. Site plans shall be drawn to scale of an adequate size and shall indicate clearly and with full dimensions the following data where applicable:

- (a) Exterior boundary lines of the property indicating easements, dimensions and lot size.
- (b) All adjacent streets or rights-of-way, including 1 bicycle and/or hiking trails .
- (c) Location, elevations, size, height, dimensions, materials, colors, and proposed use of all buildings and structures (including walls, fences, signs, lighting and hooding devices) existing and intended to remain on the site. (d)Setback information for all buildings existing and proposed at the site.
- (e)Distances between all structures and between all property lines or easements and structures.
- (f)Any nearby buildings which are relevant to this application.
- (g)Any existing significant natural features such as rock outcroppings, highly protected trees, creeks, knolls and ridgelines.
- (h) Location, number of spaces, and dimensions of offstreet parking spaces, loading docks, and maneuvering areas; indicate internal circulation.
- (h) Pedestrian, vehicular and service points of ingress and egress; driveway widths, and distances between driveways.
- (i) Proposed landscaping; include quantity, location, varieties and container size.
- (j) Proposed grading plan (for sites having over five (5) foot grade differential), showing existing and proposed contours, and the direction and path of drainage on, through and off the site; indicate any proposed drainage channels or facilities .
- (k) Required and existing street dedications and improvements such as sidewalks, curbing and pavement. Indicate widths, radii of curves, street grades and whether streets are public or private.
- (l)Other such data as may be required to permit the Planning-Commission or the Zoning Administrator, as the case may be, to make the required findings for approval of the specific type of application.
- (m) Scale shown as "Scale: 1 inch =feet" and north

a=w.
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(n) Vicinity map indicating nearby cross streets in relation to site (need not be to scale).

(o) Whether the proposed site is in a FEMA flood plain

(3) Reasonable Accommodation applications. The purpose of granting an application for Reasonable Accommodation is to provide an individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability, a modification with respect to the application of land use, or zoning regulations, and in the application of land use, zoning, or building policies, practices or procedures when those regulations, policies and procedures act as a barrier to fair housing. An application for Reasonable Accommodation may be filed with the Planning Department as provided in Article IV Section

94(e) (3). The application shall be accompanied by the following information:

- (a)The name, address and telephone number of the applicant;
- (b) The name, address, and telephone number of the owner of the property for which the reasonable accommodation request is being made;

- (c) The current use of the property for which the reasonable accommodation request is being made;
- (d) If the applicant is someone other than the property owner, a letter of agency or authorization signed by the property owner consenting to the application being made;
- (e) The basis for the claim that the individual to be reasonably accommodated is an Individual with a Disability under the Fair Housing Laws;
- (f) The land use or zoning regulation, or land use, zoning, or building policy, practice or procedure for which reasonable accommodation is being requested;
- (g) The type of accommodation sought;
- (h) The reason(s) why the accommodation is necessary

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for the needs of the disabled person. Where appropriate, include a summary of any potential means and alternatives considered in evaluating the need for the accommodation;

- (i) Copies of memoranda, correspondence, pictures, plans or background information reasonably necessary to reach a decision regarding the need for the accommodation;
- (j) Other supportive information deemed necessary by the department to facilitate proper consideration of the request, consistent with fair housing laws.
- (k) Completion of a CEQA Checklist if proposed site is vacant land

(1) There is no fee imposed on the filing or processing of the application for Reasonable Accommodation.

(4) Findings. The reviewing authority shall approve the application, with or without conditions, unless it determines on the basis of substantial evidence that one or more of the following findings cannot be made:

- (a) The accommodation is requested by or on behalf of an individual with a disability protected under the fair housing laws.
- (b) The housing, which is subject to the requested accommodation, will be used by an individual with a disability protected under fair housing laws.
- (c) The requested accommodation is necessary to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.
- (d) The requested accommodation will not impose an undue financial or administrative burden on the City.
- (e) The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including land use and zoning.

(5) Other Discretionary approvals. If the project requires other discretionary approval (such as a Conditional Use Permit or

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Variance) independent of the reasonable accommodation request, then the reasonable accommodation application will be decided prior to the other applications. Such decisions shall not to be-reconsidered as part of the subsequent approvals, but shall be regarded as independent entitlements.

(6) Decisions. The Zoning Administrator shall, within 30 days of determining the application complete, approve, approve with conditions, or deny the application based on the findings set forth in Article IV Section 94(e) (4), and may impose such conditions as it deems necessary to ensure the accommodation will comply with the findings required in Article IV Section

94(e) (4) and fair housing laws. As part of consideration of a request for a reasonable accommodation related to construction of new dwelling or dwellings, the Zoning Administrator may consult with the Design Review Committee regarding the requested accommodation and any options that may result in a reasonable accommodation. While any request for reasonable accommodation is pending, all laws and regulations otherwise

applicable to the property that is the subject of the request shall remain in full force and effect.

(7) Appeals. The decision of the Zoning Administrator may be appealed in accordance with Article XVIII "Enforcement and Review" Appeals are subject to payment of the fee imposed on appeals in the City's Master Fee Schedule.

(8) Nonconforming Status. All improvements constructed under the auspices of this chapter shall be removed upon the vacation of the unit by the person to whom the reasonable accommodation was granted unless the Development Department Director, Zoning Administrator, Building Official, or other discretionary reviewing authority, as applicable, makes a determination as follows:

(a) The unit has been reoccupied by a qualified person or such improvements provide benefit for future occupancy by a qualified person; or

(b) The removal of the improvement is not readily achievable without making significant structural changes that would impact the safety and soundness of the structure, as determined solely by the Building Official, or such costs of removal equal or exceed 25 percent of the market value of the structure.

9) Confidentiality. Medical information provided to the City related to the person for whom a reasonable accommodation is being requested shall be retained in a manner so as to respect

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the privacy rights of the applicant to the extent feasible, shall be kept confidential and shall not be made available to the public, pursuant to state and federal law.

10) Urgent, Temporary and Unforeseen Need. Upon receipt of the application required by [Article IV Section 94\(e\) \(3\)](#), and without the right of appeal provided by [Article IV Section 94\(e\) \(7\)](#), upon a showing of an urgent, temporary and unforeseen need made by or on behalf of an Individual with a Disability, the Zoning Administrator shall approve as a Temporary Reasonable Accommodation temporary ramps and temporary and easily remediated alterations to a building that are not designed or intended nor allowed to remain for more than 90 days following such approval during a period of temporary disability (90 days maximum) or during a period during which an application for Reasonable Accommodation has been made and has not been acted upon with finality. Any approved Temporary Reasonable Accommodation shall be removed within the period of time established for such removal by the Zoning Administrator at the time of approval.

Ord 621-AC

Sec. 94.01. No occupancy, use, or sale of lots until requirements fulfilled

Issuance of a conditional use, special use, zoning permit, or sign permit authorizes the recipient to commence the activity resulting in a change in use of the land or (subject to obtaining a building permit) to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision. However, except as provided in section 94.12, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this part and all additional requirements imposed pursuant to the issuance of a conditional use or special use permit have been complied with, as required. (Ord. 427-AC)

Sec. 94.02. Who may submit applications

- (a) Applications for zoning, special use, conditional use, or sign permits will be accepted only from persons having the legal authority to take action in accordance with the permit approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this part, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees).
- (b) The city planner may require an applicant to submit evidence of his/her authority to submit the application in accordance with subsection (a) of this section whenever there appears to be a reasonable basis for questioning this authority. (Ord. 427-AC)

Sec. 94.03. Application to be complete

- (a) All applications for zoning, special use, conditional use, or sign permits must be complete before the permit issuing authority is required to consider the application.
- (b) Subject to subsection (c) of this section, an application is complete when it contains all of the information that is necessary for the permit issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this part.
- (c) In this part, detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) are set forth in one (1) or more of the appendices to this part. It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with these appendices, so long as the plans provide sufficient information in the light of the substantive requirements set forth in this text of this part.
- (d) The presumption established by this part is that all of the information set forth in zoning appendix A, Specifications for Street Design and Construction, on file at the city clerk's office, is necessary to satisfy the requirements of this section. However, it is recognized that each development is unique, and therefore the permit issuing authority may allow less information or require more information to be submitted to the city council or planning commission, the applicant may rely in the first instance on the recommendations of the city planner as to whether more or less information than that set forth in zoning appendix A should be submitted.
- (e) The city planner shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the administrator to determine compliance with this part, such as applications for zoning permits to construct single-family or two-family houses, or applications for sign permits, the city planner shall develop standard forms that will expedite the submission of the necessary plans and other required information. (Ord. 427-AC)

Sec. 94.04. Staff consultation before formal application

- (a) To minimize development planning costs, avoid misunderstanding or

misinterpretation, and ensure compliance with the requirements of this part, preapplication consultation between the developer and the planning staff is encouraged or required as provided in this section.

- (b) Before submitting an application for a conditional use permit authorizing a development that consists of or contains a major subdivision, the developer shall submit to the administrator a sketch plan of such subdivision, drawn approximately to scale (one (1) inch equals one hundred (100) feet). The sketch plan shall contain:
 - (1) The name and address of the developer;
 - (2) The proposed name and location of the subdivision;
 - (3) The approximate total acreage of the proposed subdivision;
 - (4) The tentative street and lot arrangement;
 - (5) Topographic lines; and
 - (6) Any other information the developer believes necessary to obtain the informal opinion of the planning staff as to the proposed subdivision's compliance with the requirements of this part.

The city planner shall meet with the developer as soon as conveniently possible to review the sketch plan.

- (c) Before submitting an application for any other permit, developers are strongly encouraged to consult with the planning staff concerning the application of this part to the proposed development. (Ord. 427-AC)

Sec. 94.05. Staff consultation after application submitted

- (a) Upon receipt of a formal application for a zoning, special use, or conditional use permit, the city planner shall review the application and confer with the applicant to ensure that he understands the planning staff's interpretation of the applicable requirements of this part, that he has submitted all of the information that he intends to submit, and that the application represents precisely and completely what he proposed to do.
- (b) If the application is for a special use or conditional use permit, the city planner shall place the application on the agenda of the appropriate body when the applicant indicates that the application is as complete as he intends to make it. However if the administrator believes that the application is incomplete, he shall recommend to the appropriate body that the application be denied on that basis. (Ord. 427-AC)

Sec. 94.06. Zoning permits

- (a) A completed application form for a zoning permit shall be submitted to the city planner by filing a copy of the application with the planning department.
- (b) The city planner shall issue the zoning permit unless he finds, after reviewing the application and consulting with the applicant that:
 - (1) The requested permit is not within his jurisdiction according to the table of permissible uses; or
 - (2) The application is incomplete; or
 - (3) If completed as proposed in the application, the development will not comply with one (1) or more requirements of this part. (Ord. 427-AC)

Sec. 94.07. Special use permits and conditional use permits

- (a) An application for a special use permit shall be submitted to the planning commission by filing a copy of the application with the planning department.
- (b) An application for a conditional use permit shall be submitted to the planning commission by filing a copy of the application with the planning department.
- (c) Subject to subsection (d) of this section, the planning commission or the council, respectively, shall issue the requested permit unless it concludes, based upon the information submitted at the hearing, that:
 - (1) The requested permit is not within its jurisdiction according to the table of permissible uses; or
 - (2) The application is incomplete; or
 - (3) If completed as proposed in the application, the development will not comply with one (1) or more requirements of this part.
- (d) Even if the permit-issuing body finds that the application complies with all other provisions of this part, it may still deny the permit if it concludes based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:
 - (1) Will materially endanger the public health or safety; or
 - (2) Will substantially injure the value of adjoining or abutting property; or
 - (3) Will not be in harmony with the area in which it is to be located; or
 - (4) Will not be in general conformity with the general plan. (Ord. 427-AC)

Sec. 94.08. Recommendations on conditional use permit applications

- (a) Before being presented to the council, an application for a conditional use permit shall be submitted to the planning commission for a public hearing and action.
- (b) When presented to the planning commission, the application shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with other requirements of this part, as well as any staff recommendations for additional requirements to be imposed by the council. If the planning staff report proposes a finding or conclusion that the application fails to comply with any other requirement of this part, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.
- (c) The planning commission shall consider the application and the attached staff report in a timely fashion.
- (d) After planning commission action, the planning staff shall report to the council the planning commission recommendation and the reasons thereof.
- (e) In response to the planning commission recommendations, the applicant may modify his application prior to submission to the council, and the planning staff may likewise revise its recommendations. (Ord. 427-AC)

Sec. 94.09. Council action on conditional use permits

In considering whether to approve an application for a conditional use permit, the council shall proceed according to the following format:

- (1) The council shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying

either the particular type of information lacking or the particular requirement with respect to which the application is incomplete) then this shall be taken as an affirmative finding by the council that the application is complete.

- (2) The council shall consider whether the application complies with all of the applicable requirements of this part. If a motion to this effect passes, the council need not make timer findings concerning such requirements.

If such a motion fails or is not made then a motion shall be made that the application be found not in compliance with one or more of the requirements of this part. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application.

- (3) If the council concludes that the application fails to comply with one (1) or more requirements of this part, the application shall be denied.

If the council concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one (1) or more of the reasons set forth in section 94.07(d). Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion. (Ord. 427-AC)

Sec. 94.10. Planning commission action on special use permits

In considering whether to approve an application for a special use permit, the planning commission shall proceed in the same manner as the council when considering conditional use permit applications.

- (1) The planning commission shall consider whether the application is complete. If the planning commission concludes that the application is incomplete and the applicant refuses to provide the necessary information, the application shall be denied. A motion to this effect shall specify either the particular type of information lacking or the particular requirement with respect to which the application is incomplete. A motion to this effect, concurred in by two (2) members of the planning commission, shall constitute the planning commission's finding on this issue. If a motion to this effect is not made and concurred in by at least two (2) members, this shall be taken as an affirmative finding by the commission that the application is complete.
- (2) The planning commission shall consider whether the application complies with all of the applicable requirements of this part. If a motion to this effect passes by the necessary majority vote, the planning commission need not make further findings concerning such requirements. If such a motion fails to receive the necessary majority vote or is not made, then a motion shall be made that the application be found not in compliance with one (1) or more requirements of this part. Such a motion shall specify the particular requirements the application fails to meet. A separate vote may be taken with respect to each requirement not met by the application, and a majority vote of the commission (excluding vacant seats) in favor of such a motion shall be sufficient to constitute such motion a finding of the commission.

If the planning commission concludes that the application fails to meet one (1) or more of the requirements of this part, the application shall be denied.

- (3) If the planning commission concludes that all such requirements are met, it

shall issue the permit unless it adopts a motion to deny the application for one (1) or more of the reasons set forth in section 94.07(d). Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion. Since such a motion is not in favor of the applicant, it is carried by a simple majority vote. (Ord. 427-AC)

Sec. 94.11. Additional requirements on special use and conditional use permits

- (a) Subject to subsection (b) of this section, in granting a special or conditional use permit, the planning commissioner or city council, respectively, may attach to the permit such reasonable requirements in addition to those specified in this part as will ensure that the development in its proposed location:
 - (1) Will not endanger the public health or safety;
 - (2) Will not injure the value of adjoining or abutting property;
 - (3) Will be in harmony with the area in which it is located; and
 - (4) Will be in conformity with the general plan.
- (b) The permit-issuing body may not attach additional conditions that modify or alter the specific requirements set forth in the ordinance codified in this part unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.
- (c) Without limiting the foregoing, the planning commission may attach to a permit a condition limiting the permit to a specified duration.
- (d) All additional conditions or requirements shall be entered on the permit. (Ord.427-AC)

Sec. 94.12. Completing developments in phases

- (a) If a development is constructed in phases or stages in accordance with this section, then, subject to subsection (c) of this section, the provisions of Section 94.01 (No occupancy, use, or sale of lots until requirements fulfilled) shall apply to each phase as if it were the entire development.
- (b) As a prerequisite to taking advantage of the provisions of subsection (a) of this section, the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this part that will be satisfied with respect to each phase or stage.
- (c) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one (1) or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the approved schedule. (Ord. 427-AC)

Sec. 94.13. Expiration of permits

- (a) Zoning, special use, conditional use, and sign permits shall expire automatically

if, within six (6) months after issuance of such permits:

- (1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use, or
 - (2) Less than ten (10) percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development this requirement shall apply only to the first phase.
- (b) If after some physical alteration to land or structures begins to take place, such work is discontinued for a period of six (6) months, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of section 94.14.
- (c) The permit-issuing authority may extend for a period up to six (6) months the date when a permit would otherwise expire pursuant to subsections (a) or (b) of this section if it concludes that: (1) the permit has not yet expired; (2) the permit recipient has proceeded with due diligence and in good faith; and (3) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six (6) months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
- (d) For purposes of this section, the permit within the jurisdiction of the council or the planning commission is issued when such commission votes to approve the applications and issue the permit. A permit within the jurisdiction of the city planner is issued when the earlier of the following takes place:
- (1) A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand-delivered or mailed to the permit applicant; or
 - (2) The city planner notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required.
- (Ord. 427-AC)

Sec. 94.14. Effect of permit on successors and assigns

- (a) Zoning, special use, conditional use, and sign permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the proposes for which the permit was granted, then:
- (1) No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and
 - (2) The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but

also with respect to persons who subsequently obtain, any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued, so long as the persons who subsequently obtain an interest in the property had actual or record notice (as provided in subsection (b) of this section) of the existence of the permit at the time they acquired their interest.

- (b) Whenever a special use, or conditional use permit is issued to authorize development (other than single-family or two-family residences) on a tract of land, nothing authorized by the permit may be done until the record owner of the property signs a written acknowledgment that the permit has been issued so that the permit may be recorded in the San Bernardino County registry and indexed under the record owner's name as grantor. (Ord. 427-AC)

Sec. 94.15. Amendments to and modifications of permit

- (a) Insignificant deviations from the permit (including approved plans) issued by the city council, the planning commission or the city planner are permissible and the city planner may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- (b) Minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- (c) All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the council or planning commission, new conditions may be imposed, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.
- (d) The city planner shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections (a), (b), and (c) of this section.
- (e) A developer requesting approval of changes shall submit a written request for such approval to the city planner and that request shall identify the changes. Approval of all changes must be given in writing. (Ord. 427-AC)

Sec. 94.16. Reconsideration of planning commission actions

- (a) Whenever: (1) the city council disapproves a conditional use permit application; or (2) the planning commission disapproves an application for a special use permit or a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective body at a later time unless the applicant clearly demonstrates that:
 - (A) Circumstances affecting the property that is the subject of the application have substantially changed, or
 - (B) New information is available that could not with reasonable diligence have

been presented at a previous hearing.

A request to be heard on this basis must be filed with the city planner within the time period for an appeal. However, such a request does not extend the period within which an appeal must be taken. (Ord. 427-AC)

Sec. 94.17. Applications to be processed expeditiously

Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the city shall make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this part. (Ord. 427-AC)

Sec. 94.18. Maintenance of common areas, improvements and facilities

The recipient of any zoning, special use, conditional use, or sign permit, or his successor, shall be responsible for maintaining all common areas, improvements, or facilities required by this part or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed. (Ord. 427-AC)