

Chapter 16.08

ADMINISTRATIVE PROVISIONS

Sections:

- 16.08.010 Review Authorities.**
- 16.08.020 Staff Review Procedure.**
- 16.08.030 Staff Review with Notice Procedure.**
- 16.08.035 Planning Commission Review Procedures.**
- 16.08.040 Public Hearing Review Procedure.**
- 16.08.050 Nonconformity Provisions.**
- 16.08.060 Appeals.**
- 16.08.070 Review by the City Council.**
- 16.08.080 Time Limits of Approvals.**
- 16.08.090 One Year Wait for Denials.**
- 16.08.100 Fees.**

16.08.010 Review Authorities.

The development review process involves the participation of the following:

A. **CITY COUNCIL.** The Council shall have the final decision authority for appeals, tentative subdivision maps, vesting subdivision maps, final maps, specific plans, zoning/rezoning, general plan amendments, development title amendments, and development agreements, and the acceptance by the City of lands and improvements as may be proposed for dedication to the City. The Council may impose conditions of approval. To determine the suitability of alternate materials and methods of installation and to provide for reasonable interpretation of the building, electrical and plumbing codes the Council will act as the Building Board of Appeals.

B. **PLANNING COMMISSION.**

1. Appointment. The Planning Commission shall consist of six members appointed by the City Council and serve pursuant to the provisions of Sections 2.15.010 through 2.15.110 of the City of Ripon Municipal Code.

2. Duties. The Commission shall perform duties and functions prescribed in this Code. The Commission shall prepare, recommend adoption,

implement and periodically review and recommend revisions to the General Plan and this Code for the desired physical development of the City, and land within its Sphere of Influence.

3. Powers. The Commission has the final approval authority for variances, conditional use permits, major site plan permits, voluntary mergers where a hearing is required, tentative parcels maps, and lot line adjustments that are beyond the scope of the Planning Director's authority, subject to appeal to the City Council. Also, the Commission makes recommendations to the City Council for final specific plans, general plan amendments, development title amendments, development agreements, tentative subdivision maps, vesting subdivision maps, and annexation agreements. The Commission may impose conditions of approval or make interpretations of the General Plan and this Code that may be appealed to the City Council.

C. **DIRECTOR.**

1. Appointment. The Director shall be appointed by the City Administrator.

2. Duties. The Director shall perform the duties and functions provided in this Code, along with the day-to-day and long-range management of the Planning Department. This includes the acceptance and processing of all land use permits and subdivision applications.

3. Powers. Powers include final approval authority of minor site plans, permits, voluntary mergers where a hearing is not required, temporary mobile home permits, sign permits, and home occupation permits. All of the above are subject to appeal to the Planning Commission. The Director may impose conditions of approval or make interpretations of this Code, which may be appealed to the Planning Commission. The Director shall also serve as the "advisory agency" the meaning of Government Code Section 66474.7 to the City Council, by which the Director shall be vested with final approval authority over lot line adjustments between four or fewer existing adjoining parcels, where land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed

is not thereby created. The Director shall have the power to impose conditions of approval for lot line adjustments as set forth in subdivision (d) of California Government Code Section 66412, as amended. The Director's determinations with respect to lot line adjustments are subject to appeal to the City Council.

D. DEVELOPMENT REVIEW COMMITTEE (DRC).

1. **Membership.** The DRC members shall consist of representatives of the following departments: Planning Department (Chair), Building Official, City Engineer, Director of Public Works, Fire District chief, Police Chief, and Director of Parks and Recreations. Representatives of other agencies may be included when necessary.

2. **Duties.** The DRC shall review project applications for compliance with provisions of this Code and all other applicable regulations, and associated environmental documents. The DRC may recommend conditions of approval (Ord. 758, §2 (part), 2007; Ord 797, §1, 2012).

16.08.020 Staff Review Procedure.

A. **INTENT.** The intent of this Section is to specify the procedure to be followed for those applications eligible for the Staff Review Procedure.

B. **REVIEW PROCEDURE.** The Director shall review all applications to determine their consistency with established policies, standards and this Code. The review will be administrative in nature. The Director shall approve or deny the application based on the results of that review.

C. **APPLICATION FILING REQUIREMENTS.** An application shall be filed with the Planning Department on forms provided by that Department. Applications shall at a minimum, contain the following:

1. **Name and Address.** Applications will include the name, address, and signature of the applicant and, for privately initiated applications, the name, address, and signature of the property owner.

2. **Other documents.** Other documents, drawings, and plans as required by the Director; and

3. **Fee.** A fee, as provided by resolution of the City Council.

D. COMPLETENESS OF APPLICATION. Completeness of application shall be determined as follows:

1. **Initial Determinations.** Within thirty (30) days after an application has been received, the Director shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant. If the written determination is not made within thirty (30) days after receipt of the application, the application shall be deemed complete.

2. **Procedure If Not Complete.** If the application is determined not to be complete, the following procedures shall be followed:

a. The Director shall specify in writing those parts of the application that are incomplete and suggest the manner in which they can be complete, including a list and thorough description of the specific information needed to complete the application.

b. The applicant shall submit materials to the Director in response to the list and description specified in writing.

c. Within thirty (30) days after the submitted materials have been received, the Director shall determine in writing whether they are complete and shall immediately transmit the determination to the applicant. If the written determination is not made within the thirty (30) day period, the application with the submitted materials shall be deemed complete.

d. If the applicant has not submitted all required materials to the Director within thirty (30) days after the written determination that the application is not complete has been transmitted to the applicant, the application shall be considered withdrawn. The Director may extend the thirty (30) days period if he or she determines the applicant is diligently attempting to provide all required materials.

3. **Appeal Procedure for Application Deemed Not Complete.** If the application with the submitted materials is determined not to be

complete, the applicant may appeal the decision to the Planning Commission following the appeal procedure specified in Section 16.08.060.

a. A final written determination on the appeal shall be made no later than sixty (60) days after receipt of the applicant's written appeal.

b. If the final written determination on the appeal is not made within the sixty (60) day period, the application with the submitted materials shall be deemed complete.

E. **CONCURRENT PROCESSING OF APPLICATIONS.** If a proposed project requires more than one (1) application under the provisions of this Code, the applications may be filed simultaneously and processed concurrently. If more than one review authority is involved, the Director shall determine the sequence for action by the review Authorities.

F. **NOTIFICATION.** Notification is not required to be given for actions pursuant to the Section.

G. **ACTION BY DIRECTOR.** The Director shall approve or deny the application based on its consistency with established policies, standards and Codes.

H. **EFFECTIVE DATE OF ACTION.** Action on any application, unless otherwise specified shall be effective immediately.

I. **APPEALS.** An action pursuant to this Section may be appealed as specified in Section 16.08.060.

J. **TIME LIMIT ON APPROVALS.** Unless otherwise specified, approved applications shall lapse and become void eighteen (18) months after the effective date of approval. An eighteen month extension may be granted in six month increments, provided a written request is submitted to the Director thirty (30) days prior to the date the application shall lapse, otherwise the application shall become void if any of the following occur:

1. Standard Requirements. A standard requirement of approval has not been complied with;
2. Building-Related Permits. A required building, electrical, plumbing, or a mechanical permit secured has lapsed or become void; or
3. Other Permits. A required permit secured from any other public agency has lapsed or

become void.

K. **VIOLATION OF PERMITS.** Violation of permits approved under the provision of the Section shall be subject to the enforcement procedures of this Code. (Ord. 606, 1999; Ord. 758, §2 (part), 2007)

16.08.030 Staff Review With Notice Procedure.

A. **INTENT.** The intent of this Section is to specify the procedure to be followed for those applications eligible for the Site Plan Review Procedure.

B. **REVIEW PROCEDURE.** The Review Authority shall be the Director.

C. **APPLICATION FILING REQUIREMENTS.** An application shall be filed with the Planning Department on forms provided by that department. Applications shall at a minimum contain the following:

1. Name and Address. Applications will include the name, address, and signature of the applicant and, for privately initiated applications, the name, address, and signature of the property owner.
2. Other documents. Other documents, drawings, and plans as required by the Director; and
3. Fee. A fee, as provided by resolution of the City Council.

D. **COMPLETENESS OF APPLICATION.** Completeness of application shall be determined as follows:

1. Initial Determination. Within thirty (30) days after an application has been received, the Director shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant. If the written determination is not made within thirty (30) days after receipt of the application, the application shall be deemed complete.
2. Procedure If Not Complete. If the application is determined not to be complete, the following procedure shall be followed:
 - a. The Director shall specify in writing those parts of the application that are incomplete and suggest the manner in which they can be complete, including a list and thorough description of the

specific information needed to complete the application.

b. The applicant shall submit materials to the Director in response to the list and description specified in writing.

c. Within thirty (30) days after the submitted materials have been received, the Director shall determine in writing whether they are complete and shall immediately transmit the determination to the applicant. If the written determination is not made within the thirty (30) day period, the application with the submitted materials shall be deemed complete.

d. If the applicant has not submitted all required materials to the Director within thirty (30) days after the written determination that the application is not complete has been transmitted to the applicant, the application shall be considered withdrawn. The Director may extend the thirty (30) day period if he or she determines that applicant is diligently attempting to provide all required materials.

3. Appeal Procedure for an Application Deemed Not Complete. If the applications with the submitted materials are determined not to be complete, the applicant may appeal the decision to the Planning Commission following the appeal procedure specified in Section 16.08.060.

a. A final written determination on the appeal shall be made no later than sixty (60) days after receipt of the applicant's written appeal.

b. If the final written determination on the appeal is not made within the sixty (60) day period, the application with the submitted materials shall be deemed complete.

E. CONCURRENT PROCESSING OF APPLICATIONS. If a proposed project requires more than one (1) application under the provisions of this Code, the applications may be filed simultaneously and processed concurrently. If more than one review authority is involved, the director shall determine the sequence for action by the review authorities.

F. NOTIFICATION. Notification of applications will be given following the provisions in this Section.

a. Owner. Notice of the application shall be mailed to the owner of the real property, or the owner's authorized agent, and to the project applicant.

b. Other Landowners. Notice shall be to those property owners, residents, or business owners that are immediately adjacent to the project. Notice of the application shall be given by United States mail and be mailed at least ten (10) days prior to any action on the application.

G. ACTION BY THE DIRECTOR. The Director shall decide to rule on the application, or refer the application to the Planning Commission based on the response from notifications, the importance of the issue in carrying out the General Plan, the cumulative effect of similar applications, policy guidance previously received from the Planning Commission or City Council, and the possibility that the decisions may set a precedent for future decisions. If the Director does not refer the application to the Planning Commission, he/she shall approve, conditionally approve, or deny the application.

H. ACTION BY THE PLANNING COMMISSION. The Planning Commission shall review the matter at the next available regular meeting. Notice of the meeting shall be provided those parties listed in Section 16.08.030 (F).

I. EFFECTIVE DATE OF ACTION. Action on any application, unless otherwise specified shall be effective upon expiration of the appeal period pursuant to Section 16.08.060.

J. APPEALS. An action pursuant to this Section may be appealed as specified in Appeals Section 16.08.060.

K. TIME LIMIT ON APPROVALS. Unless otherwise specified, approved applications shall lapse and become void eighteen (18) months after the effective date of approval if any of the following occur:

1. Standard Requirements. A standard requirement of approval has not been complied with;

2. Building-Related Permits. A required building, electrical, plumbing, or a mechanical permit secured has lapsed or become void; or

3. Other Permits. A required permit secured from any other public agency has lapsed or become void.

L. VIOLATION OF PERMITS. Violation of permits approved under the provisions of this Section shall be subject to the enforcement procedures of this Code. (Ord. 606, 1999; Ord. 758, §2 (part), 2007)

16.08.035 Planning Commission Review Procedures.

A. INTENT. The intent of this Section is to specify the procedure to be followed for those applications requiring non-public hearing review by the Planning Commission.

B. REVIEW PROCEDURE. The Planning Commission shall receive a report from the Planning Department which will indicate whether the application is consistent with established policies, standards and this Code, and consider all other information obtained during the Commission meeting.

C. APPLICATION FILING REQUIREMENTS. An application shall be filed with the Planning Department pursuant to Section 16.08.020.C.

D. COMPLETENESS OF APPLICATION. The determination of completeness of an application shall be as prescribed in Section 16.08.20.D.

E. CONCURRENT PROCESSING OF APPLICATION. If a proposed project requires more than one (1) application under the provisions of the Code, the applications may be filed simultaneously and processed concurrently.

F. NOTIFICATION. Notification is not required to be given for actions pursuant to this Section.

G. ACTION BY PLANNING COMMISSION. The Commission shall approve or deny the application based on its consistency with established policies, standards and Codes.

H. EFFECTIVE DATE OF ACTION. Action on any application, unless otherwise specified, shall be effective upon expiration of the appeal period specified in Section 16.08.060.

I. APPEALS. An action pursuant to this Section may be appealed as specified in Section 16.08.060.

J. TIME LIMIT ON APPROVALS. Unless otherwise specified, approved applications shall lapse and become void as prescribed in Section 16.08.020.J.

K. VIOLATION OF PERMITS. Violation of permits approved under the provision of this Section shall be subject to the enforcement procedures of this Code. (Ord. 606, 1999; Ord. 758, §2 (part), 2007)

16.08.040 Public Hearing Review Procedure.

A. INTENT. The intent of this section is to specify the procedure to be followed for those applications requiring a Public Hearing.

B. GENERAL PROVISIONS. The following general provisions shall apply to the Public Hearing Review Procedure:

1. Planning Commission Review. The Planning Commission shall conduct a public hearing with notification for the purpose for receiving oral and written evidence concerning the application. This evidence shall be reviewed to determine if the application is consistent with existing policies, standards, codes, and required findings. The Planning Commission shall approve, conditionally approve, recommend approval, or deny the application based on the results of this review.

2. Minimum Requirements. These requirements are considered minimum and may be expanded or modified by specific application requirements.

C. PREAPPLICATION CONFERENCE. At the discretion of the Director, a preapplication conference may be required. The purpose of the conference is to assure that the applicant is aware of issues related to the project. Other departments and public agencies may be invited to attend a preapplication conference. When a preapplication is required by the Director, no application may be accepted until the conference is considered complete by the Director.

D. APPLICATION FILING REQUIREMENTS. An application shall be filed with the Planning Department on forms provided by that Department. Applications shall at a minimum, contain the following:

1. Name and Address. The name, address, and signature of the applicant and, for privately initiated applications, the name, address, and signature of the property owner.
2. Other documents. Other documents, drawings, and plans as required by the Director; and
3. Fee. A fee, as provided by resolution of the City Council.

E. **COMPLETENESS OF APPLICATION.** Completeness of application shall be determined as follows:

1. Initial Determination. Within thirty (30) days after an application has been received, the Director shall determine in writing whether the application is complete and shall immediately transmit the determination to the application. If the written determination is not made within thirty (30) days after receipt of the application, the application shall be deemed complete.
2. Procedure If Not Complete. If the application is determined not to be complete, the following procedure shall be followed:
 - a. The Director shall specify in writing those parts of the application that are incomplete and shall suggest the manner in which they can be complete, including a list and thorough description of the specific information needed to complete the application:
 - b. The applicant shall submit materials to the Director in response to the list and description specified in writing.
 - c. Within thirty (30) days after the submitted materials have been received, the Director shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant. If the written determination is not made within the thirty (30) day period, the application with the submitted materials shall be deemed complete.
 - d. If the applicant has not submitted all required materials to the Director within thirty (30) days after the written determination that the application is not complete has been transmitted to the applicant, the application shall be considered withdrawn. The Director may extend the thirty

(30) day period if he or she determines the applicant is diligently attempting to provide all required materials.

3. Appeal Procedure for Application Deemed Not Complete. If the application with the submitted materials is determined not to be complete, the applicant may appeal the decision to the Planning Commission following the appeal procedure specified in Section 16.08.060.

- a. A final written determination on the appeal shall be made no later than sixty (60) days after receipt of the applicant's written appeal;
- b. If the final written determination on the appeal is not made within the sixty (60) day period, the application with the submitted materials shall be deemed complete.

F. **CONCURRENT PROCESSING OF APPLICATIONS.** If a proposed project required more than one (1) application under the provisions of this Code, the applications may be filed simultaneously and processed concurrently. If more than one review authority is involved, the Director shall determine the sequence for action by the review authorities.

G. **NOTIFICATION.** Notification is required to be given according to this Section.

1. Owner, for property specific applications, notice of the hearing shall be mailed to the owner(s) of the property or the owners authorized agent and to the project applicant.
2. Local Agencies. Notice of the hearing shall be mailed to each local agency expected to provide schools, essential facilities and service to the project.
3. Other Landowners. All property owners within three hundred (300) feet of the perimeter of the property.
4. Large Number of Landowners. In the event the number of owners to whom notice would be sent is greater than one thousand (1,000), alternative notice may be given in the form of a one eighth (1/8) page or larger display advertisement placed in a newspaper of general circulation the affected area.
5. Interested Parties. Notice of the hearing shall

be mailed to any person who has filed a written request for notice with the Planning and Building Department.

6. Additional. Additional notification may be given as deemed necessary by the Director.

7. State Law. Additional notice shall be given as required by State Government Code, Chapter 2.7, Sections 65090-65096.

8. Mailing. Notice of the hearing shall be sent by United States mail at least ten (10) days before any public hearing.

H. ACTION BY PLANNING COMMISSION.

The Planning Commission shall hold a public hearing on the application. An applicant, an applicant's representative, or any interested party may make a presentation on the application.

I. EFFECTIVE DATE OF ACTION. Action on any application, unless otherwise specified shall be effective upon expiration of the appeal period. (Ord. 606, 1999; Ord. 758, §2 (part), 2007)

16.08.050 Nonconformity Provisions.

A. INTENT. The intent of this Section is to regulate structures and uses that were legal when brought into existence, but no longer comply with the provisions of this Code. The additional intent of this section is to permit nonconforming uses to continue until they are removed or required to be ended, but not to encourage their continuance.

B. NONCONFORMING BUILDINGS. Except as otherwise provided in this Section, a nonconforming building may be continued if it remains otherwise lawful, subject to the following provisions:

1. A nonconforming building may not be enlarged or altered, except as specifically provided in this Section.

2. Should the building be destroyed or damaged by fire, flood, wind, earthquake, or other calamity or act of God, it may be restored to the extent to which it existed at the time of the damage or destruction, if the restoration is started within a period of one (1) year and is diligently pursued to completion.

3. Should a nonconforming building be moved

for any reason for any distance whatever, it shall afterwards conform to the regulations for the district in which it is located.

4. A nonconforming building may be enlarged, remodeled, or repaired, provided such action does not increase its nonconformity.

5. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part of it declared to be unsafe by any city or state official charged with protecting the health and safety, upon order of the official.

6. Nothing in this Section shall be deemed to prevent the sale, lease, rent, or refinancing of a nonconforming building provided it lawfully existed at the time it became nonconforming.

7. Nonconforming single family residences may be added to or enlarged provided the additions do not increase a nonconformity as to area and setback, and does not increase the total covered area of the structure by more than ten (10%) percent. Expansions greater than ten (10%) percent require a site plan permit.

C. NONCONFORMING USE OF BUILDINGS.

1. The nonconforming use of a building that existed at the time this Code became effective may be continued.

2. The nonconforming use of a building may be changed to a use of the same or more restrictive classification. If a nonconforming use of a building is changed to a use of a more restrictive classification, it will not be changed back to a use of a less restrictive classification.

D. NONCONFORMING USE OF LAND.

1. The nonconforming use of land that existed at the time this Code became effective may be continued.

2. A nonconforming use of land shall not be expanded or extended either on the same or adjoining property.

E. DISCONTINUED NONCONFORMING USE OF BUILDINGS OR LAND. If a nonconforming use of a building or land or any portion of it is discontinued for six (6) months or changed, any future use of the building or land shall conform

with the regulations of the zone district which it is located. (Ord. 606, 1999; Ord. 758, §2 (part), 2007)

16.08.060 Appeals.

A. APPEALS. Any person disagreeing with a decision made by the City Planner or Planning Commission involving the application of this title may appeal the decision to the Planning Commission or City Council as appropriate. Whenever provision for an appeal is made in this title, the appeal may be taken by any person aggrieved with the decision appealed from, and the following regulations shall apply.

B. APPEALS BY CITY COUNCIL MEMBERS.

A member of the city council may appeal an action of either the city planner or planning commission. If an appeal is made by a councilmember, there shall be a presumption applied that the reason for the appeal is because the appealed action has significant and material effects on the quality of life in the City of Ripon. The basis of the appeal need not be stated in the councilmember's written appeal. No inference of bias shall be raised by virtue of such an appeal, and the appealing councilmember may participate and vote on the appealed.

C. APPEAL PERIOD. An appeal will be valid only if a notice of appeal is filed with the Planning Commission or City Council as appropriate within ten (10) business days from the date of the action or administration decision appealed.

D. APPEALS - CONTENT OF NOTICE. Every notice of appeal shall be in writing and shall be filed in duplicate with the City Council or Planning Commission and the City Planner.

E. APPEALS - FEE. Every person filing an appeal shall pay the City such fee as shall be established, and from time to time may be amended, by resolution of the City Council.

F. APPEALS - TRANSMITTAL OF RECORD. Upon receipt of a timely filed notice of appeal, the City Planner shall transmit a copy of all documents constituting the record upon which the appealed action or decision was taken to the

appeal body.

G. APPEALS - STAY PROCEEDINGS. The filing of an appeal shall wholly vacate the action or decision of the City Planner or Planning Commission as appropriate, and all proceedings shall be stayed.

H. APPEALS - ACTION BY PLANNING COMMISSION. The Planning Commission shall hear and decide appeals from any action of the City Planner and may affirm or reverse the action, in whole or in part. The hearing process for such appeals shall be the same as for appeals to the City Council as described in this chapter. The Planning Commission shall not be limited in its review of that portion of the action complained of but may consider the entire matter and, in doing so, may add, modify or delete conditions as it deems necessary or proper.

I. APPEALS - ACTION BY CITY COUNCIL.

The City Council shall hear and decide appeals from any action of the Planning Commission and may affirm or reverse the action, in whole or in part. The City Council shall not be limited in its review of that portion of the action complained of but may consider the entire matter and, in doing so, may add, modify or delete conditions as it deems necessary or proper.

J. APPEALS - ABANDONMENT. Any appeal not brought to hearing within a period of 90 days from the date that a notice of appeal is filed shall be deemed abandoned, and proceedings shall be terminated as of the date such period shall expire unless the deciding body approves a later hearing date in public session.

K. HEARINGS. Whenever a hearing is held by a deciding body in accordance with the provision of this chapter, the regulations hereinafter set forth shall govern unless otherwise provided.

L. HEARINGS - DATE. The date for any public hearing required by this chapter shall be held within a reasonable time but not in excess of 30 days after receipt of the application and all necessary documents pertaining hereto. The appellant shall be notified, in writing, of the date and place of any such hearing.

M. HEARINGS – NOTICE. Notice of time, place, and purpose of any hearing held in accordance with the provisions of this chapter shall, unless otherwise provided, be given by publishing in a newspaper of general circulation in the city at least five (5) days prior to such hearing. For hearings directly relating to an identifiable property or area, notice shall also be given by posting at least three public notices thereof at least five days prior to such hearing on the property and within 300 feet along streets upon which the subject property abuts and by mailing notice at least five days prior to the date of hearing to the owners of property within 300 feet along the streets upon which the subject property abuts, using for this purpose the names and addresses which appear on the last equalized assessment roll for taxes. No proceeding in connection with the hearing shall be invalidated by failure to send such notices where the address of the owner is not a matter of public record or to post public notices or by the failure of any of the aforesaid individuals to receive any notice. (Ord. 758, §2 (part), 2007)

16.08.070 Review by the City Council.

The City Council may call up for review any decision of the Planning Commission or Director made pursuant to this Chapter. The decision to call up for review must occur prior to the effective date of the action and shall follow the same procedure as an appealed decision. (Ord. 606, 1999; Ord. 758, §2 (part), 2007)

16.08.080 Time Limits of Approvals.

Unless otherwise specified, approved applications shall lapse and become void eighteen (18) months after the effective date of approval if any of the following occur:

A. REQUIREMENTS OR CONDITIONS. A standard requirement or condition of approval is not complied with;

1. Building Related Permits. A required building, electrical, plumbing or mechanical permit that has been secured has lapsed and become void; or
2. Other Permits. A required permit that has been

secured from another agency has lapsed and become void. (Ord. 606, 1999)

16.08.090 One Year Wait on Denials.

No application may be accepted if a similar application has been finally denied during the immediately preceding one (1) year period. For the purposes of this Section, a similar application means an application under the same regulation applicable to the same property. This Section shall not apply to applications denied without prejudice, which can be resubmitted within one (1) year upon payment of a fee as set forth by resolution of the City Council. (Ord. 606, 1999; Ord. 758, §2 (part), 2007)

16.08.100 Fees.

A. INTENT. The intent of this section is to establish fees necessary to offset the City's cost to administer applications required by Development Title.

B. FEE SCHEDULE. The City Council will, by Resolution, adopt a fee schedule for the development applications required by this Code.

C. REFUNDS. All fees are not refundable except:

1. Lack of Jurisdiction. Where the City does not have jurisdiction to act on an application, one hundred (100%) percent of the fee will be refunded.

2. Withdrawal. When an application is withdrawn before issuance of any notice of public hearing or before being placed on an agenda, a refund may be given, upon application to the City Administrator, in an amount not to exceed fifty (50%) percent of the application fees paid.

D. CONCURRENT APPLICATIONS. Whenever more than one application type is required for a single project and the application type is required for a single project and the applications are processed concurrently, the total fee will be the sum of the most expensive project application type plus one-half (2) the required fee(s) for any remaining project application type(s).

E. FEES FOR SPECIALISTS. The City may use

professional services as follows:

1. When a special skill is required.
2. To relieve workload peaks.
3. At the request of an applicant.
4. For any other reason deemed appropriate by the City.

The consultant will be selected by the City with the applicant being responsible for the cost of the professional services plus an administrative fee as set by resolution of the City Council. (Ord. 606, 1999; Ord. 758, §2 (part), 2007)