

CITY OF SAND CITY

ORDINANCE NO. 16-01, 2016

**ORDINANCE OF THE CITY OF SAND CITY AMENDING  
SAND CITY MUNICIPAL CODE TITLE 18 (ZONING ORDINANCE) TO  
AMEND CHAPTERS 18.68, 18.72, AND 18.92 AND SECTIONS 18.62.111 AND  
18.74.010, TO ADD SECTION 18.74.015, AND DELETE SECTION 18.62.180**

**WHEREAS**, from time to time, it is prudent to evaluate the application requirements and procedures specified within City's Zoning Code to ensure that Sand City is enacting an efficient, streamlined, and legal land use entitlement application process; and

**WHEREAS**, EMC Planning Group and the City's Planning Department staff initiated a comprehensive review of the City's Planning Department land use entitlement application process, fees, and associated zoning code chapters and sections, finding inconsistencies and inefficient and outdated permit requirements; leading EMC Planning Group and City staff to develop and propose code amendments to the SMC Title 18, Chapters 18.68, 18.72 and 18.92, Sections 18.62.111 and 18.74.010, adding Section 18.74.015, and deleting Section 18.62.180, all of which streamlines and more clearly defines the permit application requirements and procedures; and

**WHEREAS**, development projects inherently include multiple facets of review, such as land use, site design, design (architectural) review, subdivision map, variance, and the like, which are best served by consolidating all those reviews and actions into a single land use entitlement permit, in those circumstances deemed appropriate by the City's Planning Department, whereby under circumstances of appeals and/or legal challenges, all City actions, findings, and permit conditions are contained in a single permit entitlement collectively subject to the appeal and/or legal challenge outcomes, eliminating the potential for conflicts between multiple land use entitlement/development permits; and

**WHEREAS**, it was determined that the combining of discretionary land use entitlement permits into either a coastal development permit (for coastal zone districts) or a conditional use permit (for non-coastal zone districts) was the most efficient means of accomplishing a "combined development permit" process and to be consistent with the Sand City Local Coastal Program (LCP) regarding potential permit appeals to the California Coastal Commission; and

**WHEREAS**, it has been determined that to streamline the permit requirements and minimize potential legal challenges for non-residential land uses classified as 'permitted' in any non-coastal zoning district, it was best to revise the current requirement of a "Zoning Permit" issued by the City Council to a "Zoning Compliance Statement" (not a permit) subject to City Planning staff administrative issuance; and

**WHEREAS**, It has been determined that deleting Section 18.62.180 and amending Chapter 18.92 of the SMC Title 18 was necessary to address inconsistencies between

Section 18.62.180 and Chapter 18.92, and to update and clarify the process and conditions by which a Temporary Use Permit would be processed and issued; and

**WHEREAS**, it has been determined that minor amendments to Section 18.62.110 pertaining to Home Occupation Uses was necessary to update and clarify the process and conditions by which a Home Occupation Permit would be processed and issued; and

**WHEREAS**, it has been determined that amending Chapter 18.68 of the SCMC Title 18 was necessary to update and clarify the circumstances by which a Site Plan application would be processed and acted upon; and to further specify that the Site Plan application fee is to be established by City Council resolution, consistent with the establishment of other Planning Department land use entitlement fees; and

**WHEREAS**, it has been determined that an amendment of SCMC Chapter 18.74 was necessary to add Section 18.74.015 to address the combining of multiple discretionary land use entitlement permits for non-coastal zoned properties, consistent with other zoning code amendments proposed as part of this Ordinance; and

**WHEREAS**, the processing of development and land use entitlement applications, in accordance with the Sand City Municipal Code (SCMC) Title 18 (Zoning Ordinance), are necessary for the City to ensure and protect the public's health, safety, and welfare; and

**WHEREAS**, the proposed amendments to Title 18 of the SCMC, to address planning department application procedures and requirements, are found to be exempt from CEQA (California Environmental Quality Act) per CEQA Guidelines, Sections 15060(c)(2) and Section 15061(b)(3) as these amendments to SCMC Title 18 shall have no direct or foreseeable indirect physical change to the environment; and

**WHEREAS**, a notice of public hearing regarding the proposed amendments to Title 18 of the SCMC was published in the Monterey Herald, a newspaper publication of general circulation within the local agency 10 days prior to public hearing and posted for public viewing at Sand City's three designated posting locations specified by SCMC Chapter 1.12.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Sand City to amend specific chapters and sections of the Sand City Municipal Code Title 18 (Zoning Ordinance) as follows:

**SECTION 1: Chapter 18.72 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:**

**"18.72.010 - Zoning Compliance Review.** Individual zoning districts outlined and regulated in this Title specify land uses that are either 'permitted', 'conditionally permitted', or 'prohibited'. Land uses listed as 'permitted' in that zoning district, or uses that are otherwise similar enough at the determination of the City's Planning Department, are not required to obtain any form of zoning permit; however, all non-residential

permitted uses listed must obtain a “zoning compliance statement” prior to obtaining a City business license as verification that the proposed land use is compliant with applicable zoning regulations.

A. Application - For any new non-residential land use on any property in Sand City that may qualify as a “permitted use” in a particular zoning district, an application shall be filed with the City that identifies and describes the intended land use and location. This application shall include signatories from both the land use proponent and the property owner, or property owner’s legal representative, as testimony that the information provided on said application is complete and correct. Furthermore, the property owner’s (or legal representative’s) signature shall signify their authorization that the described use may occur on the subject property.

B. Zoning Compliance - Prior to issuance of a ‘zoning compliance statement’, the City Planner shall verify the use and site comply with all applicable zoning code requirements, including, but not limited to Chapter 18.64. If either the proposed permitted use and/or the subject property cannot satisfy applicable zoning requirements, then the ‘zoning compliance statement’ shall not be issued.

C. Issuance of a Zoning Compliance Statement - Planning Department staff shall issue a “zoning compliance statement” to any applicant upon verification that all the information provided on the application is correct and that said land use is consistent with land uses listed as ‘permitted’ within the zoning district where the subject property lies within. Once the compliance statement is issued, a City business license may be issued for that use.

D. Discretionary Permit. For uses that do not qualify as a ‘permitted use’ at the determination of the City Planner, a use must then apply and acquire discretionary conditional use permit approval prior to occupancy of a site or initiating activity within the City.

E. Enforcement - Where any non-residential land use, previously issued a ‘zoning compliance statement’, alters or expands beyond the originally stated use in the issuance of the ‘zoning compliance statement’, the City Planner may ultimately inhibit the issuance or renewal of future business licenses for that use until zoning compliance is achieved.

**18.72.020 - Outside Storage - Discretionary Permit Approval Required.** No person shall have outside storage of any object or material on property zoned as commercial, manufacturing, mixed-use or planned unit development unless said storage is allowed as part of an approved use permit, coastal development permit, site plan, design,

permit or other discretionary approval related to the associated business activity. Outside storage, as a principal use on non-residentially zoned property shall also require use permit approval by the City council in all zoning districts. Outside storage as a principal use within residentially zoned properties shall not be allowed.

**18.72.030 - Combining Multiple Permits.** Individual development projects, that inherently include multiple facets of review, such as land use, site design, subdivision map, variance, and the like, are best served by consolidating all those reviews and actions into a single land use entitlement permit. Therefore, when any land use and/or development project applies for two or more related permit applications for discretionary approval on one parcel or several adjacent parcels, the City may combine, at the discretion of the City Planner, those reviews and permits into a single land use entitlement permit approval as described as follows.

A. Coastal Zone Districts - When land use and/or development projects require multiple permit approvals within a coastal zone overlay district, the Coastal Development Permit may serve, at the discretion of the City Planner, as the single overriding land use entitlement permit towards the approval of that project. The following permits are subject to inclusion within a Coastal Development Permit.

1. Conditional Use Permit
2. Site Plan Permit
3. Design Permit
4. Planned Unit Development Permit
5. Variance
6. Tentative Subdivision Map Approval

B. Non-Coastal Zone Districts - When land use and/or development projects require multiple permit approvals within a non-coastal zone district, the Conditional Use Permit may serve, at the discretion of the City Planner, as the single overriding land use entitlement permit towards the approval of that project. The following permits are subject to inclusion within a Conditional Use Permit.

1. Site Plan Permit
2. Design Permit
3. Planned Unit Development Permit
4. Variance
5. Tentative Subdivision Map Approval

**18.72.040 - Fees.** Application Fees for all zoning compliance and/or land use entitlement permit review shall be set by City Council resolution. When a project requires multiple permits that are combined as described in Section 18.72.030, the fees for each individual permit and/or land use

review involved with that property's application shall be collected in full prior to any land use entitlement permit being deemed as complete; except when the City Planner allows for postponement or waiver of those fees."

**SECTION 2: Section 18.74.010 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:**

**"18.74.010. Purpose.** The purpose of the conditional use permit is to allow the proper integration into the community of uses that may be suitable only in specific locations in the zoning district or only if such uses are designed or laid out on the site in a particular manner. A conditional use permit shall be required for all uses as listed as conditional uses in the district regulations or elsewhere in this title that are hereafter created, changed, converted, or enlarged, either wholly or in part. In considering an application for a conditional use, the City Council shall give regard to the nature and condition of all adjacent uses and structures. In authorizing a conditional use, the City Council may impose such requirements and conditions with respect to location, construction, maintenance and operation, and site planning, in addition to those expressly stipulated in this chapter for the particular use, as it deems necessary for the protection of adjacent properties and the public interest.

**SECTION 3: Chapter 18.74.015 of the Sand City Municipal Code is hereby amended to add Section 18.74.015 to read in its entirety as follows:**

**18.74.015. Combining Multiple Permits into a Conditional Use Permit.** In the course of reviewing multiple applications for a single land use and/or development project, such as applications regarding land use, site design, subdivision map, variance, and the like, are best served by consolidating those reviews and actions into a single land use entitlement permit. Therefore, when a land use and/or development project applies for two or more related permit applications for discretionary approval on one parcel or several adjacent parcels, the City may combine, at the discretion of the City Planner, those reviews and permits into a conditional use permit for properties not regulated by a coastal zone overlay. The following permits are subject to inclusion within a Conditional Use Permit.

1. Site Plan Permit
2. Design Permit
3. Planned Unit Development Permit
4. Variance
5. Tentative Subdivision Map Approval"

**SECTION 4: Chapter 18.68 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:**

**“18.68.010. Purpose and Authorization.** The purpose of site plan approval is to determine compliance with this Title for circumstances where major alterations of a property are proposed, including, but not limited to, grading, building construction, or perimeter fencing. Site Plan approval shall be subject to the City Council or other body designated by the City Council to act on its behalf. A building or grading permit shall not be issued until site plan approval has been granted by the City.

**18.68.020. Fee.**

A. The application Fee for a Site Plan review shall be set by City Council resolution. An application for a Site Plan review shall not be deemed complete until the application fee is paid in full, except when the City Planner allows for postponement or waiver of that fee.

B. Any applicant for site plan review shall, at the applicant’s own expense, supply such maps, information, and reports as may be prescribed by City officers for purposes of making the determinations required. In accordance with a reimbursement agreement, the applicant shall pay all costs incurred by the City in obtaining information for reports, and in preparing, evaluation, posting and advertizing in connection therewith. The City may require advance deposit of anticipated costs. The City shall also receive and consider any information in connection with the project offered by any member of the public or any other public agency.

C. The site plan review fee shall be due and payable upon submission of the application to the City.”

**SECTION 5: Section 18.62.180 of the Sand City Municipal Code is hereby deleted in its entirety.**

**SECTION 6: Chapter 18.92 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:**

**“18.92.010. Purpose and Authorization.** The purpose of a temporary use permit (TUP) is to allow the temporary use of land, in its existing condition, that would otherwise require a conditional use permit. Temporary use permits shall not be granted or issued for the purpose of construction or development, nor for land uses that are determined by the City Planner to be a potential nuisance and/or detriment to the health, safety, and/or welfare of the general public that cannot be sufficiently mitigated. Temporary use permits shall not be issued for properties with a coastal zone overlay. Temporary use permits shall be issued for a specified period of time of up to, but not exceeding, sixty (60) consecutive days, at the discretion of the City Planner. The City Planner of the City of Sand City is authorized to issue temporary use permits necessary to

carry out the purposes of this Chapter.

**18.92.020. Issuance.** An issued temporary use permit shall be in writing in a form prescribed by the City Planner, stating the authorized use, the property that use is allowed upon, the effective dates that permit commences and expires, for a period of time not exceeding sixty (60) consecutive days, and include the City Planner's signature signifying issuance of the temporary use permit. The City Planner may incorporate terms and conditions into a temporary use permit restricting that use authorized by a temporary use permit for the purpose of mitigating potentially negative, blighting, or hazardous impacts to the general public.

A. An application for a temporary use permit must, at a minimum, satisfy the following conditions in order for a temporary use permit to be issued by the City Planner.

1. The proposed use will not adversely effect adjacent structures and uses or the surrounding neighborhood.
2. The proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic within public rights-of-way and/or access to private property.
3. The proposed use can satisfy parking requirements as specified in Chapter 18.66.
4. The proposed use will not constitute a public nuisance or be detrimental to the public welfare of the community.

B. A temporary use permit may not be renewed or extended beyond its expiration of the initial sixty (60) consecutive day period for the same land use at the same location. However, a temporary use permit may be issued for the same land use at the same location no earlier than ten (10) months after expiration of the previous temporary use permit for that use at that location.

**18.92.030 Expiration.** The active period of time for a temporary use permit shall be subject to the City Planner's discretion and specified on the issued temporary use permit with a start date and an expiration date, but that period of time shall not exceed sixty (60) consecutive days. A temporary use permit may not be extended beyond the initial sixty (60) day period. Any temporary use issued a temporary use permit shall cease and desist all activity after the sixty (60) day period, whereby continuation of a temporary use thereafter shall first require a conditional use permit.

**18.92.040. Relevance in consideration of formal permit.** The issuance by the City Planner of a temporary use permit shall only be a convenience to the applicant, and shall have no bearing whatsoever on any City Council consideration of any other land use entitlement permit

application.

**18.92.050. Application.** Any person desiring a temporary use permit shall submit a written application to the City Planner, in such form as the City Planner may prescribe, setting forth such information as the City Planner may reasonably require to secure the purposes of this Chapter.

**18.92.060. Fee.** Application Fees for a temporary use permit review shall be set by City Council resolution. An application for a temporary use permit shall not be deemed complete until the application fee is paid in full, except when the City Planner allows for postponement or waiver of those fees.

**18.92.070. Suspension, Appeal, or Revocation.** The City Planner may suspend and/or revoke any temporary use permit issued pursuant to this Chapter, if the City Planner discovers that the applicant is using the subject property for purposes other than those recited in the application for the issued temporary use permit or that the applicant has misrepresented any material fact in the application. Furthermore, any temporary use permit that has been issued by the City Planner may be appealed to the City Council. An appeal must be submitted in writing to the City, stating the reason(s) for the appeal and why the Council should suspend and revoke the temporary use permit. The City Council may discretionarily revoke any temporary use permit upon their consideration of an appeal. If a temporary use permit is suspended or revoked by the City Council, the use on the subject property as stated on the suspended or revoked temporary use permit shall cease and desist or face penalties specified in the City's Municipal Code."

**SECTION 7: Section 18.62.110 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:**

**"18.62.110. Home Occupations.** Home occupation uses, as described in Chapter 18.04 of this Title, shall be allowable with the issuance of a "Home Occupation Permit". Home occupations shall be conducted solely by resident occupants in their residence; provided, that not more than one-quarter of the area of the floor of such residence shall be used for such purposes; that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings; that the entrance to the space devoted to such use shall be from within the dwelling. The City Planner of the City of Sand City is authorized to issue 'home occupation' permits necessary to carry out the purposes of this Chapter. No commercial or professional identification sign shall be permitted."

**SECTION 8: Severance.**

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

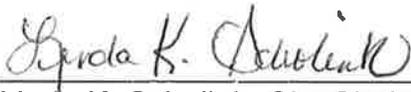
**SECTION 9: Effective Date**

This Ordinance shall become effective thirty (30) days following the second reading of this Ordinance.

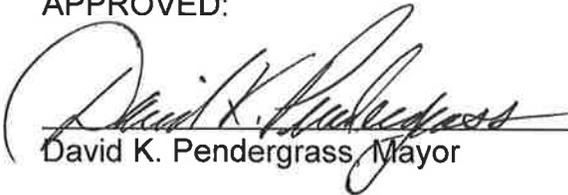
**PASSED AND ADOPTED BY THE CITY COUNCIL OF SAND CITY, this 19th day of January, 2016 by the following vote:**

AYES: Council Member Blackwelder, Carbone, Hubler, Kruper, Pendergrass  
NOES: None  
ABSTAIN: None  
ABSENT: None

ATTEST:

  
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Linda K. Scholink, City Clerk

APPROVED:

  
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David K. Pendergrass, Mayor