

### **What is a Use Perm it?**

A Use Permit is a discretionary land use approval which, under certain circumstances, may authorize a use that is not allowed as a matter of right in a particular zoning district.

### **Is a Use Perm it Required?**

Each zoning designation has certain uses which are allowed subject to the securing of a Use Permit. These discretionary uses are listed in the Use Table of Article 2 of the zoning ordinance. Planning Office staff can inform you of the zoning district and regulations applicable to your property and will determine if a Use Permit is necessary to establish a particular use, and whether or not an application may be filed.

### **How do I Apply?**

A pre-application meeting is required before a Use Permit application is filed. Applications must be submitted to the Planning Office, located on the 7th floor, East Wing of the County Government Center. Application forms and pertinent filing information are also available at this location.

### **How are Use Permits Decided?**

Use Permit requests are decided at a public hearing before the Planning Commission which meets once a month. The Secretary of the Planning Commission will schedule a time and place for the Use Permit hearing. A notice of the hearing will be mailed to the applicant and all property owners within 300 feet of the exterior boundaries of the property (minimum of 24 properties) upon which the application was made.

The County Zoning Ordinance (§ 5.65.030) provides that a Use Permit may be granted when the Planning Commission finds that:

A. The proposed use conforms with the general plan, with the zoning ordinance, and with all other standards and guidelines applicable to the proposed use that have been adopted by the planning commission or board of supervisors;

- B. The site is adequate for the proposed use, including but not limited to being of adequate size and shape to accommodate all facilities and development features to integrate the use into the surrounding area and to provide any necessary or appropriate buffers between the use and the surrounding area;
- C. The proposed use, by its nature, scale, intensity or design, will not impair the integrity and character of the zoning district or neighborhood, and will not be significantly detrimental to any important and distinctive features of the site's natural setting;
- D. The proposed use will not be detrimental to the public health, safety or general welfare. In this respect the planning commission shall further find, without limitation, that:
1. Adequate off-street parking, loading and unloading areas (if applicable), and handicapped access will be provided;
  2. Appropriately designed site access will be provided, including safe and adequate access for fire and emergency vehicles (including secondary access where deemed necessary by the fire marshal);
  3. The use will not adversely affect water quality. Adequate wastewater treatment, disposal and sanitation facilities will be provided and will satisfy all applicable local, state and federal requirements;
  4. The use will not be detrimental to the adjacent area because of excessive noise, odor, dust or bright lights.
  5. The use will not substantially worsen traffic congestion affecting the surrounding area;
  6. Erosion will be adequately controlled; and

7. Adequate storm drainage management exists or will be provided and will comply with all applicable local, state and federal requirements.

If all of the above findings cannot be made, the application will be denied.

In approving a Use Permit, the Commission may include such conditions as it deems reasonable and necessary under the circumstances to preserve the integrity and character of the district and to secure the purposes of the Zoning Ordinance and the General Plan. Such conditions, without limiting the discretion and authority of the Commission, may include time limitations, Architectural and Site Approval, street dedication, and street and drainage improvements.

An environmental determination by the Planning Commission (under the provisions of the California Environmental Quality Act) will be considered in conjunction with the hearing on the proposed use.

In addition to granting or denying a Use Permit, the Planning Commission may elect to continue or to indicate an "intent to grant" on an application.

The Secretary of the Planning Commission will mail the applicant a formal statement acknowledging the action of the Planning Commission.

### **How Long is a Use Perm it Valid?**

The Planning Commission may place a time limit on the Use Permit itself (typically ranging from 3 to 10 years), after which (unless otherwise stipulated) an application for renewal may be filed.

The use must be established within two years of the date that the Use Permit is approved, or it will automatically expire. A request filed to extend this time period an additional two years must be filed before the Use Permit expires.

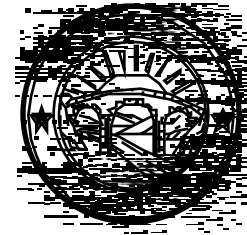
A Use Permit will also be cancelled if the use for which it was issued has ceased or has been suspended for a period of 12 consecutive months.

## Appeals

Any person dissatisfied with the decision of the Planning Commission may appeal to the Board of Supervisors within the 15 calendar days that follow the public hearing. Each separate appeal shall be filed at the Planning Office, and must be accompanied by the appropriate filing fee listed in the current fee schedule along with other required information.

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# Use Permit



## **Santa Clara County Planning Office**

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