

## 501.06 **Hearing Officer**

- A. **Creation and Purpose.** ~~The Hearing Officer shall be appointed by the Development Services Director or his designee. The Hearing Officer is created to maintain and administer the Zoning Code, including processing of applications, abatements and other enforcement actions. In the event that no such person is appointed or if the Hearing Officer becomes unavailable, the Development Services Director shall serve as the Hearing Officer and may delegate this responsibility to the Zoning Administrator.~~
- B. **Duties and Powers.**
1. ~~The Hearing Officer shall have the duty to carry out the provisions and intent of the General Plan and this Code. The Hearing Officer shall have the power to hold a public hearing to review and approve, continue, deny, or approve with conditions, the following:~~
    - a. ~~Waivers;~~
    - b. ~~Temporary Use Permits;~~
    - c. ~~Minor modification to Waivers and Temporary Use Permits; and~~
    - d. ~~Delegate administrative functions as they so deem to members of the Development Services Department staff.~~
  2. ~~The Hearing Officer may, in connection with any application, impose conditions on approvals granted as deemed necessary in order to fully carry out the provisions and intent of this Code. Violation of any Hearing Officer condition shall be a violation of this Code.~~
- C. **Procedure.** ~~Public hearings conducted by the Hearing Officer shall be legislative, open to the public, and include a posted agenda in accordance with State law. The public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings shall be kept by the City Clerk as a public record.~~
- D. **Appeals.** ~~Any person aggrieved by a decision of the Hearing Officer under this Code may file an appeal to the Board of Adjustment according to Section 502.14, Appeals.~~

## 501.07 Zoning Administrator

- A. **Creation and Purpose.** The Zoning Administrator is appointed by the Development Services Director. The Zoning Administrator is created to interpret the meaning and intent of the General Plan and this Code and enforce the provisions contained therein.
- B. **Duties and Powers.**
1. The Zoning Administrator shall have the duty to carry out the provisions and intent of the General Plan and this Code. The Zoning Administrator shall have the power to hold a public hearing to review and approve, continue, deny, or approve with conditions, the following:
    - a. Zoning Permits;
    - b. Minor Development Review Permits;
    - c. **Temporary Use Permits**
    - d. **Waivers**
    - e. **Minor modifications to Waivers and Temporary Use Permits**
    - f. Administrative Use Permits; and
    - g. Modification to Zoning Permits, Administrative Use Permits, **Temporary Use Permits**, and Minor Development Review Permits.
  2. The Zoning Administrator shall interpret the Code as needed. Interpretation of this Code includes, but is not limited to, clarification of intention, determination of zoning classifications of land uses not specified in this Code, and the delegation of processing procedures and requirements. The Zoning Administrator shall keep a record of interpretations made pursuant to this Section. The record of interpretations shall be available to the public.
  3. The Zoning Administrator shall serve on the Technical Advisory Committee and advise on matters relating to Development and Subdivision Plat Applications.
  4. The Zoning Administrator may carry out any functions and duties specified in this Code; and
  5. The Zoning Administrator shall delegate administrative functions as deemed necessary to execute the intent of this Code to members of the Development Services Department staff.
- C. **Appeals.** Any person aggrieved by a decision of the Zoning Administrator under this Code may file an appeal to the Board of Adjustment in accordance with Section 502.14, Appeals. Decisions shall be heard de novo by the Board of Adjustment as applicable.

Zoning Code Text Amendments

**Red font:** Addition(s)    ~~Strikethrough:~~ Deletion

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<b>TABLE 501.11: REVIEW AUTHORITIES</b>				
<i>Application or Action</i>	<i>Article</i>	<i>Advisory Body</i>	<i>Decision-Maker</i>	<i>Appeal Body</i>
Zoning Permit	503	n/a	Zoning Administrator	Board of Adjustment*
Administrative Use Permit	504	n/a	Zoning Administrator	Board of Adjustment
Conditional Use Permit	504	<del>n/a</del>	Planning & Zoning Commission	City Council
Temporary Use Permit	504	<del>n/a</del>	<del>Hearing Officer</del> Zoning Administrator	Board of Adjustment
Development Review Permit <i>Major (5,000 square feet and above)</i> <i>Minor</i>	505	<i>Major:</i> Zoning Administrator  <i>Minor:</i> n/a	<i>Major:</i> Planning & Zoning Commission  <i>Minor:</i> Zoning Administrator	<i>Major:</i> City Council  <i>Minor:</i> Board of Adjustment
Changes to an Approved Development Review Permit	505	<i>Major</i> <sup>1</sup> : Zoning Administrator  <i>Minor</i> <sup>1</sup> : n/a	<i>Major</i> <sup>1</sup> : Planning & Zoning Commission  <i>Minor</i> <sup>1</sup> : Zoning Administrator	<i>Major</i> <sup>1</sup> : City Council  <i>Minor</i> <sup>1</sup> : Board of Adjustment
Waiver from Dimensional Standards	507	n/a	<del>Hearing Officer</del> Zoning Administrator	Board of Adjustment
Variances	506	Zoning Administrator	Board of Adjustment	Superior Court
Permit Revocation	502. 13	Zoning Administrator	Original decision-making body	Original decision-making body
Heritage Area Development Review Permit	505	Heritage District Advisory Committee	<i>Major:</i> Planning & Zoning Commission  <i>Minor:</i> Zoning Administrator	<i>Major:</i> City Council  <i>Minor:</i> Board of Adjustment
General Plan Text and Map Amendments	508	Planning & Zoning Commission	City Council	Superior Court
Zoning Code and Map Amendments	509	Planning & Zoning Commission	City Council	Superior Court
Planned Area Development Districts	510	Planning & Zoning Commission	City Council	Superior Court
1. Refer to Section 505.04 for definition of a Minor Development Review Permit and Section 505.05 for definition of a Major Development Review Permit				

\* Note that any decision by the Board of Adjustment is appealed to the Superior Court.

Zoning Code Text Amendments

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<b>TABLE 502.06: NOTIFICATION REQUIREMENTS</b>					
<i>Application or Action</i>	<i>Article</i>	<i>Decision-Making Body</i>	<i>Type of Notice</i>	<i>Notice Requirements</i>	<i>Applicable Projects</i>
Zoning Permit	503	Zoning Administrator	n/a	n/a	All requests requiring a Zoning Permit
Administrative Use Permit	504	Zoning Administrator	n/a	n/a	All requests requiring an Administrative Use Permit under this Code
Conditional Use Permit	504	Planning & Zoning Commission	Hearing Notice	<u>Mailed</u> : 15 days, 300 ft. owners and occupants <u>Poster</u> : 15 days <u>Ad</u> : 15 days	All projects required a Conditional Use Permit under this Code
Temporary Use Permit	504	<del>Hearing Officer</del> Zoning Administrator	<del>Meeting</del> Notice	<u>Mailed</u> : 15 days, 300 ft. owners and occupants <u>Poster</u> : 15 days	
Development Review Permit	505	Major <sup>1</sup> : Planning & Zoning Commission	Major <sup>1</sup> : Meeting Notice	Major <sup>1</sup> : <u>Mailed</u> : 15 days, 300 ft. owners and occupants <u>Poster</u> : 15 days	Major <sup>1</sup> : • Otherwise required by Code
		Minor <sup>1</sup> : Zoning Administrator	Minor <sup>1</sup> : n/a	Minor <sup>1</sup> : n/a	Minor <sup>1</sup> : • Otherwise required by Code
Changes to an Approved Development Review Permit	505	Major <sup>1</sup> : Planning & Zoning Commission	Major <sup>1</sup> : Meeting Notice	Major <sup>1</sup> : <u>Mailed</u> : 15 days, 300 ft. owners and occupants <u>Poster</u> : 15 days	
		Minor <sup>1</sup> : Zoning Administrator	Minor <sup>1</sup> : n/a	n/a	
Waiver from Dimensional Standards	507	<del>Hearing Officer</del> Zoning Administrator	n/a	n/a	
Variances	506	Board of Adjustment	Hearing Notice	<u>Mailed</u> : 15 days, 300 ft. owners and occupants <u>Poster</u> : 15 days <u>Ad</u> : 15 days	All Variance Applications
Permit Revocation	502.13	Original decision-making body	Meeting Notice	<u>Mailed</u> : 15 days, 300 ft. owners and occupants <u>Poster</u> : 15 days <u>Ad</u> : 15 days	All Revocations

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<b>TABLE 502.06: NOTIFICATION REQUIREMENTS</b>					
<i>Application or Action</i>	<i>Article</i>	<i>Decision-Making Body</i>	<i>Type of Notice</i>	<i>Notice Requirements</i>	<i>Applicable Projects</i>
Heritage Area Development Review Permit	505	<i>Major<sup>1</sup></i> : Planning & Zoning Commission	<i>Major<sup>1</sup></i> : Meeting Notice	<i>Major<sup>1</sup></i> : <u>Mailed</u> : 15 days, 300 ft. owners and occupants <u>Poster</u> : 15 days	<i>Major<sup>1</sup></i> : • <i>Otherwise required by Code</i>
		<i>Minor<sup>1</sup></i> : Zoning Administrator	<i>Minor<sup>1</sup></i> : n/a	<i>Minor<sup>1</sup></i> : n/a	<i>Minor<sup>1</sup></i> : • <i>Otherwise required by Code</i>
General Plan Text and Map Amendments	508	<i>Recommendation</i> : Planning & Zoning Commission  <i>Final Action</i> : City Council	Hearing Notice	<u>Mailed</u> : 15 days, 300 ft. owners and occupants <u>Poster</u> : 15 days <u>Ad</u> : 15 days	All General Plan Applications, including those initiated by the City Council or Planning & Zoning Commission
Zoning Code and Map Amendments	509	<i>Recommendation</i> : Planning & Zoning Commission  <i>Final Action</i> : City Council	Hearing Notice	<u>Mailed</u> : 15 days, 300 ft. owners and occupants <u>Poster</u> : 15 days <u>Ad</u> : 15 days	All Zoning Code Applications, including those initiated by the City Council or Planning & Zoning Commission
Planned Area Development Districts	510	<i>Recommendation</i> : Planning & Zoning Commission  <i>Final Action</i> : City Council	Hearing Notice	<u>Mailed</u> : 15 days, 300 ft. owners and occupants <u>Poster</u> : 15 days <u>Ad</u> : 15 days	All PAD Applications, including those initiated by the City Council or Planning & Zoning Commission
1. Refer to Section 505.04 for definition of a Minor Development Review Permit and Section 505.05 for definition of a Major Development Review Permit					

## 504.08 Temporary Use Permits

This Section establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

A. **Applicability.** Uses for which a Temporary Use Permit is required are established in Article 410, Standards for Specific Uses and Activities.

B. **Permit Procedures.**

1. **Application.** Any person may apply to the ~~Hearing Officer~~ **Zoning Administrator** for approval of a temporary use not more than 90 days and not less than 45 days before the use is intended to begin accompanied by payment of the required fee.

2. **Required Findings.** The ~~Hearing Officer~~ **Zoning Administrator** may approve an application for a Temporary Use Permit to allow a temporary use for a period of time, only upon making all of the following findings:

a. The proposed use will not unreasonably affect or have a negative impact on adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City;

b. The proposed use is consistent with a land use permitted by the present Zoning District within which the site is located, or a land use considered permitted by a Zoning District listed in the General Plan as being consistent with the General Plan land use designation of the site;

c. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas; and

d. Appropriate controls are in place that will ensure the premises will be kept clean, sanitary, free of litter, and all circulation and parking surfaces will include a suitable dust-controlled surface.

C. **Conditions of Approval.** In approving a Temporary Use Permit, the ~~Hearing Officer~~ **Zoning Administrator** may impose reasonable conditions deemed necessary to achieve the findings for a Temporary Use Permit listed above, including but not limited to:

1. Regulation of vehicular ingress and egress and traffic circulation;

2. Regulation of dust control surfaces;

3. Regulation of lighting;

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4. Regulation of hours, total number of events/duration for the permit, and other characteristics of operation;
  5. Submission of final plans to ensure compliance with conditions of approval;
  6. Requirement of bonds or other guarantees for cleanup or removal of structure or equipment; and
  7. Such other conditions as the ~~Hearing Officer~~ **Zoning Administrator** may deem necessary to carry out the intent and purpose of this Article.
- D. **Public Notification.** Notice of the proposed Temporary Use Permit shall be posted on the subject property for a period of 15 days prior to the ~~Zoning Hearing~~. Notice shall also be mailed to property owners within 300 feet of the property boundaries proposed for the Temporary Use, in accordance with 502.05 F.(1)(3). Additional notification may be required at the Zoning Administrator's discretion
- E. **Effective Dates.**
1. ***Permit Period 45 Days or Less.*** A Temporary Use Permit issued for 45 days or less shall become effective on the date the permit is approved by the ~~Hearing Officer~~ **Zoning Administrator**.
  2. ***Permit Period More than 45 Days.*** A Temporary Use Permit for more than 45 days shall become effective seven days from the date the permit is approved by the ~~Hearing Officer~~ **Zoning Administrator**.

### 504.09 Expiration and Extension; Modification; Revocation

- A. **Administrative Use** Permits, Conditional Use Permits, and Temporary Use Permits granted pursuant to this Article shall expire if it has not been exercised, or if a building permit has not been issued within two years of the official action, or within the time stipulated, unless extended by the decision-making body.
- B. A minor modification of an Administrative Use Permit, Conditional Use Permits, and Temporary Use Permits granted pursuant to this Article may be approved under Section 502.12, Modifications. Changed plans, including changes in conditions of approval, shall be reviewed and processed in accordance with the procedures of this Code.
- C. An Administrative Use Permit, Conditional Use Permit, and Temporary Use Permit granted pursuant to this Article may be suspended, revoked, or modified upon a finding that any condition, stipulation, or term of the approval of the permit has been violated.

### 504.10 Appeals

An Administrative Use Permit, Conditional Use Permit, and Temporary Use Permit is subject to appeal in accordance with Section 502.14.