

## Chapter 18.14: Use Permits

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### Sections:

18.14.010	Purpose
18.14.020	Uses and Development Subject to Use Permits
18.14.030	Authority of Planning Commission
18.14.040	Application
18.14.050	Notice and Public Hearing
18.14.060	Duties of Planning Commission
18.14.070	Required Findings
18.14.080	Conditions
18.14.090	Effective Date; Appeals
18.14.100	Lapse of Approval; Revocation; Renewal
18.14.110	Revised Plans; New Applications

### **18.14.010 Purpose**

This chapter establishes procedures for approval, conditional approval, or disapproval of use permit applications.

Use permits are required for the use classifications typically having unusual site-development features or operating characteristics requiring special consideration, so that they may be designed, located, and operated in a manner compatible with uses on adjacent properties and the surrounding area.

### **18.14.020 Uses and Development Subject to Use Permits**

Use permits are required for development and uses identified in the *Use Regulations* tables found in Chapters 18.30 through 18.36 as requiring a use permit. A use permit is also required for development in certain overlay districts as required by the regulations of those districts.

### **18.14.030 Authority of Planning Commission**

The Planning Commission shall approve, conditionally approve, or disapprove applications for use permits subject to the policies and intent of the General Plan, the general purposes of this ordinance, the specific purposes of the base or overlay zoning district in which a development site is located, and the provisions of this section.

### **18.14.040 Application**

An application for a use permit, accompanied by the required fee, shall be filed with the Development Services Department in a form prescribed by the Director and shall be accompanied by plans and conceptual elevations necessary to show details of the proposed use and the proposed buildings, street access, parking, and landscape areas on the premises. The

plan shall also show existing and proposed topography; proposed utility connections; stormwater-detention facilities, as applicable; the improved street section for all adjacent streets, including the locations of driveways on abutting properties and across the street(s) from the site as determined appropriate by the Director; and any other information determined by the Director to be necessary to determine compliance with this code, including required environmental findings. When applications for related permits on a single site are filed at the same time, a public hearing shall be scheduled, at which time action on all required approvals shall be taken.

#### **18.14.050 Notice and Public Hearing**

- A. **Public Hearing.** The Planning Commission shall hold a public hearing on an application for a use permit.
- B. **Time of and Notice of Hearing.** Notice of the public hearing shall be given, as prescribed in Chapter 18.11, Common Procedures.

#### **18.14.060 Duties of Planning Commission**

- A. **Public Hearing.** The Planning Commission shall conduct the public hearing and consider the application. A public hearing may be continued to a definite date and time without additional public notice.
- B. **Decision and Notice.** Within 30 days of the conclusion of a public hearing, the Planning Commission shall approve, conditionally approve, or disapprove the application; notice of the decision shall be mailed to the applicant and any other party requesting such notice within 10 calendar days of the date of the resolution ratifying the decision.
- C. **Limits on Conditions of Approval.** No conditions of approval of a use permit shall include use, height, bulk, density, open space, parking, loading, or sign requirements that are less restrictive than those prescribed by applicable district regulations.

#### **18.14.070 Required Findings**

The Planning Commission shall approve an application for a use permit as it was applied for or in modified form if, on the basis of the application, plans, materials, and testimony submitted, the Planning Commission finds:

- A. That the proposed use will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of such proposed use.
- B. That the proposed use will not be injurious or detrimental to the general welfare of the city.
- C. That the proposed use is consistent with the policies and goals established by the General Plan and this code.

- D. The proposed use and project design are consistent with the design guidelines established by resolution of the City Council in accordance with Section 18.40.050, Design Criteria.

### **18.14.080 Conditions**

Whenever a use permit is granted, the Planning Commission may impose reasonable conditions including, but not limited to, requirements for special yards, open spaces, buffers, fences, walls, location and orientation of roll-up doors, and screening; specific building design elements; requirements for installation and maintenance of landscape and erosion-control measures; regulation of vehicular ingress and egress and traffic circulation; construction of street improvements and dedication of right-of-way for street widening or street extensions; regulation of signs; regulation of parking; preservation of trees; regulation of lighting; regulation of hours or other characteristics of operation; establishment of development schedules or time limits for performance or completion; extension and provision of public utilities and easements; requirements for periodic review by the Director; submission of final plans to ensure compliance with the conditions of approval; and such other conditions as the hearing body may deem necessary to ensure compatibility with surrounding uses; to preserve public health, safety, and welfare; to avoid adverse impacts on traffic-carrying capacity of streets and highways, public services, and facilities; and to implement the General Plan.

### **18.14.090 Effective Date; Appeals**

A use permit shall become effective at the end of the 10-day appeal period, unless appealed. Appeals shall be resolved in accordance with the procedures established in Chapter 18.11, Common Procedures.

### **18.14.100 Lapse of Approval; Revocation; Renewal**

The lapse of approval, revocation, and renewal of use permits shall be governed by the procedures set forth in Chapter 18.11, Common Procedures.

### **18.14.110 Revised Plans; New Applications**

**Revised Plans.** A request for changes in conditions of approval of a use permit or a change to site plans or buildings that would affect a condition of approval shall be treated as a new application, except that such changes determined to be minor, by the Director, may be approved by the Director.