

## Chapter 4.8 Code Interpretations

### Sections:

#### **4.8.100 Interpretations - Purpose**

#### **4.8.200 Code Interpretation Procedure**

#### **4.8.100 Interpretations - Purpose**

Some terms or phrases within the Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

#### **4.8.200 Code Interpretation Procedure**

- A. Requests.** A request for a code interpretation shall be made in writing to the Community Development Director.
- B. Decision to Issue Interpretation.** The Community Development Director shall have the authority to interpret the code. The Community Development Director shall advise the person making the inquiry in writing within 14 days after the request is made, on whether or not the City will make an interpretation.
- C. Written Interpretation.** If the City decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person who specifically requested a copy. The written interpretation shall be issued within 30 days of the request. The decision shall become effective 14 days later, unless an appeal is filed in accordance with E-F below.
- E. Type II Procedure.** Code Interpretations shall be made using a Type II procedure under Section 4.1.300.
- F. Appeals.** The applicant and any party who received notice or who participated in the proceedings through the submission of written or verbal evidence may appeal the Type II decision to the Planning Commission. The appeal must be filed within 14 days after the interpretation was mailed or delivered to the applicant. Initiating an appeal requires filing a notice of appeal with the Community Development Director pursuant to Section 4.1.400.
- G. Interpretations on File.** The City shall keep on file a record of all code interpretations.

## Chapter 4.9 Miscellaneous Permits

### Sections:

**4.9.100 Temporary Use Permits**

**4.9.200 Cottage Industry Permits**

### **4.9.100 Temporary Use Permits**

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, seasonal sales such as Christmas tree sales and vegetable stands, and medical hardships. Four types of temporary uses require permit approval (See A, B, C and D):

**A. Seasonal and Special Events.** These types of uses occur only once in a calendar year and for no longer a period than 30 days. Using the Type II procedure under Section 4.1.400, the City shall approve, approve with conditions or deny a temporary use permit based on findings that all of the following criteria are satisfied:

1. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);
2. The applicant has proof of the property-owner's permission to place the use on his/her property;
3. No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet their minimum parking requirement under Chapter 3.3 - Vehicle and Bicycle Parking;
4. The use provides adequate vision clearance, as required by Section 3.1.200, and shall not obstruct pedestrian access on public streets;
5. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Section 3.1.200 - Vehicular Access and Circulation;
6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use;
7. Temporary signage does not exceed 50 square feet, is located outside of vision clearance areas and right-of-ways or required circulation corridors; and
8. The use is adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits.)

**B. Temporary Sales Office or Model Home.** Using a Type I procedure under Section 4.1.200, the City may approve, approve with conditions or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, but for no other purpose, based on the following criteria:

1. Temporary sales office:

- a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold;
- b. The property to be used for a temporary sales office shall not be permanently improved for that purpose;
- c. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

2. Model house:

- a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
- b. The model house shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements.

**C. Temporary Commercial or Industrial Building, Trailer, Kiosk, or Structure.** Temporary or permanent placement of a building, trailer, kiosk, or structure, including but not limited to prefabricated building(s), for use on any real commercial or industrial property within the City shall require a development permit. Using a Type II procedure, as governed by Section 4.1.400, the City may approve, approve with conditions or deny an application for a placement of a building, trailer, kiosk, or structure for temporary use, or temporary placement, such as a temporary commercial or industrial use or space associated with the primary use on the property, based on following criteria:

1. The temporary trailer or building shall be located within the specified property line setbacks of the parcel of land on which it is located;
2. The primary use on the property to be used for a temporary trailer is already developed;
3. Ingress and egress are safe and adequate as demonstrated by an approach permit approved by the road authority, as applicable. See also, Section 3.1.200 - Vehicular Access and Circulation;
4. There is adequate parking for the customers or users of the temporary use as required by Chapter 3.3 - Bicycle and Vehicle Parking;

5. The use will not result in vehicular congestion on streets;
6. The use will pose no impediment or hazard to pedestrians in the area of the use;
7. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use;
8. The building complies with applicable building codes;
9. The use can be adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits);
10. The length of time that the temporary building will be used does not exceed 6 months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit; and
11. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

**D. Temporary Medical Hardships.** Temporary trailers may be placed on residential lots for the purposes of providing living space for a relative or caregiver in the event of a medical hardship. Placement of such a trailer, which may include recreational vehicles, fifth-wheels, camp trailers, etc. within the City shall require a development permit. Using a Type II procedure, as governed by Section 4.1.400, the City may approve, approve with conditions or deny an application for a placement of a temporary trailer for a medical hardship, based on following criteria:

1. The trailer shall be located in a residential district or otherwise on site of the person that requires or will provide care;
2. A written statement by the licensed medical practitioner of the patient which attests to the need for the care shall accompany the application;
3. The trailer permit shall not exceed one (1) year in duration, unless an additional written statement by the doctor is submitted prior to permit expiration. Upon cessation of the need for the care by the patient, the use shall cease;
4. The location and placement of the trailer shall conform with all site location, access and parking requirements set for in Chapter 2 that apply to the trailer location;
5. The trailer shall not be connected in any manner to any utility service unless required, approved and permitted by the City;

6. The trailer shall not be placed upon a permanent foundation. Manufactured dwellings, park models and mobile homes may not be used as temporary trailers; and
7. No use shall be allowed without prior written approval of the property owner of the site upon which it will be located.

#### **4.9.200 Cottage Industry Permits**

##### **A. Purpose.**

The purpose of this Section is to encourage those who are engaged in small commercial ventures that do not conform to the Special Standards for Certain Uses in Section 2.2.200, G. Home Occupation. The standards referenced above allow home occupations as outright permitted uses that do not require Type III Cottage Industry Permit Review.

Section 4.9.200 provides a process for more intense home occupations to be allowed with Type III Cottage Industry Permit Review by the Planning Commission and notice to surrounding property owners. These cottage industries may be permitted, with conditions of approval when appropriate, in order to increase the benefits of people working and living in the same place, while protecting neighboring residents from adverse impacts of home occupation activities. These benefits to the business owner and to the general public include: reduced number of commute-to-work trips, day-time “eyes on the street” at the residence, and a neighborhood-scale version of mixed residential and commercial uses.

##### **B. Approval Process and Criteria.**

1. Cottage Industry Permit. Applications for proposals that cannot meet all of the standards in Section 2.2.200.G. shall be processed using a Type III procedure, as governed by Chapter 4.1.400, using the approval criteria in subsection 2, below. In addition to the application requirements contained in Section 4.1.400.C, the applicant shall provide:
  - a. A written narrative or letter:
    - 1) Describing the proposed cottage industry;
    - 2) Demonstrating compliance with those standards in Sub Section 2.2.200.G that can be met, and explaining why the other standards in Sub Section 2.2.200.G cannot be met, and
    - 3) Demonstrating compliance with the criteria in subsection 2 below;
  - b. A site plan, to scale, of the lot proposed for the home occupation, including:
    - 1) The property lines and their dimensions;

- 2) Outlines of the foundations of all buildings proposed for home occupation use with dimensions for each wall, and the distances from each wall to the nearest property line;
  - 3) Boundaries and dimensions of driveways and parking areas, indicating areas for use by cottage industry employees and customers;
  - 4) Outlines of the foundations of abutting residences, and the distances from the shared property line to the nearest wall of each neighboring residence; and
  - 5) Identity of the buildings and areas of those buildings in which cottage industry activities will take place, and identifying which activities will take place in which buildings and areas.
2. The City shall approve, approve with conditions, or deny an application for a Type III Cottage Industry based on all of the following criteria:
- a. The proposed use will not be materially detrimental to the stated purposes of applicable Code requirements and to other properties within a radius of 300 feet of the subject property;
  - b. Impacts to surrounding properties may exist but can be mitigated; and
  - c. Existing physical and natural systems, such as, but not limited to drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance with 2.2.200.G.

## 4.9 – Miscellaneous Permits – Temporary Uses