

Conditional Use Permits

Description:

The City of Modesto encourages a healthy mix of uses around the City. However, certain types of uses may not necessarily be compatible with surrounding properties or their neighborhood. The City uses the Conditional Use Permit to evaluate whether a proposed use is appropriate for a particular property; the approving body may impose conditions to assure compatibility with neighboring businesses or residences.

The Process:

- **Submit Preliminary Proposal**
Optional review by Planning staff.
- **Submit Concept Review**
Optional review by all departments.
- **Submit an Application**
An application will need to be submitted. Most projects will take 11-12 weeks.
- **Project Review**
A Project Planner will be assigned to process and review the application.
- **Staff Report**
Next, the application is scheduled for a public hearing before the [Board of Zoning Adjustment](#). A staff report is written, and a copy is mailed to the applicant. The staff report includes staff's recommendation and conditions to be applied to the project, if applicable.
- **Public Hearing**
At the public hearing, the project may be approved or denied. After the hearing there is a 15-day appeal period.

Development Resources

Departments & Divisions:

Community & Economic Development

Planning (209) 577-5267
Building Safety (209) 577-5232
Land Development (209) 577-5462
Engineering
Infrastructure Financing (209) 577-5211
Programs Administration

Fire Department

Fire Prevention (209) 571-5553

Parks, Recreation & Neighborhoods

Parks Planning & (209) 571-5573
Development Division

Public Works

Main Number (209) 571-5569

Online Development Information:

Development Center
www.modestogov.com/development

Community & Economic Development
www.modestogov.com/ced

Fire Department
www.modestogov.com/mfd

Parks, Recreation & Neighborhoods
www.modestogov.com/prnd

Public Works
www.modestogov.com/pwd

City of Modesto Web Site
www.modestogov.com



CITY OF MODESTO
DEVELOPMENTCENTER

Conditional Use Permit

www.modestogov.com/development

This brochure is provided by the:
Community & Economic Development Dept.
1010 Tenth Street, Suite 3300
Modesto, CA 95354
(209) 577-5267

What is a Conditional Use Permit?

The City of Modesto is divided into zoning districts that govern the uses and development which property owners may make on their property. Some uses are permitted, others are prohibited, and some are permitted provided the owner first obtains a Conditional Use Permit (CUP).

The CUP procedure provides a means whereby the City may consider and either approve, conditionally approve, or deny certain proposed uses. A CUP allows the City to review certain types of uses and apply conditions related to design or operation to ensure that they are compatible with adjacent land uses and without detriment to the spirit and intent of the General Plan, Zoning Ordinance, or other City policies.

How do I determine if I need a CUP?

Each zoning district lists the uses which require a CUP. If you are unsure if a CUP is required for your use, ask Staff to check the Zoning Map and Code to determine the zoning for your property by calling a planner at 209-577-5267 or visiting the Planning Division office (you may wish to make an appointment), 1010 Tenth Street, 3rd Floor, Suite 3300, Modesto, CA 95353. You are strongly encouraged to meet with a staff member to discuss your request.

Who determines if I am granted a CUP?

In the City of Modesto, the City Council has given the Board of Zoning Adjustment (BZA) the approval authority over Conditional Use Permits.

What is the Process?

Following the filing of a completed application, Planning staff will review the documents and refer them to other departments and agencies for comment, as necessary. When comments are received, Staff will provide a set to the applicant. These comments may necessitate revisions to the application, and will usually result in conditions of approval.

Staff will then prepare a staff report for the Board of Zoning Adjustment with a recommendation for approval or denial and/or proposed conditions (if approved). Staff will schedule a hearing, publish a Notice of Hearing and mail the notice to surrounding properties, as required by State Law. A copy of the staff report is provided to the applicant prior to the hearing before the Board.

Next, the request will come before the Board in a public hearing. At this hearing, the applicant and any other interested parties (such as neighbors) will have an opportunity to speak. You may have others speak on your behalf if you wish. After considering the written and oral evidence, the Board will make a decision. The Board's decision is subject to appeal to the City Council within fifteen days of the decision.

This process normally takes about 3 months if not appealed but varies with the complexity of the issues associated with your application.

How to Apply

In order to apply for a CUP, you will need to submit the following items. For further guidance, please see the Conditional Use Permit Submittal Requirements, which can be found online at www.modestogov.com/development.

- Completed application form signed by the property owner
- Environmental Information form
- Application fee (refer to fee schedule)
- Financial Interest Disclosure
- A plan package, including (but not limited to) the following:
 - Site plans identifying the property, existing and proposed parking, buildings and accessory structures, as well as any adjacent structures on neighboring property
 - Floor plans and elevations showing existing and proposed improvements
- Supplemental materials, such as photographs or title report, which help provide additional information to staff and/or the decision making body, may also be required

Have questions?
We're here to help!
Contact Planning at
(209) 577-5267

