

1 **Conditional Use Permits Termination City Code Text Amendment – Clean Version**

2 13-7E-10: STATUS OF CONDITIONAL USE PERMIT, INCLUDING TERMINATION DUE TO
3 LACK OF ACTIVITY:

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

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

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

16 2. If required, obtain a business license; or

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

19 B. If: (a) the approved use or activity should cease for any reason for a continuous period of 12
20 months or more; (b) the zoning administrator has sent, by regular U. S. Mail, a letter of intent to
21 terminate to the applicant or current owner of record indicating the intent to terminate the
22 conditional use permit in 45 calendar days; and (c) the applicant or current owner of record fails
23 to respond to the zoning administrator within 45 calendar days; the zoning administrator may
24 send, by regular U. S. Mail, a conditional use permit termination letter. Unless appealed within
25 15 calendar days pursuant to the provisions of subsection 13-7E-8B, a conditional use permit
26 shall immediately terminate 16 calendar days after the date of the conditional use permit
27 termination letter. If the applicant or current owner of record does respond to the letter of intent
28 to terminate within 45 calendar days, the zoning administrator may appeal to the conditional use
29 appeal/revocation authority within 15 calendar days of the response pursuant to the provisions of
30 subsection 13-7E-8B.

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

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

35 (2009 Code; amd. Ord. 23-11, 6-14-2023)

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38 13-7E-11: MODIFICATION OF CONDITIONAL USE PERMIT (NEW APPLICATION):

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

42 (2009 Code; amd. Ord. 23-11, 6-14-2023)

43 13-7E-12: REAPPLICATION (AFTER DENIAL, REVOCATION, OR TERMINATION):

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

49 (2009 Code; amd. Ord. 23-11, 6-14-2023)

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