

LAND USE APPLICATIONS AND PROCEDURES**Section 1201—Purpose:**

Land Use Applications and Application review procedures are provided to achieve the purposes of the General Plan, the City's Land Use Ordinances, including this Ordinance, and to promote efficient and well-reasoned decision-making.

Section 1202—Applicability:

A Land Use Application or Building Permit Application, as applicable, shall be required for the establishment of all uses and activities, the expansion of uses, and construction or modifications for all buildings and structures located within the City, unless exempt, as provided by the Land Use Ordinances or Building Codes, as adopted. All Land Use Applications and Building Permit Applications shall be presented to the City on the applicable Application Form, provided by the City's Zoning Administrator or Building Official. The type of Application presented shall be at the sole discretion of the Applicant.

Section 1203—Application Forms and Procedures:

The Council and/or Zoning Administrator shall provide Application Forms and may identify Application requirements and processing procedures for the acceptance and filing of all Applications required by this Ordinance, and the City's other Land Use Ordinances and Building Codes, as adopted.

Section 1204—Permits Required:

1. The City's Land Use Ordinances and Building Codes, as applicable, shall apply to all uses, activities, buildings or structures located, or proposed to be located within the City.
2. No use, activity, building, or structure shall be commenced or occupied unless and until all necessary approvals, permits, and licenses have been issued in accordance with all requirements of the Land Use Ordinances and Building Codes, as adopted and applicable.

Section 1205—Development Application-Initiation:

The review procedures for an Application shall be initiated by submitting the appropriate Land Use Application to the Zoning Administrator.

Section 1206—Determination of Application Completeness – City Recorder Authorized to Render a Decision:

Within thirty (30) calendar days of a Land Use Application being filed in the Office of the City Recorder, and prior to the Land Use Application being scheduled with the DRC and/or Land Use Authority, as applicable, the City Recorder shall determine and find that the Land Use Application is complete and contains all the required Application materials. As provided by the Act, the City Recorder shall determine a Land Use Application submitted and complete when the Application is provided in a form that complies with the Application requirements, and all applicable Application fees have been paid. The City Recorder shall notify the Applicant, in writing, of the result of such determination. Following a Determination of a Complete Land Use Application by the City Recorder, the Zoning Administrator shall schedule the Application for review by the DRC, as necessary, in preparation of consideration by the Land Use Authority, as applicable, complying with all notice requirements of Chapter 6 herein.

1. A Land Use Application lacking any of the required Land Use Application materials shall be determined Incomplete by the City Recorder. For all Land Use Applications determined to be Incomplete, the requirements of Section 1207 shall apply.

Section 1207—Determination of an Incomplete Land Use Application:

1. The lack of any materials required for a complete Land Use Application shall be cause for the City Recorder to determine the Land Use Application as incomplete.
2. A determination of an incomplete Final Subdivision Application by the City Recorder shall prohibit the Zoning Administrator from presenting the Land Use Application to the DRC for review, as necessary, and shall prohibit the Land Use Authority, as applicable from considering any material, items, or other information related to the Application.
3. Following a determination of an Incomplete Land Use Application by the City Recorder, the City Recorder shall notify the Applicant, in writing, of the information lacking from the Land Use Application. The City Recorder shall allow a minimum of thirty (30) calendar days, from the date of notification of an Incomplete Land Use Application, for the Applicant to provide the required information to the City. If the Land Use Application remains incomplete after thirty (30) calendar days from date of notification, the City Recorder shall return the entire Incomplete Application to the Applicant, including any Land Use Application review fees paid.

Section 1208—Appeal of a Determination of Application Completeness Decision by the City Recorder:

Any person aggrieved by a decision of the City Recorder related to a Determination of Application Completeness may appeal the decision to the Commission.

Section 1209—Payment of Taxes and Charges Required:

All approvals, permits, or licenses may be conditioned by the Land Use Authority, as applicable, so that no approval, permit, or license is issued, or becomes effective, until all delinquent taxes and charges have been paid to the date of approval.

Section 1210—Withdrawal of Application:

An Applicant may withdraw a Land Use Application at any time prior to a Land Use Authority decision on the Application. Application fees shall not be refundable if prior to withdrawal:

1. A review of the application by the Zoning Administrator or DRC has commenced; or;
2. Required notice of a public hearing or public meeting to consider the Application with the Land Use Authority has been provided.

Section 1211—Amendment of an Existing Approval:

Amendments to any existing approval, permit, or license issued under the authority of the City's Land Use Ordinances and Building Codes shall be reviewed in accordance with the procedures established for the review of the approval, permit, or license in the first instance.

Section 1212—Reapplication Following Application Denial:

If a Land Use Application is denied for failure to meet the requirements of the Land Use Ordinances, including this Ordinance, and Building Codes, a Land Use Application for all or any part of the same property shall not be considered by a Land Use Authority for a period of at least one (1) year from the date of denial, unless the subsequent Land Use Application is substantially different from the previously denied Application, the prior denial was based upon a mistake of fact, or on a motion duly passed by the Council to act immediately and identifying a valid public purpose to reconsider the Land Use Application.

Section 1213—Entrance Upon Land As provided by the Act, an official or employee of the City may enter upon any land at reasonable times to make examinations and surveys pertinent to the:

1. Preparation of the City's General Plan; or
2. Preparation or enforcement of the City's Land Use Ordinances, including this Ordinance.

Section 1214—Fees:

The Council shall establish a fee schedule for the processing and review of all Land Use Applications required by the City's Land Use Ordinances, and designed to recover the actual or anticipated costs for the processing of the Land Use Application, which fee schedule may be amended from time to time by the Council. The fee schedule for the processing and review of all Land Use Applications may include a processing fee and an application fee. Land Use Application fees shall not be required for a Land Use Application initiated by a Land Use Authority.

FIGURE 12-1
Procedures for Determination of Application Completeness

