

Chapter 10.84 - USE PERMITS, VARIANCES

10.84.010 - Purposes.

This chapter provides the flexibility in application of land-use and development regulations necessary to achieve the purposes of the ordinance codified in this title by establishing procedures for approval, conditional approval, or disapproval of applications for use permits, variances and minor exceptions.

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

Variations are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.

Variations may be granted with respect to fences, walls, landscaping, screening, site area, site dimensions, yards, height of structures, distances between structures, open space, off-street parking and off-street loading, and performance standards.

Authorization to grant variations does not extend to use regulations because sufficient flexibility is provided by the use permit process for specified uses and by the authority of the Planning Commission to determine whether a specific use belongs within one (1) or more of the use classifications listed in [Chapter 10.08](#). Further, [Chapter 10.96](#) provides procedures for amendments to the zoning map or zoning regulations. These will ensure that any changes are consistent with the General Plan and the land use objectives of the ordinance codified in this title.

10.84.020 - Authority of Planning Commission.

The Planning Commission shall approve, conditionally approve, or disapprove applications for use permits or variations.

10.84.050 - Duties of Planning Commission.

A. Public Hearing. The Planning Commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued to a definite date and time without additional public notice.

B. Decision and Notice. After the close of the public hearing, the Planning Commission shall recommend that the City Council approve, conditionally approve, or disapprove of the application. Notice of the decision shall be mailed to the applicant and any other party requesting such notice within seven (7) days of the date of the resolution ratifying the decision.

Title 10 - PLANNING AND ZONING
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Chapter 10.84 - USE PERMITS, VARIANCES AND MINOR EXCEPTIONS- PORTIONS

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.

10.84.060 - Required findings.

An application for a use permit or variance as it was applied for, or in modified form as required by the Commission, shall be approved if, on the basis of the application, plans, materials, and testimony submitted, the Commission finds that:

A. For All Use Permits.

1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located;
2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city;
3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located; and
4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.

B. For Variances.

1. Because of special circumstances or conditions applicable to the subject property—including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions—strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property;
2. The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare; and
3. Granting the application is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district.

C. Mandatory Denial. Failure to make all the required findings under (A) or (B) shall require denial of the application for a use permit or variance.

10.84.070 - Conditions of approval.

In approving a use permit or variance, reasonable conditions may be imposed as necessary to:

- A. Achieve the general purposes of this ordinance or the specific purposes of the zoning district in which the site is located, or to make it consistent with the General Plan;
- B. Protect the public health, safety, and general welfare; or
- C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.
- D. Provide for periodic review of the use to determine compliance with conditions imposed, and Municipal Code requirements.

10.84.105 - Master use permits.

A master use permit authorizing multiple uses for a project with more than five thousand (5,000) square feet of buildable floor area or more than ten thousand (10,000) feet of land area, shall be subject to the provisions applicable to use permits (Chapter [10.84](#) et seq.), with the following exceptions or special provisions:

- A. **Scope of Approval.** Individual uses located in such a project shall not be subject to separate use permits, if otherwise required by the land use regulations of this Title, provided such uses are identified within the scope of development approval.
- B. **Uses; Parking.** The master use permit shall establish a mix of uses by classification, or combinations of use classifications defined in [Chapter 10.08](#) of this title. The mix of uses shall be the basis for a percentage distribution of building gross leasable floor area by use classification. Parking and loading requirements approved in conjunction with a master use permit shall correspond to the percentage distribution of building gross leasable floor area by use classification.
- C. **Subsequent Use; Tenant Changes.** Subsequent changes in the tenants and/or occupants of the project shall conform to the percentage distribution of leasable square footage by use classification and corresponding parking and loading requirements of the approved master use permit.
- D. **Subsequent Permits.** Applications to establish a new use within a multiple tenant project which has an approved master use permit shall not require either amendment to or filing of a new master use permit, provided that the new use conforms to the approved mix of uses, parking requirements, and conditions imposed on the project.
- E. **Nonconforming Sites—Permit Requirement.** An existing multiple use or multiple tenant project which has a valid use permit and/or individual use permits for specific uses or tenants within the project shall be required to obtain a master use permit when a change is proposed which cumulatively constitutes an increase of five percent (5%) of gross leasable area or ten thousand (10,000) square feet, whichever is less.

Title 10 - PLANNING AND ZONING
PART IV - — SITE REGULATIONS
Chapter 10.72 – SIGN CODE- PORTIONS

Chapter 10.72 - SIGN CODE*

10.72.010 - Purpose and intent.

The purpose of signs is to provide business identification. The location, height, size, and illumination of signs are regulated in order to maintain the attractiveness and orderliness of the City's appearance; to protect business sites from loss of prominence resulting from excessive signs, particularly pole signs, on nearby sites; to protect the public safety and welfare.

10.72.030 - Definitions.

"Monument sign" means a free-standing, ground mounted sign that does not exceed six feet (6') in height.

"Pole sign" means any free-standing sign exceeding six feet (6') in height excluding signs specified as exempt in this chapter.

"Wall sign" means any sign attached to or painted on a wall, window, or parapet/mansard wall, of a business, parallel to the wall.

10.72.050 - Permitted signs.

The following schedule prescribes sign regulations for all types of land uses, as defined in [Chapter 10.08](#) of this title. The columns establish basic requirements for sign quantities, sizes, and locations; letters in parentheses in the right-hand column refer to "additional regulations" following the schedule.

s.f. = square feet l.f. = lineal feet

Maximum sign area is sum of area of all sign faces unless otherwise specified

Land Use	Sign Type	Maximum Number	Maximum Area	Height	Permitted Projection	Additional Reg's
Commercial in Area Districts I & II	Wall, Awning, Monument & combinations thereof (W/A/M)	No limit	<u>2</u> s.f. per 1 l.f. of property frontage	Top of wall max.	12 inches	(B)
	Pole	1 per site in lieu of all Monu. signs on the site	0.5 s.f. in lieu of 1 s.f. of W/A/M sign area permitted above	30 ft. max.	12 inches	(B)(C)(D)
	Pedestrian	1 double faced per Pedest. entrance	<u>4</u> s.f. per face	8 ft. min. 14 ft. max.	3 feet	(B)
	Temporary	As per Temporary Sign Permit	As per Temporary Sign Permit	As per Temporary Sign Permit	None	(A)

10.72.060 - Sign program.

An approved sign program is required for any multiple tenant site, consistent with the regulations of this chapter, prior to issuance of any sign permit upon said site. The purposes of a sign program are to establish uniform sign design guidelines and sign area allocations for all uses and/or buildings on a site which conform to the requirements of this chapter, and incorporate sign exceptions approved pursuant to Section [10.72.080](#). An application for a sign program shall be reviewed by the Director of Community Development, unless filed in conjunction with a use permit or amendment, in which case said application shall be reviewed by the Planning Commission. The Director of Community Development may approve modifications to all approved sign program which are in compliance with the sign regulations of this chapter, unless stated otherwise in the approved sign program.

10.72.080 - Sign exceptions.

On sites where strict application of this chapter creates results inconsistent with the intent of this chapter, the Planning Commission may approve modifications to the requirements of this chapter.

Applicants shall submit copies of a proposed sign program with plans and elevations drawn to scale of all existing and proposed buildings and signs as part of the exception application. Upon receipt of a complete application the item will be placed on the next available Planning Commission agenda.

An application for a sign exception as it was applied for, or in modified form as required by the Commission, shall be approved if, on the basis of the application, plans, and materials submitted; the Commission finds that:

- A. The proposed sign exception would not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located. Potential impacts may include, but are not limited to, design;
- B. The proposed sign exception is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of their property;
- C. The proposed sign exception is consistent with the legislative intent of this title; and
- D. For sign exceptions proposed in the coastal zone, the sign design and scale does not:
 1. Obstruct views to or along the coast from publicly accessible places;
 2. Adversely impact public access to and use of the water;
 3. Adversely impact public recreation, access or the visual resources of the coast.

In granting any such exception, the Planning Commission may impose reasonable conditions or restrictions as deemed appropriate or necessary to assure compliance with subsections A through D of this section, and to protect the public health, safety, and general welfare.

In granting any such exception, the Planning Commission may impose reasonable conditions or restrictions as deemed appropriate or necessary to protect the public health, safety, and general welfare.