

SECTION 303. ZONING CLEARANCE.

A. PURPOSE.

The purpose of zoning clearance is to allow the Zoning Administrator or his or her designee to make a finding that the proposed development, activity or use is in conformity with the intent and provisions of the Zoning Ordinance and all other applicable City codes and ordinances.

B. APPLICABILITY.

Zoning clearance is staff-level review of planning and zoning regulations that is required for proposed development activity. This review applies to new development, as well as to changing or expanding the use of existing properties. Development activity and changes to the use of a property that may otherwise be exempt from the requirements for Building Permits may still be subject to compliance with Zoning Ordinance requirements.

No building or structure shall be erected, added to, usage/occupancy changed or structurally altered until Zoning Clearance has been issued by Community Development Department. All applications for zoning clearances shall be made in the Community Development office on forms provided, together with a plot plan of the proposed construction containing sufficient information for the enforcement of this Ordinance. All such clearances shall be obtained prior to the start of construction.

C. APPLICATION FOR ZONING CLEARANCE.

A request for zoning clearance shall be filed with the Community Development Department on a form provided by the City. Sufficient information shall be provided for staff to review the proposed development and/or use to ensure compliance with ordinance requirements.

1. Assessor's Parcel Number/s identifying the property.
2. Street address, if any, or description of location.
3. Property owner and applicant names and contact information. Signatures of property owner/s or authorized representatives, as applicable.
4. Complete plans and exhibits as necessary for staff to review the proposal. All such plans and exhibits shall be drawn to scale.
5. Such other information as may be required for the purpose of determining whether the application complies with the Ordinance requirements.

D. REVIEW PROCEDURES.

1. The Zoning Administrator shall review said plan and approve, conditionally approve or reject the application based on its compliance with all provisions of applicable City codes, ordinances and regulations. The decision shall set forth in detail the reasons for denial or in the event of conditional approval, the changes or additions which are necessary to make the plan acceptable.
2. All copies of the approved plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the Zoning Administrator or his/her designee, and said copies and forms shall be included in applicable Department files.

E. ACTIVITIES REQUIRING ZONING CLEARANCE.

The following list provides a general overview of typical activities that require Zoning Clearance.

1. New Building and Development.
2. Change of Use for Existing Properties.
3. Tenant Improvements.
4. Expansion or Changes to Nonconforming Structure or Use.
5. Additions and Expansion of Use.
6. Renovations and Remodeling.
7. Demolitions.
8. Temporary Buildings and Temporary Uses.
9. Manufactured Homes and Prefabricated Structures.
10. Accessory Structures and Uses.
11. Fences and Walls.
12. Decks, Patios, and Porches.
13. Signs.

14. Grading and Stockpiling.

15. Parking Lots.

16. Outdoor Storage and Outdoor Display.

17. Swimming Pools.

F. EXEMPTIONS FROM CLEARANCES.

The exemption of an object or improvement from the requirement for a Zoning Clearance does not remove such object or improvement from the requirement to comply with all other regulations of this Ordinance and other codes. Some types of permits or minor activities do not require Zoning Clearance, including the following:

1. Gas Line Permits.

2. Fire Sprinkler Plans.

3. Fire Alarm Permits.

4. Satellite dishes or up-right mast antennae (not including slabs, foundations, enclosures or permanent structural supports).

5. Landscaping for single-family residential.

G. AUTHORITY.

No Zoning Clearance presuming to give authority to violate any of the provisions of this ordinance or any existing law, shall be issued, and if issued shall not be valid except in so far as the work or use which it authorizes is lawful and permitted. In all other instances the clearance is valid provided:

1. Every Zoning Clearance issued by the City under the provisions of this ordinance shall expire by limitation and become null and void if the building, work or use authorized by such clearance is not commenced within one hundred eighty (180) days from the date of issuance of such clearance, or if the building, work or use authorized by such clearance is suspended or abandoned at any time after the work commenced and a period of one hundred eighty (180) days has passed. Before such work can be recommenced, a new permit shall first be obtained to do so.

2. A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence the work within the time required by this Section for good and

satisfactory reasons. The Zoning Administrator may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

3. Any requirements or stipulations conditional upon which the clearance was issued are complied with.

H. FEE.

The application for Zoning Clearance shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the City Council and filed in the office of the City Clerk. No part of the filing fee shall be refundable. Payment of the filing fee shall be waived when the petitioner is the City, County, State or Federal Government.

I. REVOCATION.

The Zoning Administrator may, in writing, suspend or revoke a permit issued under the provision of this Ordinance when the permit is issued in error or on the bases of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of this Ordinance.

J. EXPIRATION OF ZONING CLEARANCE APPROVAL.

1. One hundred eighty (180) days from the date of approval, the Zoning Clearance approval shall expire if the work or use approved has not commenced.
2. An extension of approval may be granted if the applicant files a written request for an extension with the Zoning Administrator prior to the approval expiring. The Zoning Administrator may extend the time of action by the applicant for a period not exceeding one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.
3. An application shall not be extended if this Ordinance or any other pertinent laws or ordinances have been amended subsequent to the date of application.

K. APPEAL.

Any applicant for Zoning Clearance approval who is dissatisfied or aggrieved by a decision of the Zoning Administrator may appeal such decision to the Board of Adjustment by filing a written notice of appeal with the City Clerk, not later than fifteen (15) days from the date of the Zoning Administrator's decision.

