

## Chapter 16.76

### USE PERMITS

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#### **16.76.010 Purpose.**

It is the purpose of this Chapter to provide a method for reviewing proposed uses that possess characteristics that require a special appraisal to determine if the uses have the potential to affect adversely other land uses, transportation, or facilities in the vicinity. The review authority may require conditions of approval necessary to eliminate or reduce to an acceptable level, any potentially adverse effects of a use. (Ord. 606, 1999)

#### **16.76.020 Definitions.**

“Use permit” means a discretionary entitlement under the provisions of this zoning code which authorizes a specific use or development on a specific property subject to compliance with all specific terms and conditions imposed on the entitlement.

A. Conditional Use Permits. Uses requiring a conditional use permit having moderate to significant potential for adverse impacts on surrounding properties, residents or business.

B. Minor Use Permits. Uses requiring a minor use permit have low to moderate potential for adverse impacts on surrounding properties, residents or businesses. In most cases, such uses are accessory to a main or principal use on the property.

1. The following projects may be processed using a minor use permit application.

- I. Increasing the non-conformity of a

residential structure pursuant to section 16.080.050 of this code.

ii. Varying the setback or height of an accessory building/structure.

iii. Some amendments to existing use permits, as determined by the Director of Planning.

iv. Other uses as deemed appropriate for a minor use permit by the Director of Planning. (Ord. 824, 2015)

#### **16.76.030 Requirements for Application.**

A. Applications for use permits may be initiated by the property owner(s) or the property owner’s authorized agent. Applications are filed with the Planning Department. A request for a use permit must include a site plan that clearly describes the location and characteristics of the proposed use.

B. A fee, as specified by resolution of the City Council is required with the application.

C. Before application, the applicant should request a pre-application conference with the Planning Department. (Ord. 606, 1999)

#### **16.76.040 Review Procedures.**

A. The review procedure for a use permit review shall be planning commission review using the public hearing review procedure in Section 16.08.040, exempt as provided in Section 16.76.050. (Ord. 606, 1999)

#### **16.76.050 Development Requirements.**

Use permits approved under the provisions of this Chapter shall be subject to those conditions that ensure that the proposed use meets the minimum requirements of the City or make the necessary findings. Unless otherwise specified the use cannot be established until all conditions have been fulfilled. (Ord. 606, 1999)

#### **16.76.060 Expansion/Change of an Existing Use.**

Existing uses subject to a use permit may be expanded/changed pursuant to this Section.

A. Required Conditions. The Director may approve an expansion or change of use, where a use permit has been previously approved, that comply with the following conditions:

1. The structure or use expansion is incidental to the existing use;
2. The structure or use expansion does not result in a change of use;
3. No structure expansion involves more than twenty-five (25%) percent increase in floor area covered by existing structures associated with the use;
4. No use expansion involves more than a ten (10%) percent increase in overall site area covered by the existing use;
5. The structure or use expansion, in the opinion of the Director, would not have a substantial adverse effect on adjacent property;
6. The structure expansion or change of use complies with existing requirements of agencies and departments having jurisdiction or any other appropriate regulatory agency, as determined by the Director.

B. Review Procedure. The review procedure for expansion/change of an existing use shall be staff review with notes as prescribed in Section 16.08.030.

C. Conditions Not Met. If a proposed

expansion does not comply with the conditions in Subsection (a), a new use permit will be required. (Ord. 606, 1999)

**16.76.070 Findings.**

Before approving an application for a use permit, the review authority shall find that all of the following are true:

A. Consistency. The proposed use is consistent with the goals, policies, standards, and maps of the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan, and any other applicable plan adopted by the City;

B. Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways;

C. Site Suitability. The site is physically suitable for the type of development and for the intensity of development;

D. Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety, or welfare, or be injurious to the property or improvements adjacent properties; and

E. Compatibility. The use is compatible with adjoining land uses. (Ord. 606, 1999)