## 30-12 LIMITED COMMERCIAL ZONE (C-L).

http://www.comptoncity.org/index.php/Municipal-Code.htm

# 30-12.1 Purpose (C-L).

The Limited Commercial Zone (C-L) is established to provide for neighborhood, community, and regional retail business areas with related uses. (Added by Ord. #1557, § 9131.1; Ord. #1733, § 1)

# 30-12.2 Uses (C-L).

- a. *Principal Permitted Uses*. The following uses and buildings, of less than fifty thousand (50,000) square feet in size, shall be permitted in the Limited Commercial Zone (C-L):
  - 1. Administrative and professional offices;
  - 2. Ambulance services (no more than four (4) ambulances);
- 2A. Amusement machines-accessory use (subject to approval by the Architectural Review Board);
  - 3. Antique stores;
  - 4. Art galleries;
  - 5. Auto parking lots and structures;
  - 6. Auto supply stores (new and rebuilt, packaged auto supplies only);
  - 7. Bakeries (employing not more than five (5) persons, excluding full-time sales personnel);
  - 8. Banks and financial institutions;
  - 9. Barber shops;
  - 10. Beauty shops;
  - 11. Bicycle sales and repair;
  - 12. Blueprinting;
  - 13. Book stores;
  - 14. Bus stations (no storage or repair of buses);
  - 15. Cafeterias:
  - 16. Carpet sales;
  - 17. Carnivals, circuses and Christmas tree lots; temporary (subject to approval by the Council);
  - 18. Child day-care centers;
  - 19. City parks, playgrounds, Police and Fire Stations;
  - 20. Civic clubs;
  - 21. Civic center buildings and uses;
- 22. Cleaning and dyeing agencies (including retail cleaning and dyeing using noninflammable, nonexplosive cleaning fluids);
  - 23. Cleaners, self-service;
  - 24. Clothing sales;
  - 25. Colleges, beauty, barber, and business;
  - 26. Confectionery stores;
  - 26A. Convenience stores;
  - 27. Curio shops:
  - 28. Department stores;
  - 29. Drapery sales;
- 30. Dressmakers (custom, retail dress-making subject to the provisions of the Division of Labor Standards);
  - 31. Drugstores:
  - 32. Dry good sales;
  - 33. Elementary junior high and high schools offering full curricula as required by State laws;

- 34. Electrical and electronic appliance sales and service and repair;
- 35. Engravers, hand;
- 36. Fireworks stands (subject to approval by the Council);
- 37. Fix-it-shops;
- 38. Florist shops;
- 39. Food markets;
- 40. Frozen food lockers:
- 41. Furniture stores;
- 42. Garden equipment sales, service, rental, and repair;
- 43. Gift shops;
- 44. Glass shops;
- 45. Governmental offices;
- 46. Gymnasiums (commercial);
- 47. Hardware stores;
- 48. Health centers:
- 49. Hobby shops;
- 50. Ice cream parlors;
- 51. Ice sales and storage (no more than ten (10) ton capacity);
- 52. Knit and yarn shops;
- 53. Jewelry sales and repairs;
- 54. Laundries, hand;
- 55. Laundries, self-service;
- 56. Leather products sales;
- 57. Libraries;
- 58. Locksmiths:
- 58A. Major retail facilities (including the sale of alcoholic beverages for consumption off the premises where such sales utilize less than ten (10%) percent of the sales floor area);
- 59. Manicurists;
- 59A. Massage establishments (The provisions of Section 9-15 of the Compton Municipal Code shall apply.)
  - 60. Mattress sales;
  - 61. Medical, dental and therapeutic clinics;
  - 62. Medical, dental and X-ray laboratories;
  - 63. Millinery shops;
  - 64. Mimeographing;
  - 65. Museums;
  - 66. Newsstands;
  - 67. Newspaper offices;
  - 68. Notions stores;
  - 69. Novelty stores;
  - 70. Nurseries, horticultural;
  - 71. Paint stores;
  - 72. Pet shops:
  - 73. Pharmacies;
  - 74. Photo equipment and supplies;
  - 75. Photoengraving;
  - 76. Photographers' studios;
  - 77. Photostating;
  - 78. Plumbing fixture sales;

- 79. Pottery fixture sales;
- 80. Print and lithography shops (employing not more than five (5) printers);
- 81. Public utility substations;
- 82. Reserved.
- 83. Realtors;
- 84. Radio studios (fully soundproofed);
- 85. Reducing salons;
- 86. Restaurants;
- 87. Restaurants, fast food;
- 88. Schools (art, music, dancing, drama; driving, trade, vocational, karate and other similar special-purpose schools);
  - 89. Secondhand stores;
  - 90. Sewing machine sales and service;
  - 91. Shoe sales and repair;
  - 92. Shoeshine stands;
  - 93. Sightseeing and limousine agencies (no storage or repair of vehicles);
  - 94. Sporting goods stores (the provisions of subsection 30-26.3 of this Chapter shall apply);
  - 95. Stationery stores;
  - 96. Swimming pools (commercial);
- 97. Tailors (custom, retail tailoring subject to the provisions of the Division of Labor Standards);
  - 98. Taxidermists;
  - 99. Tearooms:
  - 100. Telephone and telegraph offices and exchanges;
  - 101. Tile sales;
  - 102. Tobacconists;
  - 103. Travel agencies;
  - 104. Water company wells, pumping plants, reservoirs and electrical distribution stations;
- 105. Uses and buildings customarily incidental to any use or building set forth in this subsection; and
- 106. Any use or building which the Commission finds, as evidenced by resolution in writing, is similar to any of the uses or buildings set forth in this subsection.
- 107. Certified small recycling collection facilities maintained as an accessory to major retail facilities (the provisions of subsection 30-12.4i of this Chapter shall apply).
- 108. Certified small used oil collection facilities maintained within a building as an accessory to gas stations, auto repair garages and auto parts stores (the provisions of subsection 30-12.4i of this Chapter shall apply).
- 109. Temporary and accessory uses for a maximum of twelve (12) days per calendar year (the provisions of Section 30-25 of this Chapter shall apply);
- b. Uses Permitted Subject to Conditional Use Permits. The following uses and buildings may be permitted in the Limited Commercial Zone (C-L) provided a conditional use permit has been obtained pursuant to the provisions of Section 30-26 of this Chapter.
  - 1. Advertising statuary:
- 2. Alcoholic beverage sales for consumption on the premises, as an accessory to a restaurant (the provisions of subsection 30-12.4h. of this Chapter shall apply);
  - 3. Amusement machine sales (the provisions of subsection 7-6.9 shall apply);
- 4. Amusement parks, fairgrounds, private clubs and privately owned recreation centers, game rooms and domino parlors;
  - 5. Arcades (the provisions of subsection 7-6.9 shall apply);

- 6. Auctions (open air);
- 7. Automobile repair garages (excluding body and fender work and painting);
- 8. Automobile service stations (no more than two (2) tow trucks);
- Automobile upholstery shops;
- 10. Bars and liquor stores (the provisions of subsection 30-12.4h. of this Chapter shall apply);
- 11. Beer and wine sales for consumption off the premises, as an accessory to a convenience store where such sales utilize less than ten (10%) percent of the sales floor area (the provisions of subsection 30-12.4h. of this Chapter shall apply);
  - 12. Buildings in excess of fifty thousand (50,000) square feet in size;
  - 13. Bowling alleys;
  - 14. Car washes:
  - 15. Charitable institutions and rescue missions;
- 16. Children's homes, foster homes, fraternity and sorority houses, college and military housing, orphans' homes, rooming houses, boarding houses and residential care facilities;
  - 17. Furniture upholstery shops;
  - 18. Dance halls;
  - 19. Dog and cat hospitals, training schools and kennels;
  - 20. Firearm sales;
  - 21. Furniture upholstery shops;
  - 22. Ice and roller skating rinks;
  - 23. Jail farms;
  - 24. Live work units;
  - 25. Microwave stations and telecommunications antennas;
  - 26. Motels and hotels;
  - 27. Mortuaries:
  - 28. Multiple- and single-family residences;
  - 29. New commercial strip centers;
  - 30. New establishments with drive-thru facilities;
  - 31. New take-out restaurants:
- 32. Planned commercial, residential and condominium developments (the provisions of Section 30-18 of this Chapter shall apply);
  - 33. Pool halls;
  - 34. Race tracks;
  - 35. Radio and television transmission towers:
  - 36. Rifle and pistol ranges, shooting galleries, skeet and trap shooting and archery ranges;
  - 37. Small collection facilities (the provisions of subsection 30-12.4i. of this Chapter shall apply;
  - 38. Swap meets, indoor swap meets, flea markets and similar multiple-vendor sales;
  - 39. Trailer parks;
  - 40. Used automobile sales;
  - 41. Wedding chapels, banquet halls and live entertainment;
  - 42. Zoos and menageries, and
- 43. Uses and buildings customarily incidental to any use or building set forth in this subsection.

(Added by Ord. #1557, § 9131.2; Ord. #1602, § 1 g; Ord. #1711, § 1; Ord. #1712,fj § 1; Ord. #1733, §1; Ord. #1746, § 1; Ord. #1784; Ord. #1921, § 1; Ord. #2031, § 3; Ord. #2072, § 1; Ord. #2101, § 7; Ord. #2155, § 3)

#### 30-12.3 Prohibited Uses (C-L).

The following uses and buildings shall be prohibited in the Limited Commercial Zone (C-L):

a. Pawn Shops. (Ord. #1733, § 1)

## 30-12.4 Property Development Standards (C-L).

The following property development standards shall apply to all land and buildings in the Limited Commercial Zone (C-L):

- a. Lot Area and Width. (For exceptions see subsection 30-20.2 of this Chapter). Each lot or parcel of land shall have a minimum area of ten thousand (10,000) square feet and a minimum width of seventy (70') feet.
- b. Dwelling Unit Density. The minimum lot area for each dwelling unit shall be one thousand five hundred (1,500) square feet, except that for senior citizen units the minimum lot area shall be one thousand two hundred fifty (1,250) square feet.
- c. Dwelling Unit Area and Number of Bedrooms. Each dwelling unit shall have a gross floor area of not less than four hundred fifty (450) square feet for bachelor units, six hundred (600) square feet for one (1) bedroom units, eight hundred (800) square feet for two (2) bedroom units and one thousand (1,000) square feet for units with more than two (2) bedrooms. Dwelling units shall not exceed two thousand (2,000) square feet.
  - d. Lot Coverage and Building Height. (For exceptions see subsection 30-20.4 of this Chapter).
    - 1. Building lot coverage shall be limited to forty (40%) percent of the lot or parcel of land.
- 2. Building height shall be limited to seventy-five (75') feet above grade (exclusive of roof structures housing building operating equipment).
  - e. Yards. (For exceptions see subsection 30-20.3 of this Chapter).
- 1. Front Yards. There shall be a front yard of not less than ten (10') feet, except that buildings used as residences shall comply with the front yard requirements of the High-Density Residential Zone (R-H).
  - 2. Side Yards.
- (a) No side yard shall be required, except where a side lot line abuts a street and/or a residential zone there shall be a side yard of not less than ten (10') feet.
- (b) Buildings used as residences shall comply with the side yard requirements of the High-Density Residential Zone (R-H).
  - 3. Rear Yards.
- (a) No rear yard shall be required, except where a rear lot line abuts a residential zone there shall be a rear yard of not less than ten (10') feet.
- (b) Buildings used as residences shall comply with the rear yard requirements of the High-Density Residential Zone (R-H).
  - f. Fences and Walls. The provisions of Section 30-44 of this Chapter shall apply.
- g. Special Development Standards: Outside Storage and Display. All uses, storage, and display shall be located entirely within a building (for exceptions see subsection 30-20.6 of this Chapter.)
- h. Special Development Standards: Sale of Alcoholic Beverages. All applications for conditional use permits for the sale of alcoholic beverages shall be subject to the criteria established in the City's policy for the evaluation and approval of conditional use permits for the sale of alcoholic beverages.
- i. All applications for the establishment of recycling facilities shall be subject to the standards and criteria set forth in the City's policy for the evaluation and approval of recycling facility sites.
- j. Special Development Standards: Tenant Mix Leasing Plan. A Tenant Mix Leasing Plan shall be approved by the City prior to issuance of building permits on existing structures reconfigured with three (3) or more commercial tenant spaces or the granting of any discretionary permit approving any commercial or mixed-use project, including housing and commercial or manufacturing uses, which contain three (3) or more commercial tenant spaces. The Tenant Mix Leasing Plan shall be reviewed and approved by the Planning Director or his/her designee. When submitted

concurrently with an application for a discretionary permit, Planning Commission shall approve the Plan.

(Added by Ord. #1557, § 9131.3; Ord. #1733, §1; Ord. #1784; Ord. #1921, § 1; Ord. #1941, §§ 2, 3; Ord. #2025, § 1; Ord. #2101, § 7; Ord. #2155, § 3)

## 30-18 PLANNED DEVELOPMENT ZONE (D).

## 30-18.1 Purpose (D).

This zone is established to provide greater land use control than is provided by the base zone for certain areas and/or uses with unusual development problems or opportunities where the public good could better be served by individualized land use regulations. (Added by Ord. #1602, § 9152.1; Ord. #2101, § 13)

# 30-18.2 Combination With Other Zones (D).

Land classified in the Planned Development Zone may be combined with any zone in which planned developments are permitted by conditional use permit and if so classified shall be shown by the addition of the letter "D" after the letter designation of the base zone on the Official Zoning Map of the City. (Added by Ord. #1557, §9152.2; Ord. #1602, § 2)

#### 30-18.3 Uses (D).

The following uses are permitted in the Planned Development Zone:

- a. Planned Residential Development. This designation shall apply to single-family residential developments with unusual design characteristics (such as private streets or smaller than standard homesites), development problems (such as individually owned rowhouses), or common area, as determined by the Planning Director.
- 1. A planned residential development shall be permitted in any residential zone and the Limited Commercial (C-L) zone provided that a conditional use permit has been obtained pursuant to the provisions of Section 30-26.
- 2. Any noncommercial use permitted in the zone in which the planned residential development is located may be permitted in the planned residential development as a condition of approval.
- 3. Community facilities which are for the primary use of the residents of the planned residential development are permitted.
- b. *Planned Condominium Development*. This designation shall apply to residential condominiums, townhouses, cooperative apartments, stock cooperatives and similar developments as determined by the Site Plan Review Committee.
- 1. A planned condominium development shall be permitted in R-M (Medium-Density Residential), R-H (High-Density Residential), C-O (Commercial Office) and C-L (Limited Commercial) zones provided that a conditional use permit has been obtained pursuant to the provisions of Section 30-26.
- 2. Any noncommercial use permitted in the zone in which the planned condominium development is located may be permitted in the planned condominium development as a condition of approval.
- 3. Community facilities which are for the primary use of the residents of the planned condominium development are permitted.
- 4. Commercial uses which are for the primary use and convenience of residents of the planned condominium development may be permitted by the Commission as part of the conditional use permit for the planned condominium development.
  - c. Planned Commercial and Planned Industrial Developments.

- 1. A planned commercial development shall be permitted in any commercial or manufacturing zone provided that a conditional use permit has been obtained pursuant to the provisions of Section 30-26.
- 2. A planned industrial development shall be permitted in any manufacturing zone provided that a conditional use permit has been obtained pursuant to the provisions of Section 30-26.
- 3. Any use permitted in the zone in which the planned commercial or planned industrial development is located may be permitted in the planned commercial or planned industrial development as a condition of approval.
- 4. Community facilities which are for the primary use of the occupants of the planned commercial or planned industrial development are permitted. (Added by Ord. #1557, § 9152.3; Ord. #1602, § 2; Ord. #2101, § 13)

## 30-18.4 Development Regulations (D).

Any planned development project developed pursuant to this section shall comply with the following regulations, and any permit issued shall be subject to such provisions as are established as conditions of approval:

- a. Area of Project. Planned development projects shall have a total area of not less than the following:
  - 1. Planned residential developments shall have a total area of not less than one (1) acre.
  - 2. Planned condominium developments shall have a minimum of four (4) units.
- 3. Planned commercial and industrial developments shall have a minimum area of not less than two (2) acres.
- b. *Property Development Standards*. The property development standards of the base zone shall apply, except as provided in this paragraph b.
- 1. Lot Area, Width and Depth. The area, width and depth of individually and commonly owned parcels of land within the planned development shall be established as a condition of approval.
- 2. Dwelling Unit Density. The dwelling unit density, if applicable, shall not exceed one hundred twenty (120%) percent of the number of units determined by dividing the total net area of the planned development project by the minimum lot area per dwelling unit requirement of the base zone.
  - 3. Yards. Front, side and rear yards shall be established as a condition of approval.
  - Fences, Walls and Hedges.
    - (a) The height of fences, walls and hedges shall be established as a condition of approval.
- (b) The Commission may require appropriate walls, fencing and landscaping around the perimeter of the planned development project.
  - 5. Parking.
- (a) The number of required parking spaces for planned residential, planned commercial and planned industrial developments shall conform to the provisions of Section 30-21 unless otherwise specified by the Commission as a condition of approval.
- (b) The number of required parking spaces for planned condominium developments shall be:
- (1) Two (2) parking spaces, enclosed in a garage, to be assigned to each residential unit within the project.
- (2) One (1) parking space to be provided for the use of visitors to the project for each four (4) residential units within the project.
- (3) Recreational vehicle parking shall be prohibited within planned condominium developments except when a separate, fenced and paved recreational vehicle storage area is provided

with a direct access from an exterior street, for exclusive use of the residents, if approved by the Commission.

- (c) The location, arrangement and size of parking spaces shall be established as a condition of approval.
  - 6. Site Amenities.
- (a) All residential developments of twelve (12) units or more shall provide a meeting room in addition to required common open space and private open space. Depending upon the number of units proposed, additional site amenities shall be required, selected from the list provided or as approved by the Planning Commission:
  - (b) Thirteen (13) to thirty-two (32) units, add two (2) additional amenities:
    - (1) Tot lot with multiple play equipment.
    - (2) Pool and Jacuzzi/spa.
    - (3) Barbeque facility equipped with grill, picnic benches, etc.
  - (c) Thirty-three (33) to fifty (50) units, add three (3) additional amenities:
    - (1) Tot lot with multiple play equipment.
      - (2) Pool and Jacuzzi/spa.
      - (3) Barbeque facility equipped with grill, picnic benches, etc.
      - (4) Court facilities (e.g. tennis, volleyball, basketball, etc.).
  - (d) Fifty-five (55) to seventy-five (75) units, add four (4) additional amenities:
    - (1) Tot lot with multiple play equipment.
    - (2) Pool and Jacuzzi/spa.
    - (3) Barbeque facility equipped with grill, picnic benches, etc.
    - (4) Court facilities (e.g. tennis, volleyball, basketball, etc.).
    - (5) Exercise room.
- (6) Clubhouse equipped with kitchen, defined areas for games, exercise, recreation, and entertainment.
- (e) Developments of more than seventy-five (75) units shall provide five (5) additional amenities as well include multiples dispersed throughout the project:
  - (1) Tot lot with multiple play equipment.
  - (2) Pool and Jacuzzi/spa.
  - (3) Barbeque facility equipped with grill, picnic benches, etc.
  - (4) Court facilities (e.g. tennis, volleyball, basketball, etc.).
  - (5) Exercise equipment room.
- (6) Clubhouse equipped with kitchen, defined areas for games, exercise, recreation, and entertainment.
  - (7) Jogging/walking trails with exercise stations.
  - (8) Community garden.
  - (9) Media/computer room.
- c. Commercial and Community Facilities. The Commission shall approve all aspects of the development of commercial and community facilities, including but not limited to individual uses, location, signs and parking. Any subsequent change in the type of commercial uses in a planned condominium development shall be approved by the Commission.
  - d. Open Space.
- 1. The Commission shall review and approve the location, purpose, landscape treatment and method of maintaining each common open space or recreational element proposed.
- 2. A minimum of twenty-five (25%) percent, exclusive of roadways and private open space, of planned condominium developments of less than three (3) stories shall be devoted to open and

recreational common area. Open space requirements for planned condominium developments of three (3) or more stories shall be determined by the Commission.

- 3. Private Open Space. Each unit in a planned condominium development shall have an appurtenant private patio, deck, balcony, atrium or solarium with a minimum usable area of one hundred twenty (120) square feet, except as follows:
- (a) Developments which contain one (1) bedroom and zero (0) bedroom units designed exclusively for senior citizens may request that the private open space standard be modified or waived by the Commission.
- (b) Planned condominium developments of three (3) or more stories may propose alternative private open space if indicated by the physical structure of the development. Alternative private open space must be approved by the Site Plan Review Committee and the Commission.
- (c) The usability of proposed private open space shall be determined by the Site Plan Review Committee.
- 4. Private Storage Space. Each unit within a planned condominium development shall have at least two hundred (200) cubic feet of usable, enclosed, weatherproofed and lockable storage space for the exclusive use of the unit owner. Such space must be over and above normal interior storage space such as guest, linen or clothes closets or food pantries. The location, dimensions and usability of such space shall be determined by the Site Plan Review Committee except that private storage space shall not be divided between two (2) or more locations. If such space is located within a common area within the project, the property owner's association shall be responsible for the care and maintenance of the exterior surface of the space.

### e. Utilities.

- 1. The Commission may require that some or all utilities be placed underground. Such service shall be provided pursuant to the utilities' applicable rules and regulations on file with the California Public Utilities Commission.
- 2. Each unit within a Planned Condominium Development shall have all utility services connected to the unit and individually metered so that the metering will separately measure utility service usage. In the case of water meters this requirement may be waived by the Site Review Committee.
- 3. Each unit within a planned condominium development shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit. Such panel shall be readily accessible to the unit.
- 4. A program for ongoing rubbish collection which includes provisions for the location of rubbish receptacles shall be submitted to and approved by the Site Plan Review Committee for planned condominium developments. Provisions for rubbish collection and for the payment of fees for same shall be included in the conditions, covenants and restrictions affecting each planned condominium development.
- f. Isolation of Vibration and Sources of Structure-Borne Noise in Planned Condominium Developments Where Units Have Common Wall and/or Floor and Ceiling.
- 1. Shock Mounting of Mechanical Equipment. All permanent mechanical equipment such as motors, compressors, pumps and compactors which, because of their rotation, reciprocation, expansion and/or contraction, turbulence, oscillation, pulsation, impaction or detonation, are determined by the Chief Building Inspector to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or bases and/or vibration isolators in a manner approved by the Chief Building Inspector. Domestic appliances which are cabinet installed or built into the individual units, such as clothes washers and dryers, or other appliances which are determined by the Chief Building Inspector to be a source of structural vibration or structural-borne noise, shall be isolated from cabinets and floor or ceiling by resilient gaskets and vibration mounts approved by the Chief Building Inspector. The cabinets in which they are installed should be offset

from the back wall with strip gasketing of felt, cork or similar material approved by the Chief Building Inspector. Where such appliances utilize water, flexible connectors shall be installed on all waterlines. If provision is made within the units for the installation of nonpermanent appliances such as clothes washers and dryers, then permanent rubber mounting bases and surface plates shall be installed in a manner approved by the Chief Building Inspector.

- 2. Location of Plumbing Fixtures. No plumbing fixture shall be located on a common wall between two (2) separate units where it would back up to a living room, family room, dining room, den or bedroom of an adjoining unit.
- 3. Separation of Vents and Lines. No common water supply lines, vents or drain lines shall be permitted for contiguous units unless there is at least eight and one-half (8 1/2') feet of pipe between the closest plumbing fixtures within the separate units. The Chief Building Inspector may approve other methods of isolating sound transmission through plumbing lines where their effectiveness can be demonstrated.
- 4. Isolation and Insulation of Lines. All water supply lines within the project shall be isolated from wood or metal framing with pipe isolators specifically manufactured for that purpose and approved by the Chief Building Inspector. In multistory condominium projects, all vertical drainage pipe shall be surrounded by three-fourths (3/4") inch thick dense insulation board or full thick fiberglass or wool blanket insulation for its entire length, including the sections that pass through wood or metal framing.
  - g. Attenuation of Noise: Planned Condominium Developments.
- 1. General. Wall and floor/ceiling assemblies separating units from each other or from public or quasi-public spaces such as interior corridors, laundry rooms, recreation rooms and garages shall provide airborne sound insulation for walls and both airborne and impact sound insulation for floor/ceiling assemblies.
- 2. Air-borne Sound Insulation. All wall assemblies enumerated or alluded to in paragraph 1. shall be a type of construction that has a minimum rating of 50 STC (Sound Transmission Class). Wood floor joists and subflooring shall not be continuous between separate condominium units. Penetrations or openings in the construction for piping, electrical outlets and devices, recess cabinets, bathtubs, soffits and heating, ventilating and/or air conditioning intake and exhaust ducts and the like shall be sealed, lined, insulated or otherwise treated to maintain the required rating; and such treatment shall be approved by the Chief Building Inspector. Entrance doors to the unit shall be of solid construction and, together with perimeter seals, shall have a minimum rating of 30 STC. Such perimeter seals shall be maintained in effective operating condition.
- 3. Impact Sound Insulation. All separating floor/ceiling assemblies enumerated or alluded to above shall be of a type of construction that has a minimum rating of 69 IIC (Impact Insulation Class). Floor coverings may be included in the assembly to obtain the required ratings but must be retained as a permanent part of the assembly and may only be replaced by another floor covering that provides the same or greater impact insulation.
- 4. Verification of Sound Class. STC and IIC ratings shall be based on the results of laboratory measurements and will not be subjected to field testing. The STC rating shall be based on the American Society for Testing and Materials system specified in ASTM B90-66t or equivalent. The IIC rating shall be based on the system in use at the National Bureau of Standards or equivalent. Ratings obtained from other testing procedures will require adjustment to the above rating systems.
- h. Conversion to Ownership: Planned Condominium Developments. Planned condominium developments in which existing structures are converted to ownership units must obtain:
- 1. A structural pest report from a qualified private contractor approved by the Chief Building Inspector.
- 2. A project building report conducted by the Department of Building and Safety or a qualified private contractor approved by the Chief Building Inspector. This report shall include an inspection

of the condition of roofs, foundations, mechanical, electrical and plumbing systems as well as verifying compliance with subsection 30-18.4e. through g.

- 3. The developer shall tender an unconditional offer to pay each tenant requiring relocation five hundred (\$500.00) dollars in relocation compensation.
  - i. Financial Responsibility: Planned Condominium Developments.
- 1. Any fees incurred for inspections or corrections required by this subsection 30-18.4 are the responsibility of the applicant and/or subsequent developer.
- A surety bond shall be posted with the City by the applicant and/or subsequent developer of a planned condominium development for the purpose of assurance of maintenance of utilities, fire equipment, roadways and other portions of the development which impact on the public health, safety and welfare. The amount of the surety bond shall be determined by the Commission, but shall not be less than five thousand (\$5,000.00) dollars. In lieu of a surety bond, the applicant may deposit a cash bond in the amount determined as above. The bond shall be maintained for the life of the planned condominium development. The cost of the bond shall be the responsibility of the applicant and/or subsequent developer until seventy-five (75%) percent of all units have been transferred to private ownership, at which point the property owner's association shall become responsible for maintenance of said bond. Should the Commission determine that a default has occurred in the performance of adequate maintenance of the planned condominium development, the Commission shall instruct the Chief Building Inspector to notify (in writing) the property owner's association and the surety on the bond of the maintenance violations. Such notice shall state the work to be done, the estimated cost thereof and the period of time allocated for completion of such work. After receipt of such notice the property owner's association and/or surety must, within the time therein specified, either cause the required work to be performed or, failing therein, pay to the Department of Building and Safety the estimated cost of doing the work, plus an additional sum equal to ten (10%) percent. (Added by Ord. #1602, § 9152.4; Ord. #2101, § 13; Ord. #2136, § 1; Ord. #2155, § 4)

### 30-18.5 Procedure (D).

The provisions of Section 30-26 shall apply. The following items shall also be submitted with the application for a conditional use permit:

- a. *Plot Plan*. Six (6) copies of a plot plan and one (1) reproducible copy of the plot plan, which shall show the following:
  - 1. Title of the plot plan.
  - 2. Name, address and telephone number of the applicant.
  - 3. Name, address and telephone number of the person or firm preparing the plot plan.
- 4. North point and scale. The plot plan shall be drawn to a scale of not less than one (1") inch equals one hundred (100') feet.
- 5. Location, name and width of existing and proposed streets, alleys, easements and interior pedestrian ways, including all abutting streets and streets proposed to provide primary access to the proposed planned development project from a major street or freeway.
  - 6. Location and dimensions of existing and proposed buildings and structures.
  - 7. Plan for proposed landscaping and permanent watering system.
- 8. Proposed off-street parking facilities, including the location, number and dimensions of private and public parking spaces, aisles and driveways.
  - 9. Height, type and location of proposed walls and fences.
- 10. If residential uses are proposed, a tabulation of the various dwelling types proposed, the net area of the development, and the dwelling unit density.
- b. Architectural Plans. Drawings shall be submitted which shall indicate the size and height and the color and materials to be used on the exterior of all proposed buildings and structures. Such drawings shall also include the dimensions and advertising copy of all proposed signs.

- c. Tentative Map. A tentative division of land or parcel map shall be submitted if required by Chapter XXVIII, Land Subdivision. All proceedings with regard to a tentative map submitted with an application for a planned development project shall be held concurrently with those for the conditional use permit.
- d. *Development Schedule*. If the planned development project is to be constructed in increments, a development schedule shall be submitted.
  - e. Conditions, Covenants and Restrictions.
- 1. If conditions, covenants and restrictions are to be recorded for the planned development project, a copy of the declaration of conditions, covenants and restrictions shall be submitted.
- 2. If the planned development project is to be divided into two (2) or more parcels containing common areas, a plan for the preservation and continued maintenance of the common areas and facilities shall be submitted as conditions, covenants and restrictions on the development.
- 3. The declaration of conditions, covenants and restrictions shall accompany all proposals for planned condominium developments and shall establish a property owner's association to regulate repairs and maintenance to the planned condominium development. In addition to such conditions, covenants and restrictions that may be required by the Department of Real Estate of the State of California or pursuant to Title 6 of Part IV of Division II of the California Civil Code or other State laws or policies, such declaration shall provide for the following, none of which, after acceptance in final form by the City, shall be amended, modified or changed without first obtaining the written consent of the Commission:
- (a) Assignment or Conveyance of Private Open Space. The surface area and appurtenant airspace of private open space areas, including but not limited to the private patio, deck, balcony, solarium or atrium required by subsection 30-18.4 and any integral portion of the space that may exceed the minimum area requirements shall be described and irrevocably assigned by the declaration of conditions, covenants and restrictions to its respective unit; except that where the private open space is totally within the boundary described by the interior surfaces of the unit, it shall be conveyed as an integral part of the unit.
- (b) Assignment or Conveyance of Private Storage Areas. The surfaces and appurtenant airspace of private storage areas, including but not limited to the private storage space required by subsection 30-18.4, shall be described and irrevocably assigned by the declaration of conditions, covenants and restrictions to its respective unit; except that where the private storage space is totally within the boundary described by the interior surfaces of the unit, it shall be conveyed as an integral part of the unit.
- (c) Assignment or Conveyance and Use of Required Off-Street Parking Spaces. Required off-street, enclosed parking spaces, shall be permanently and irrevocably assigned to particular units within the project on the basis of two (2) spaces per unit; except that where two (2) parking spaces are totally within the boundary described by the interior surfaces of the unit, they shall be conveyed as an integral part of the unit. To the maximum practical extent, the two (2) spaces assigned to each unit shall be contiguous. In no case shall the private storage area of one (1) unit overhang or take its access from the required off-street parking space of another unit. All parking spaces shall be used solely by owners, members of their families, their guests or lessees of the owner's unit. All parking spaces shall be used solely for the parking of motor vehicles as defined by the California Vehicles Code.
- (d) The declaration of conditions, covenants and restrictions shall contain a provision establishing the obligation and duty of the property owner's association to maintain the common area in good condition. The declaration of conditions, covenants and restrictions shall provide for workmen's compensation insurance and general liability insurance in an amount to be determined by the Commission.

- (e) The declaration of conditions, covenants and restrictions shall contain a provision ensuring the right of any owner to enforce the terms of the declaration of conditions, covenants and restrictions.
  - (f) Maintenance of Common Areas and Facilities.
- (1) Obligation. No conditional use permit shall be granted for a planned condominium development unless the obligation for care, upkeep and management of the common element is set forth in the declaration of conditions, covenants and restrictions and is imposed on a nonprofit corporation (the property owner's association).
- (2) Assessments. In order to protect the public health, safety and welfare, provision shall be made both for annual assessments for maintenance and special assessment for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The remedies which the property owner's association may bring for nonpayment of assessments shall be specified and may include penalties for late payment.
- (3) Veto Right and Authority of the City. In consideration for the City's approval of a planned condominium development, the declaration of conditions, covenants and restrictions shall provide that the Commission, at its option, has the right and authority to veto any action of the property owner's association which would tend to decrease the amount of the regular annual assessment upon a finding by the City that such a decrease could or would adversely affect the long-run maintenance of the condominium structures and/or common areas. To enable the City to exercise the optional veto, the declaration of conditions, covenants and restrictions shall provide the property owner's association actions to decrease the annual assessment do not become effective until sixty (60) days after written notice of such action is given to the Commission.
- (g) Maintenance of Impact Insulation Class. The IIC rating of all separating floor/ceiling assemblies, as required by subsection 30-18.4g, shall be described in the declaration of conditions, covenants and restrictions. Where the minimum IIC rating is obtained through the use of floor covering(s), the declaration of conditions, covenants and restrictions shall provide that said covering(s) shall not be removed for any purpose except cleaning or replacement, and shall further provide that any replacement covering(s) shall furnish not less than the degree of impact insulation afforded by covering(s) originally installed.
- (h) Television and Radio Antennas. Individual television and radio antennas shall be prohibited outside of any owner's unit. The declaration of conditions, covenants and restrictions may provide for a central antenna with connections to each unit via underground or internal wall wiring. The declaration of conditions, covenants and restrictions shall also permit cable antenna service provided by a company licensed to provide such service within the City and attic installation of antenna, where structurally feasible.
- (i) Right of Public Entry to Common Area. The City, the County, the State and the Government of the United States, and any department, bureau or agency thereof, shall have the right of immediate access to all portions of common areas of the project not assigned for the exclusive use of the owner of a particular unit at all times.
- (j) Utility Easements Over Private Streets and Other Areas. If the planned condominium development contains private streets, provision shall be made for public utility easements in or adjacent to such private streets, adjacent to public streets or over other portions of the project to accommodate fire hydrants, water and gas mains, electrical lines and similar urban infrastructure. The Commission may also require access routes necessary to assure that fire-fighting equipment can reach and operate efficiently in all areas of the project.
- (k) Amendment of the Declaration of Conditions, Covenants and Restrictions. Any amendment to the declaration of conditions, covenants and restrictions which would amend, modify, delete or otherwise affect any provision required by this section shall require the prior written

approval of the Commission. To that end, no such amendment of the declaration of conditions, covenants and restrictions shall be effective unless:

- (1) The text thereof shall have been submitted to the Commission thirty (30) days prior to its adoption by the owners.
- (2) The Commission has approved the amendment or failed to disapprove it within said thirty (30) days.
- (3) The recorded instrument effecting such amendment shall recite that it was so submitted and approved or not disapproved.
  - f. Site Plan and Design Review.
- 1. Site plan and design review shall be required on all applications for planned condominium developments.
- 2. A Site Plan Review Committee composed of the Chief Building Inspector and the Subdivision Committee shall be established and shall be responsible for the review and approval of said plan. The Committee may require that a conference be held with the project designer.
- 3. An application for approval of a site plan shall be submitted to the Site Plan Review Committee for determination in any case involving any of the following:
  - (a) Construction of a new building.
- (b) Expansion, additions, alterations or repairs to existing structures, or other construction, if:
  - (1) The estimated cost of the work is five thousand (\$5,000.00) dollars or more; and
- (2) The work involves changes in exterior architectural design, landscaping design or parking facilities.
- (c) Signs involving an estimated value of one thousand (\$1,000.00) dollars or more. The Planning Director shall have authority to approve development plans for work not exceeding the above limitations.
  - 4. Development plans shall be reviewed in relation to the following criteria:
    - (a) Compatibility with the General Plan and any specific plans for the area.
- (b) Compatibility of architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance, and scale of structures and open spaces and other features relative to a harmonious and attractive development of the area.
  - (c) Convenience and safety of circulation for pedestrians and vehicles.
  - (d) Attractiveness, effectiveness and restraint in signing, graphics and color.
- (e) Development scheduling (if phased development) which will satisfy the above criteria in each phase.

If the proposed development complies with all applicable requirements and standards of this section and other laws and regulations, and the approving authority finds that the above criteria are adequately met or can be met if specified conditions are observed, the Site Plan Review Committee shall forward the completed application to the Commission with recommendation that the application for conditional use permit for a planned condominium development be approved, subject to such specified conditions. If the Site Plan Review Committee finds that the proposal cannot be modified to meet the requirements of this section and the above criteria, the Committee shall recommend the application for conditional use permit be disapproved. In all cases, findings shall be made concerning the grounds for approval or disapproval.

g. *Appeal*. Any person aggrieved by the decision of the Commission, within fifteen (15) days after the date of determination of the Commission may appeal in writing to the City Clerk for a review of the decision by the Council. The Council, after the filing of such appeal, shall review the matter and may affirm or reverse the decision of the Commission. The determination of the Council hereto shall be final and conclusive.

### 30-26 CONDITIONAL USE PERMITS.

## **30-26.1** Purpose.

The purpose of this conditional use permit provisions of this Chapter is to create a flexible mechanism to control those types of land use which require special consideration and which possess characteristics of such unique and special form as to make it impractical to permit them automatically in the various zones defined in this Chapter. (Added by Ord. #1557, § 9170.1)

#### 30-26.2 Findings Required.

The Commission, before granting a conditional use permit, shall find:

- a. That the proposed use shall be in compliance with this Chapter;
- b. That the proposed use will not be detrimental to the public welfare or the surrounding area; and
- c. That the proposed use is substantially in conformance with the General Plan and compatible with the existing patterns of land use and development in the surrounding area. (Added by Ord. #1557, § 9170.2; Ord. #1808, § 1; Ord. #1840, § 1; Ord. #2101, § 17)

#### 30-26.3 Uses Subject to Conditional Use Permits.

The following uses may be permitted in any zone provided a conditional use permit has been granted subject to the provisions of this Chapter:

- a. The uses set forth in the zones requiring conditional use permits shall be restricted to the zones specified;
  - b. Airports and heliports;
  - c. Athletic fields (privately owned);
  - d. Cemeteries, columbariums, crematories, mausoleums and pet cemeteries;
- e. Churches, synagogues, temples, convents, monasteries, seminaries and other religious or eleemosynary organizations;
  - f. Circuses and circus quarters;
  - g. Colleges and universities;
- h. Dairies and domestic and wild animal farms (excepting those specifically permitted elsewhere in this Chapter);
  - i. Golf courses:
  - j. Halfway houses;
  - k. Hospitals, rest homes, mental convalescent homes and mental institutions;
  - Riding academies;
- m. Theaters, auditoriums, stadiums, arenas and similar uses involving large assemblages of people or vehicles;
  - n. Personal storage facilities, and
- o. Any use or building which the Commission finds, as evidence by resolution in writing, is similar to any other uses or buildings set forth in this subsection.

(Added by Ord. #1557, § 9170.3; Ord. #1635, § 1; Ord. #1733; Ord. #1746, § 1; Ord. #2101, § 17)

### 30-26.4 Conditions of Approval.

a. The Commission, as part of the resolution granting a conditional use permit, may impose such conditions and limitations that it deems necessary to protect the public welfare and assure compliance with the intent and purpose of this Chapter and the plans and policies of the City.

- b. The dedications of necessary rights-of-way for public streets adjacent to property on which a conditional use is proposed shall be made a condition of the granting of a conditional use permit.
- c. No conditional use permit may allow any deviation from the provisions of this Chapter unless a variance has been obtained pursuant to Section 30-27.
- d. Unless otherwise specified in the granting of the conditional use permit or unless extended by the Commission, a building permit or certificate of occupancy shall be obtained, and construction, if any, or actual use shall begin within one (1) year after the granting of the conditional use permit, or, where no such permit or certificate of occupancy is required, the use granted by the conditional use permit shall be put into effect on the property within such period.
- e. Any modification of an approved conditional use permit shall require the filing of a new application which shall be processed as required by subsection 30-26.5, unless waived by the Planning Director.
- f. The Commission, as a condition of approval, may require that a surety bond be obtained in order to ensure that the construction and the development of the property shall take place as approved by the Commission within a prescribed period of time.
  - g. Reserved.
  - h. Conditional Use Permit Standards for New Service Stations.
- 1. All new stations shall have and maintain a restroom consisting of a toilet and sink, and properly stocked with toilet paper and paper towels whether or not a conditional use permit is required. This requirement shall apply to any type of service station including self-service stations. Said restroom shall be available during all hours of operation of the service station and maintained in a clean and sanitary condition. The restroom shall be equipped to be accessible to the handicapped.

(Added by Ord. #1557, § 9170.4; Ord. #1635, § 1; Ord. #1762, § 1; Ord. #2101, § 17)

### 30-26.5 Procedure.

The following procedure shall be followed for conditional use permits:

- a. *Initiation*. A conditional use permit may be initiated by a resolution of the Council, a motion of the Commission, or upon a verified application of the owner of the land in question, or of the purchaser thereof under a contract in writing duly executed and acknowledged by both the buyer and seller, or of the lessee in possession of the property with the written consent of the recorded owner, or the agent of any such persons duly authorized in writing.
- b. *Applications; Form.* The application shall be on an approved form and shall show the exact legal description of the property being requested for a conditional use permit, the street address or exterior boundaries by streets, alleys or property lines, the proposed use, and such other information as the Commission deems necessary.
- c. Filing Fees. At the time of submission, the applicant shall pay a filing fee. The amount of such fee shall be set by an ordinance of the City Council and shall be adjusted periodically to reflect changes in processing costs borne by the City.
- d. Hearing Dates; Notices. Upon the filing of a conditional use permit application, or upon the motion of the Commission, or upon the receipt of a duly certified copy of a resolution by the Council requesting the granting of a conditional use permit, the Planning Director shall set the matter for a public hearing within not less than twenty-one (21) days nor more than one hundred twenty (120) days. Notice of the time and place of such hearing, unless otherwise directed by the Commission, shall be given by mailing a notice not less than ten (10) days prior to the date of such hearing to the owners and occupants of property within a radius of three hundred (300') feet of the exterior boundaries of the property on which the use is proposed, using for this purpose the information shown upon the latest available assessment rolls of the County. Such notice shall contain the same information as is required in a posted notice.

- e. *Investigations*. The Commission shall cause to be made by its own members or by members of its staff such investigations of the facts as the Commission shall deem necessary bearing upon such application set for hearing.
- f. Commission Hearings. The public hearings provided for in this section shall be conducted before the Commission or before any three (3) or more members thereof. A summary of all pertinent testimony offered at a public hearing, and the names and addresses of persons so testifying, shall be recorded and made a part of the permanent records of the case. If for any reason testimony on any case set for a public hearing cannot be completed on the day set for such hearing, the Commissioner presiding at such public hearing, before the adjournment or recess thereof, may publicly announce the time and place at which such hearing will be continued, and such announcement shall serve as sufficient notice of such continuance without recourse to the form of notice provided for in this section.
- g. Decisions of the Commission. Not more than sixty (60) days following the conclusion of the hearing, the Commission shall announce its findings by formal resolution, and such resolution shall state, among other things, the facts and reasons which, in the opinion of the Commission, determine whether the conditional use permit shall be granted or denied and such conditions and limitations as may be imposed. Such resolutions shall be numbered consecutively in the order of their adoption and shall become a permanent record of the Commission. The failure of the Commission to adopt such a resolution within the period set forth in this paragraph shall automatically refer the matter to the Council without a recommendation.
- h. *Notices of Decisions*. Not more than sixty (60) days after the final action of the Commission on an application for a conditional use permit, a copy of the Commission's resolution setting forth its decision shall be mailed by the Planning Director to the applicant and the owner of record of the property on which the use is proposed at the addresses shown on the application.
- i. Finality of Action; Effective Dates; Appeals. The action of the Commission shall be final and shall take effect on the fifteenth day after the adoption of such resolution by the Commission; provided, however, an appeal in writing filed with the City Clerk by the applicant or by any interested person prior to such fifteenth day shall suspend the action of the Commission until the determination of the appeal by the Council or its withdrawal by the appellant. Such an appeal, with the same time limit, may also be initiated by a motion of the Council. Any appeal filed pursuant to the provisions of this subsection shall state the grounds wherefore and wherein the Commission failed to conform to the requirements of this Chapter. An appeal which is not filed within the time prescribed or which does not set forth the grounds upon which it is based shall not constitute an appeal in compliance with this Chapter.
- j. Appeals; Hearings. Upon the receipt of an appeal from the action of the Commission, the Council shall set the matter for a hearing and give notice thereof to the appellant and to the applicant for such conditional use permit, should the appellant not be the applicant, and to any and all other persons or organizations who have appeared before the Commission during any of its proceedings held in connection with such application or who have addressed written communications regarding such application to the Commission prior to the conclusion of its hearings; provided, however, notice need not be given to such other persons or organizations unless their names and mailing addresses have been given for the records of the Commission, orally or in writing, during any of such proceedings or in such written communications.

The notices required by this subsection shall be given by the City Clerk by the mailing of a notice to the persons or organizations entitled to the same, as provided in this subsection, not less than five (5) days prior to the date of such hearing. The Planning Director shall be notified of the filing of such appeal and, upon the receipt of such notice, shall transmit to the Council the complete file on the case. The Council may limit the hearing to a consideration of the grounds of the appeal as set forth

in such appeal and to a review of the proceedings of the Commission or may consider any new matter pertaining thereto. An appeal may be withdrawn at any time by the appealing party.

k. Appeals; Decisions. The Council by resolution shall render its decision on such appeal within thirty (30) days after the conclusion of its hearing on such appeal, and the Council shall have the power to either affirm, amend, or reverse the action of the Commission, or, if, in its opinion, the matter requires further consideration by the Commission, the Council may refer the matter back to the Commission for such further consideration, with any recommendations which the Council may see fit to make, in which event notice of such further hearing shall be given as required upon an original application.

Not later than ten (10) days after the final action of such an appeal by the Council, notice of the decision in the matter shall be mailed to the appellant and the applicant by the City Clerk, and the file in the case shall be returned to the archives of the Planning Department. The decision of the Council on such matters of appeal shall be final.

- l. Acceptance: Form. The applicant and the owner of record shall sign, have notarized, and record with the office of the County Recorder, for the benefit of the City and within six (6) months after the adoption of the resolution approving the conditional use permit, an acceptance form, furnished by the Planning Department, which shall state that the applicant and the owner of record are aware of and will abide by all the conditions of the resolution of approval. Such form shall be returned to the Planning Department to be filed with, and made a part of, the case.
  - m. Procedure for Revocation of Conditional Use Permits.
- 1. A conditional use permit may be revoked upon a finding by the Commission that any or all of the following circumstances exist:
- (a) The applicant has failed to obtain a building permit or certificate of occupancy or has not begun construction, if any, or has not commenced the use permitted within one (1) year after the granting of the conditional use permit as required by paragraph d. of subsection 30-26.4;
- (b) The applicant has failed to abide by the conditions imposed by the resolution adopted by the Commission;
  - (c) The property is in violation of any provision of this Code;
- (d) The use permitted by the conditional use permit is not being exercised, has been abandoned, or has otherwise been discontinued for a period of ninety (90) days after the use has commenced:
- (e) The applicant and the owner of record have failed to sign, have notarized, and record with the office of the County Recorder an acceptance form as required by subparagraph 1. of this section within six (6) months after the adoption of the resolution approving the conditional use permit;
  - (f) A subsequent conditional use permit has been granted on the property; or
- (g) The applicant or the owner has requested in writing that the conditional use permit be revoked.
- 2. The revocation of a conditional use permit shall be accomplished by a formal resolution of the Commission. Where a circumstance as set forth in subparagraphs (a), (b), (c), (d) or (e) of paragraph m.,1. exists, there shall be a public hearing held by the Commission at its discretion for the purpose of considering whether there is sufficient cause to revoke the conditional use permit. At least ten (10) days prior to such public hearing a written notice shall be mailed to the owner of the property, as shown on the latest assessment rolls of the County, and to the occupant (if applicable) and shall be posted in a conspicuous location on the property. Such notice shall indicate the time, date, and place of the public hearing and the reason for such hearing.
- 3. Notwithstanding the provisions set forth in paragraphs m., 1. and m., 2. of this subsection the City Council may order a revocation, modification, temporary revocation or temporary

modification of a conditional use permit when it finds that such an order is needed for purposes of maintaining the health, safety and welfare of the City, provided that:

- (a) Any such modification or revocation of a conditional use permit shall be accomplished by a formal resolution of the City Council; and
- (b) There shall be a public hearing held by the City Council at its discretion for purposes of considering whether or not there is sufficient cause to revoke, modify, temporarily revoke or modify the conditional use permit; and
- (c) At least ten (10) days prior to such public hearing a written notice shall be mailed to the owner of the property, as shown on the latest assessment rolls of the County, and to the occupant (if applicable) and shall be posted in a conspicuous location on the property. Such notice shall indicate the time, date and place of the public hearing and the reason for such hearing.

A conditional use permit or other Planning Commission land use approval (special approval, special use, etc.) shall become automatically null and void when the use for which the permit was granted has not been exercised for two (2) consecutive years.

- 4. The City Council may order the immediate temporary revocation or modification of a conditional use permit in order to protect and preserve the health, safety and welfare of the City, provided that:
- (a) Such an immediate temporary revocation or modification does not extend for a period of more than thirty (30) days; and
- (b) The immediate temporary revocation or modification is accomplished by a formal resolution; and
- (c) A public hearing shall be conducted not later than fifteen (15) days after the effective date of an immediate temporary revocation or modification to determine whether City Council shall take action pursuant to this subsection paragraph m., 3. of this Code; and
- (d) Not later than forty-eight (48) hours after said immediate temporary revocation or modification notice shall be mailed to the owner of the property, as shown on the latest assessment rolls of the County, and to occupant and shall be posted in a conspicuous location on the property on or before the effective date. Such notice shall indicate the effective date and duration of the immediate temporary revocation or modification and the nature and extent of any such modification. The notice shall further indicate the date, time and place of a public hearing and the reason for such a hearing.

(Added by Ord. #1557, § 9170.5; Ord. #1718, § 1; Ord. #1723, § 1; Ord. #1733, § 1; Ord. #1815, § 2; Ord. #2101, § 17)

30-26.6 Reserved.\*