
20.68.020 Conditional use and minor use permits.

- A. Purpose. A conditional use or minor use permit is required for uses that are generally appropriate within a zoning district but potentially unsuitable in a particular location or in large numbers. A conditional use or minor use permit is a discretionary action that enables the city to ensure that a proposed use is consistent with all general plan goals and policies and will not create negative impacts to adjacent properties or the general public.
- B. Application Submittal and Review. Application for a conditional use or minor use permit shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review).
- C. Review Authority.
 - 1. Conditional Use Permits. The planning commission shall take action on all conditional use permit applications. At least four (4) members of the planning commission shall be required to vote to approve a conditional use permit; otherwise, the permit is deemed denied.
 - 2. Minor Use Permits.
 - a. The director of development services shall take action on all minor use permit applications.
 - b. The director of development services may refer any minor use permit application to the planning commission for review and final decision.
- D. Public Notice and Hearing.
 - 1. Public notice and hearing for a conditional use permit shall be provided in compliance with Chapter 20.70 (Public Notice and Hearing).
 - 2. No public notice or hearing is required for a minor use permit although all records relating to the permit shall be public records and shall be available for review upon request.
- E. Findings for Approval. The review authority may approve an application for a conditional use or minor use permit application only if all of the following findings can be made:
 - 1. The proposed use is consistent with the purpose and standards of the zoning district, the general plan, and any adopted area or neighborhood plan, specific plan, or community plan.
 - 2. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.
 - 3. The proposed use will not be detrimental to the public health, safety, and welfare of the city.
 - 4. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.
- F. Conditions of Approval. The review authority may attach conditions to the approval of a conditional use or minor use permit as needed to ensure compliance with the general plan, zoning ordinance, Merced Municipal Code, city design standards, or any applicable specific plan, community plan, or area plan, policy, or ordinance adopted by the city.
- G. Appeals. Decisions on conditional use and minor use permits may be appealed as provided for in Chapter 20.74 (Appeals).
- H. Post-Decision Procedures. Procedures and requirements relating to effective dates, time limits, changes to approved projects, resubmittals, and permit revocation shall apply to conditional and minor use permits as provided in Chapter 20.72 (Post-Decision Procedures).

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- I. Time Limits. If not exercised within five (5) years of approval, the conditional use permit shall expire. Time extensions of up to two (2) years may be approved by the director of development services. (Refer to Section 20.72.060(B) and (C) for definition of "exercised" and time extension procedures.)

(Ord. No. 2465, § 2(Exhs. A., B.), 9-19-2016; Ord. No. 2523, § 8, 5-17-2021)