

**Conditional Use Permits Termination City Code Text Amendment – Redlined Version**

13-7E-10: STATUS OF CONDITIONAL USE PERMIT, INCLUDING TERMINATION DUE TO LACK OF ACTIVITY:

A conditional use permit granted pursuant to the provisions of this article shall run with the land and continue to be valid regardless of ownership of the site or structure subject of the conditional use permit application, so long as it operates within the conditions and terms of the conditional use permit approval, except as follows:

A. Unless appealed within 15 calendar days pursuant to the provisions of subsection 13-7E-8B, a conditional use permit shall immediately terminate 16 calendar days after the date of the termination letter if: (a) the zoning administrator sends, by regular U. S. Mail, a conditional use permit termination letter to the applicant or current owner of record; because (b) the applicant or current owner of record failed to do any one of the following within 24 months of planning commission or zoning administrator approval:

1. If construction is proposed, obtain a building permit for and complete the construction of the foundation of at least one primary building;

2. If required, obtain a business license; or

3. If conditions are imposed, fulfill all the conditions imposed by the planning commission or zoning administrator.

B. If: (a) the approved use or activity should cease for any reason for a continuous period of 12 months or more; (b) the zoning administrator has sent, by regular U. S. Mail, a letter of intent to terminate to the applicant or current owner of record indicating the intent to terminate the conditional use permit in 45 calendar days; and (c) the applicant or current owner of record fails to respond to the zoning administrator within 45 calendar days; the zoning administrator may send, by regular U. S. Mail, a conditional use permit termination letter. Unless appealed within 15 calendar days pursuant to the provisions of subsection 13-7E-8B, a conditional use permit shall immediately terminate 16 calendar days after the date of the conditional use permit termination letter. If the applicant or current owner of record does respond to the letter of intent to terminate within 45 calendar days, the zoning administrator may appeal to the conditional use appeal/revocation authority within 15 calendar days of the response pursuant to the provisions of subsection 13-7E-8B.

C. Approval of a new conditional use permit application shall be required prior to any subsequent reinstatement of the use.

D. The final decision of the conditional use appeal/revocation authority may be appealed, by the city or by the applicant or current owner of record, as per sections 15-5-6 and 15-6-1 of this code.

(2009 Code; amd. Ord. 23-11, 6-14-2023)

13-7E-11: MODIFICATION OF CONDITIONAL USE PERMIT (NEW APPLICATION):

37 A request to modify, expand, or otherwise change an approved conditional use permit, not in  
38 substantial conformance with the approved conditional use permit, shall be reviewed and processed  
39 according to the provisions of this article as a new conditional use permit application.

40 (2009 Code; amd. Ord. 23-11, 6-14-2023)

41 13-7E-12: REAPPLICATION (AFTER DENIAL, ~~OR~~ REVOCATION, OR TERMINATION):

42 In cases where a conditional use permit has been denied, ~~or~~ revoked, or terminated, and unless  
43 otherwise required by law or ordered by the conditional use appeal/revocation authority or a court,  
44 no application for a conditional use permit for the same or substantially the same use on the same or  
45 substantially the same site shall be filed within ~~one year~~ 12 months from the date of denial, ~~or~~  
46 revocation, or termination of the conditional use permit.

47 (2009 Code; amd. Ord. 23-11, 6-14-2023)

48 ~~13-7E-13: REAPPLICATION:~~

49 ~~In cases where the conditional use permit has been denied, no application for a conditional use~~  
50 ~~permit for the same or substantially the same use on the same or substantially the same site shall be~~  
51 ~~filed within one year from the date of denial or revocation of the use permit. (2009 Code)~~