

17.52.070 Variances.

Variances ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

A. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

B. A variance shall not be granted to allow in increase in permitted floor area.

Only the development standards listed below shall be subject to modification through issuance of a variance:

A. Maximum site coverage and minimum open space regulations;

B. Minimum street frontage regulations;

C. Maximum height regulations;

D. Minimum front, side or rear yard setback dimensions; and

E. Minimum parking requirements.

All variances require approval by the Planning Commission. Only when the findings listed in CMC 17.64.210, Variance, can be supported shall the Planning Commission grant a variance. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.52.170 Time Limits on Approvals and Denials.

All applications approved by City staff, the Planning Commission or by the City Council on appeal have a limit on the time that the approval remains valid. Permits or other approvals granted by these approval bodies or by the Historic Resources Board that are not implemented within these time limits become void.

A. Project Implementation. The action required to implement a permit depends on the nature of the project for which the permit is issued. For design review approvals implementation occurs with the issuance of a building permit. For projects requiring a new or amended business license, implementation is effected by establishing

the business use authorized by the business license. For commercial business ~~licenses~~use permit, implementation is effected by signing a statement of compliance with permit conditions, ~~and~~ establishing the use authorized by the permit and/or obtaining a building permit when one is required for the project. For lot line adjustments or subdivisions, implementation is ~~affected~~effected by recording a parcel map, subdivision map or equivalent. For other approvals, implementation is effected by erecting, installing or beginning the installation of the improvement authorized by the permit as determined by the Director.

B. General Limits. Unless otherwise stated on the permit, or indicated as a condition of approval by the approving body, the following time limits shall apply commencing upon the date of action by the City staff, Planning Commission, or final City Council action:

1. Commercial design review – 18 months;
2. Commercial business ~~use permit~~licenses – ~~12 month~~six months;
3. ~~Other commercial district~~Conditional use permits – 18 months;
4. Variances – 12 months;
5. Signs – three months;
6. Residential design study – ~~12~~18 months;
7. Residential district use permits – ~~12~~12 months;
8. Lot line adjustments – ~~six~~18 months; and
9. Subdivisions – 24 months.

C. Time Extensions. The Director may grant one extension of a time limit, equal in length to the original time limit for those approvals ~~not subject to a public hearing~~. Similarly At the discretion of the Director, time extensions may be referred to the Planning Commission, ~~or Historical Preservation Board~~, as appropriate, ~~may administratively grant one extension for approvals originally subject to a public hearing~~. If, since the date of the original approval, the conditions surrounding the original approval have changed, or the General Plan, municipal code or Local Coastal Plan Program has been amended in any manner which causes the approval to be inconsistent with these plans or codes, no time extension or renewal shall be granted for any approval.

D. Denials. Any project or application denied and not subsequently approved by the City Council on appeal shall prohibit the implementation of the specific project or activity requested in the application. No applications for substantially the same project or activity on the same property may be submitted for a period of one year following a denial unless the application contains changes to address the reason(s) for the denial of the first application, or the City's plans or ordinances have been amended to remove the cause for the original denial. Permits denied without a prejudice shall not be subject to this limitation. (Ord. 2009-07 Att. A, 2009; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.54.040 Filing Appeals.

A. Appeals to the Forest and Beach Commission or the Planning Commission. Decisions made by the City Forester may be appealed to the Forest and Beach Commission by filing a written notice of appeal in writing with the Forest and Beach Commission Secretary. Decisions made by the Planning Director may be appealed to the Planning Commission by filing a written notice of appeal with the Planning Commission Secretary. All valid appeals shall be filed within 10 working calendar days of the date of action and shall include any paying the required filing fees as established by City Council resolution.

1. Such notice of appeal shall set forth specifically the ground or grounds upon which such appeal is taken, and the name, address and signature of the appellant.
2. Within 10 working days after receipt of a valid appeal the applicable Commission Secretary shall set a date for public hearing at which the applicable Commission shall consider the appeal. All appeals shall be heard within 60 days of the close of the appeal period.