

CHAPTER 10.58

MINOR USE PERMITS

10.58.010	Purpose.
10.58.020	Applicability.
10.58.030	Application contents and submittal.
10.58.040	Public notice and hearing.
10.58.050	Findings.
10.58.052	Reserved.
10.58.060	Conditions of approval.
10.58.070	Notice of decision.
10.58.080	Appeals.
10.58.090	Effective date of permit.
10.58.100	Approval applies to land.
10.58.110	Expiration.
10.58.120	Referral to Planning Commission.

10.58.010 Purpose

Minor Use Permits provide for review of discretionary land uses that generally meet the purposes of the applicable district but which require special consideration in their design or operation to ensure compatibility with surrounding uses. In addition to the general purposes of this Title, the specific purposes of establishing procedures and a framework for Minor Use Permits are as follows:

- A. To consider the relationship of the project's location to the neighborhood and community as a whole;
- B. To determine if the project's use and location is compatible with the types of uses that are normally permitted in the surrounding area;
- C. To consider the compatibility of the proposed use with the site's characteristics;
- D. To evaluate the adequacy of services and facilities for the proposed use;
- E. To provide opportunity for public review and comment on proposed use; and
- F. To identify conditions and requirements necessary to comply with the basic purposes of this Title, the General Plan and any applicable specific plan.

10.58.020 Applicability

Minor Use Permits are required pursuant to Chapters 10.20 through 10.28 (Zoning District Regulations) and Chapter 10.44 (Specific Use Requirements.) The Zoning Administrator may approve, conditionally approve or deny a Minor Use Permit application. Development must comply with all applicable requirements of this Title, including but not limited to Chapters 10.40 (General Development Regulations) and 10.44 (Specific Use Requirements.)

10.58.030 Application Contents and Submittal

Applications for Minor Use Permits shall include all information specified by resolution of the Planning Commission. Submittal shall include a site plan drawn to scale showing location of all existing and proposed buildings, yards, driveways, and parking areas; floor plans showing the location of uses in the structure; and the required fee. Application procedures and processing timeframes shall be consistent with Chapter 10.50 (Land Use Permit Procedures), this chapter, State law and additional procedural guidelines established by the Community Development Director. Acceptance of an application does not constitute any indication of approval.

10.58.040 Public Notice and Hearing

The Zoning Administrator shall hold a public hearing on an application for a Minor Use Permit, following completion of a staff report pursuant to Section 10.50.090 (Staff Report and Recommendations). Public hearing shall be noticed and held in accordance with Chapter 10.82 (Public Hearings.)

10.58.050 Findings

The Zoning Administrator may approve or conditionally approve a Minor Use Permit if the following findings can be made:

- A. The proposed use is allowed with issuance of a Minor Use Permit, pursuant to Chapters 10.20 through 10.28 (Zoning District Regulations), Chapter 10.44 (Specific Use Requirements) or any other applicable section of this Title 10.
- B. The proposed use is consistent with the General Plan, the purposes of the Zoning Ordinance, and the purposes of the applicable zoning district.
- C. The proposed use, together with the applicable conditions, will not be detrimental to the public health, safety, or general welfare of the City.
- D. The proposed use complies with each of the applicable provisions of the Zoning Ordinance.
- E. The proposed use or facility is properly located relative to the community as a whole and to land uses and transportation and service facilities in the vicinity.
- F. The size and shape of the subject property is adequate to provide features needed to ensure reasonable compatibility with land uses normally permitted in the surrounding area. Features may include but not be limited to yards, open spaces, walls and fences, parking, loading, landscaping, and such features as may be required by this Title or the Commission.
- G. Public utilities and facilities are or will be adequate to serve the proposed use, including streets and highways paved (and of adequate width) for the quantity and type of traffic it will generate.

- H. The proposed use will not materially adversely affect nearby properties or their permitted uses.
- I. Findings required by Chapter 10.44 (Specific Use Requirements) for the approval of specific uses are made.

10.58.052 Reserved

10.58.060 Conditions of Approval

The Zoning Administrator may apply reasonable conditions of approval to assure compliance with applicable regulations and standards, including those required by City departments and those specified in Section 10.50.100 (Recommended Conditions of Approval).

10.58.070 Notice of Decision

Zoning Administrator decision shall be in the form of a written resolution and shall include findings on which the decision was based, applicable conditions of approval and a summary of the appeal process. A written decision shall be mailed to the applicant. Zoning Administrator shall provide written summaries of actions to the Planning Commission.

10.58.080 Appeals

All decisions of the Zoning Administrator, with respect to Minor Use Permits, may be appealed to the Planning Commission within ten (10) days of the decision date. All appeals shall be in writing and shall be submitted and processed in accordance with Chapter 10.84 (Appeals) of this Title.

10.58.090 Effective Date of Permit

Minor Use Permits become effective ten (10) days after the decision is rendered, provided no appeal has been filed.

10.58.100 Approval Applies to Land

Any Minor Use Permit approval shall run with the land and shall continue to be valid for the time period specified whether or not there is a change of ownership of the site or structure to which it applies. Minor Use Permit approval cannot be transferred to another site.

10.58.110 Expiration

Minor Use Permits are valid for one year unless a different expiration date is stipulated at the time of approval, a building permit has been issued and construction diligently pursued, or the permit is renewed or extended. If more than one phase of a development is approved in a single

action and later phases remain outstanding, approval shall lapse at the end of the authorized time frame.

10.58.120 Referral to Planning Commission

The Zoning Administrator may refer a Minor Use Permit application to the Planning Commission, pursuant to Section 10.80.040.C (Referral to Planning Commission). Such referral shall be subject to public hearing, consideration, and approval or denial pursuant to the procedures specified by Chapter 10.60 (Conditional Use Permits). Referral shall be at the discretion of the Zoning Administrator and shall be dependent upon policy implications, unique or unusual circumstances, magnitude of the project, or other factors determined by the Zoning Administrator to be significant enough to warrant Planning Commission review. Minor Use Permit applications for projects requiring an Environmental Impact Report or subsequent Environmental Impact Report shall be referred to the Planning Commission pursuant to this section.