

ARTICLE 60

SEC. 21-60 EXPIRATION, REVOCATION, OR MODIFICATION OF PERMITS AND REAPPLICATION.

60.1 Expiration:

- (a) Each valid unrevoked and unexpired minor use permit, major use permit, variance permit, development review permit, design review permit, zoning permit, or zoning clearance permit shall expire and become null and void at the time specified in the permit; or if no time is specified, then the permit shall expire two (2) years after granting unless in either case substantial physical construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced, may be extended as provided by Section 60.1[c] or 60.33. If any use permitted by one of these permits is abandoned for a period of two (2) years, then the permit as it relates to that use shall expire and be null and void, and any subsequent use of the property shall conform to the current regulations of the particular zoning district in which the property is located. "Substantial physical construction and/or use of the property in reliance on the permit" as used within this Article and Code shall have the following meaning(s): **(Ord. No. 1749, 7/7/1988; Ord. No. 1897, 12/7/1989; Ord. No. 2128, 1/14/1993)**
1. A documented expenditure of at least fifteen (15) percent of the total estimated cost of the project (excluding land and financing costs) or construction of buildings or facilities; up to one-third (1/3) of the costs may be for grading; or
 2. A documented expenditure of at least fifteen (15) percent of the total estimated cost of the project (excluding land and financing costs) on preparation of construction plans including: grading, drainage, building, engineering, architectural and landscape plans; or
 3. For projects utilizing existing buildings, or for uses not requiring construction; the intended purpose or activity for which the permit was issued must be commenced. **(Ord. No. 1897, 12/7/1989)**
- (b) Notwithstanding Subsection (a) above, if a use permit or specific plan of development is issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, the use permit or specific plan of development shall remain in full force and effect for the duration of the tentative approval for that subdivision map and, if the subdivision map does not receive final approval, the use permit or specific plan of development shall expire upon expiration of the tentative map. If the subdivision map receives final approval, the use permit or specific plan of development shall expire one (1) year after recordation of the final or parcel map unless construction and/or use of the property in reliance of the permit has commenced prior to its expiration; provided, however, that the period within such construction and/or use must be commenced may be extended pursuant to Subsection (c) below or Section 60.1(c). **(Ord. No. 1749, 7/7/1988)**

- (c) If prior to expiration of a permit, the applicant files a written application for extension, the period within which substantial physical construction or use commenced, may be extended one (1) year by order of the Planning Director, Zoning Administrator, Development Review Committee, Planning Commission, or Board of Supervisors, whichever granted the permit, at any time within ninety (90) days of the date of expiration. An application for such an extension shall be made on the prescribed form and shall be accompanied by any applicable fee as established by the Board of Supervisors. **(Ord. No. 1749, 7/7/1988)**

SEC. 21-60.10 REVOCATION OF PERMITS.

60.11 Grounds for revocation of a permit for cause:

- (a) The Planning Commission or Board of Supervisors may revoke or modify any minor use, major use, variance or development review permit or specific plan of development granted in accordance with the terms of this Chapter, on any one or more of the following grounds:
 - (1) That such permit was obtained by fraud.
 - (2) That one or more of the terms or conditions upon which such permit was granted has been violated.
 - (3) That the use for which the permit was granted is so conducted as to be detrimental to the public health, safety, or welfare or as to be a nuisance.
- (b) Grounds for zoning clearance and zoning permit revocation: The Community Development Director may revoke or modify any zoning clearance or zoning permit granted in accordance with the terms of this Chapter on any one or more of the grounds listed in Section 60.11(a). The Community Development Director's determination may be appealed as set forth in Section 58.10.

60.12 Initiation of action: A hearing to revoke or modify a permit may be initiated by order of the Planning Commission or the Board of Supervisors on its own motion, or on request of the Planning Director. The order shall set forth the grounds for revocation or modification.

60.13 Public hearing and notice: A public hearing shall be held by the Planning Commission on any revocation initiated pursuant to Section 60.10. No less than ten (10) days prior to the date of any hearing before the Planning Commission, the Secretary of the Planning Commission shall:

- (a) Give notice of the public hearing in the manner provided by Section 57.3 of this Chapter.
- (b) Serve a written notice of the time and place of such hearing and a copy of the order upon the owner and upon the person in possession of the premises involved.

Service of the notice and copy of the order shall be made in the manner required by law for the service of a summons, or by registered or certified mail, postage prepaid. However, if no owner or person in possession can be found, the Secretary shall cause notice of such hearing together with a copy of the order by first class mail, postage prepaid, to be mailed to the person whose name and address appears as owner of the premises involved on the latest tax roll of the County of Lake or, alternatively, on such other records of the Assessor or Tax Collector that contain more recent information in the opinion of the said Secretary.

- (c) Cause a notice of the time and place of hearing and copy of the order to be sent to such public offices, departments of agencies who, in the opinion of the Secretary of the Planning Commission, might be interested and request a report thereon.

60.14 Decision of the Planning Commission: After such hearing the Planning Commission shall render its decision and may revoke or modify the permit.

60.15 Appeal to the Board of Supervisors: Any person dissatisfied with the decision of the Planning Commission may appeal therefrom to the Board of Supervisors within seven (7) calendar days after the decision of the Planning Commission. The appeal may be taken by filing a written appeal with the Planning Department, setting forth in writing the grounds upon which the appellant asserts the decision of the Planning Commission was in error. Upon the filing of such appeal and payment of a fee in an amount to be set by Resolution by the Board of Supervisors, the Planning Director shall forthwith transfer to the Board of Supervisors the papers and documents applicable to such appeal that are on file with the Planning Commission, including the decision of the Planning Commission. An appeal shall stay the proceedings and effective date of the decision of the Planning Commission until such time as the appeal has been acted on as hereinafter set forth.

60.16 Public hearing: A public hearing shall be held by the Board of Supervisors on any appeal of a revocation or modification decision of the Planning Commission. The Board of Supervisors hearing shall be de novo and any interested person may testify or present evidence.

60.17 Notice: Notice of the time and place of hearing of an appeal before the Board of Supervisors shall be given in the manner provided by Section 60.13 of this Article by the Clerk of the Board of Supervisors.

60.18 Decision of the Board of Supervisors: The Board of Supervisors shall hold a hearing on the merits of said revocation. Following any such public hearing the Board of Supervisors shall render its decision and may sustain or overturn the decision of the Planning Commission or may revoke or modify the permit, which decision shall be final.

SEC. 21-60.20 MODIFICATION OF PERMITS.

60.21 Modification of permits:

- (a) In lieu of revocation, the Planning Commission or Board of Supervisors may after public hearing, modify any minor use, major use, or variance permit, or specific plan of development if the grounds which would otherwise justify revocation can be corrected or cured by a modification imposing new or additional conditions.

- (b) Modifications of permits shall be based on the same grounds, and initiated, heard, noticed and be subject to the same appeal procedures as are provided for revocations in Sections 60.11 to 60.18 of this Article.

SEC. 21-60.30 REAPPLICATION.

60.31 Reapplication for denied permits: No reapplication for a minor use, major use, or variance permit or specific plan of development which has been denied shall be filed or accepted by the Planning Department earlier than six (6) months after the date of such denial; unless specific authority to do so has been granted by the Board of Supervisors or Planning Commission.

60.32 Denial without prejudice: The Planning Commission or Board of Supervisors may deny without prejudice any minor use, major use, or variance permit or specific plan of development application. A “denial without prejudice” shall authorize the reapplication for a permit without meeting the six (6) month period specified in Section 60.31.

60.33 Reapplication for amendment of permits: Any permit pursuant to this Chapter may be amended by the granting of a new permit of the same type and following the same procedure for adoption of the original permit, except as specifically provided for in this Chapter. Amendments to permits may include extensions of expiration periods as provided for in Section 60.10 and changes in uses, structures, and conditions previously approved; however, any change in conditions must be approved by the Review Authority that originally adopted such conditions.