

APPLICATION CHECKLIST

1. Site Plan Review. If your application involves construction or establishing a new land use at an existing location, it will require site plan review prior to Commission consideration. Please review the site plan application for required information. There is no fee for this review.
2. Completed Application Form.
3. Completed Environmental Check List. Check with the Planning Division prior to completing this form. Some use permits do not require a special environmental review.
4. Completed Agency Authorization Form. If you are not the property owner of record we will require that the owner authorize you to act as his/her agent.
5. Exhibits and Plans. Plans and exhibits are required for staff and Commission review. Your application will be reviewed after submittal to determine if additional data is needed.
6. Filing Fees. A non-refundable filing fee will be required. Additional fees for environmental review are also required—check with the Planning Division for details.

Disclaimer: This pamphlet was prepared in reference to Title 17.38 (Zoning Ordinance) of the City of Visalia Municipal Code which is regularly updated. The pamphlet is intended to provide general guidance and information; it is the user's responsibility to check that the information given in this pamphlet remains in accordance with any changes that may have been made to the Visalia City Ordinance Code. For more information, explanation, or assistance, please visit the Planning Division at the City of Visalia's website or call the Planner's Hotline at 559-713-4359.

Application forms are available at the Planning Division Office, 315 E. Acequia Ave, Visalia, California 93291 or on the City of Visalia Website, <http://www.ci.visalia.ca.us>

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WHAT IS A CONDITIONAL USE PERMIT?



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WHAT IS A CONDITIONAL USE PERMIT (CUP)?

The land use regulations of the City provide that in each zoning district certain uses are permitted as a matter of right, while other uses require the issuance of a use permit by the Planning Commission or City Council before they can be established. The purpose of the use permit is to allow special consideration of those types of aspects of development which, only under certain circumstances, are compatible with other uses or development permitted in the particular zoning district.

In considering a conditional use permit application, such items as building placement, traffic generation and compatibility with adjacent uses and properties are evaluated.

The Planning Commission shall hold a public hearing, staff will present a report and the Planning Commission will make a decision on the application. The applicant or interested party has the right to appeal the Planning Commission's decision to City Council by written notification within ten days following the date of the Planning Commission decision.

The City Council will review the Planning Commission decision and affirm, reverse or modify the decision.

Before the Planning Commission can approve a use permit, they must make the following findings based on factual evidence:

1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purpose of the zone in which the site is located.
2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

A use permit can be revoked after being granted if the authorized use is conducted in violation of the conditions of approval or a law, or if the permit was issued on the basis of false or misleading information.

PROCESSING A CONDITIONAL USE PERMIT

1. Projects with specific development proposals must first be processed through Site Plan Review. The Planning Division staff evaluates the application to determine if there is the possibility of a significant environmental impact. If such an impact is identified, an Environmental Impact Report, Negative Declaration, and/or other technical studies may be required once the application is deemed complete.
2. The applicant prepares and submits a CUP application form, and fees to the Planning Division. (See the Application Checklist in this brochure.)
3. The application is scheduled for a public hearing before the Planning Commission. A notice of the hearing is published in the newspaper and all adjacent property owners within a 300' radius of the project site are directly notified by mail.
4. Planning Division staff reviews the application, prepares a staff report and prepares a recommendation for the Planning Commission.
5. The Planning Commission, at the public hearing, considers the application, staff recommendation, public testimony and any other input. At the conclusion of the hearing, the Commission may deny, approve or conditionally approve the application.
6. The applicant, or any other interested party, may appeal the Planning Commission's action to the City Council. An appeal must be filed

within ten days at the City Clerk's office.

7. The City Clerk will notify the applicant, the appellant, and may give notice to other interested parties as to when the appeal will be considered by City Council.
8. The City Council may affirm, reverse or modify a decision granting a use permit. The Council shall, on the basis of the record transmitted by the City Planning Commission and such additional evidence as may be submitted, make the findings prerequisite to the granting of a conditional use permit.
9. A use permit shall become effective immediately when granted or affirmed by the Council, or upon the eleventh day following the granting of the permit by the Planning Commission if an appeal has not been filed.
10. A project authorized by a use permit must be initiated within 24 months from the date of approval, unless granted for a longer period by the Commission or Council or the approval is no longer valid.

THE CONDITIONAL USE PERMIT HEARING

- The applicant, or a representative, shall attend the Planning Commission meeting at which the use permit application is considered and be prepared to address the Commission regarding the application.
- When approving a use permit, the Planning Commission or City Council may impose conditions of approval which ensure that the authorized action will not adversely affect adjacent properties.
- The total time for processing an application takes a minimum of 45 days from the time that the application is deemed complete.