



# USE PERMIT

## WHEN REQUIRED

Each parcel in the City has been assigned a zoning designation. The Zoning Chapter of the Municipal Code describes for each zoning designation those uses permitted and those uses requiring a use permit, such as schools in residential zones, restaurants in commercial zones, etc. Some of the additional sections of the Zoning Chapter which require use permits are listed below.

Section	Use Permit Required for
19-12.030	Auto repair and maintenance.
19-20.050	Grading of 200 cubic yards or more unless previously approved as part of a development plan.
19-34.030	Accessory dwellings.
19-34.050	Alcoholic beverage sales or consumption.
19-34.050	Construction of new automobile service stations and conversion of existing automobile service stations.
19-34.060	Public uses; temporary tract office; temporary housing; keeping of large animals; recreational uses; emergency housing.
19-34.070	Child/adult daycare centers.

## PRE-APPLICATION REVIEW

You may request a preapplication review of your project by the Technical Advisory Committee (TAC) which is composed of staff representatives of the Planning Division, Engineering Division, Police Department, and Novato Fire Protection District. The TAC process takes about two weeks, but can save time later by identifying and resolving issues early in the review process. Please see the separate information sheet titled "Preapplication Review."

## APPLICATION

The submittal requirements for a use permit application are listed on the reverse of this page. Incomplete applications are often the main cause of delays in processing. Please submit each of the items listed, but by all means call the Planning Division if you have any questions (in some instances not all of the listed items are pertinent). We recommend that you submit one copy for staff to review for completeness prior to submitting the multiple copies required. A Planner will be assigned to review the application and a completeness check will be made within 30 days.

## ENVIRONMENTAL REVIEW

Use permit applications are subject to review as required by the California Environmental Quality Act (CEQA). If staff advises you that your project requires an Initial Study, please refer to the separate handout titled "Environmental Review" which contains submittal requirements for an Environmental Data Submission. The Environmental Data Submission is reviewed for completeness with the other project application materials.

## **SCHEDULING**

When it has been determined that a complete application has been submitted, it is noted as "complete" and copies of the plans are sent to reviewing agencies and departments. The project is then scheduled for a noticed public hearing before the review authority (Planning Commission or Zoning Administrator). The hearing is usually held three to eight weeks after "completeness" of the application, depending on the level of environmental review required.

Notices of public hearing are mailed to surrounding property owners prior to the hearing.

## **ACTION**

Prior to the public hearing, the review authority will review the application, taking into account any information or comment from interested departments, agencies, or the general public.

At the scheduled hearing, the review authority will hear an appropriate testimony and, in accordance with the criteria set forth in the Zoning Ordinance, will act to approve, approve with conditions, deny the application, or continue the hearing for additional information.

The Review Authority shall record the decision and the findings upon which the decision is based. The Review Authority may approve a Use Permit only after first finding that:

1. The proposed use is consistent with the General Plan and any applicable specific plan;
2. The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Ordinance and any relevant Master Plan and/or Precise Development Plan;
3. The establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;
4. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and
5. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

## **RESULT**

The action of the Review Authority is final unless appealed in writing within ten (10) days. (See Fee Schedule for appeal fee.)

Prior to construction, a building permit must be secured. Prior to operation of a business, a business license must be secured. Applications for these may be submitted and reviewed after the action, but they cannot be issued until the appeal period has expired.

Note: You may request to receive notice of any proposal to adopt or amend any of the following: the Novato General Plan, a specific plan, or chapters of the Municipal Code affecting development. Please use the separate form titled "**Request for Notification of General Plan or Municipal Code Amendments.**"

## USE PERMIT - SUBMITTAL REQUIREMENTS

In order to file a use permit application, you must submit the items listed below:

1. A completed application for Zoning/Planning action.
2. A site plan, scaled and drawn to accurately and clearly show:
  - a. All property lines and easements (with dimensions);  
Location of existing or proposed structures with dimensions of all wall lines and distances
  - b. from structures to nearest property line (measured perpendicular to property line);
  - c. Existing frontage improvements (curbs, gutters, sidewalks, edge of paving, utility poles);  
A location map showing location of property in relation to the nearest major street, and
  - d. adjacent properties;
  - e. Existing or proposed on-site driveways, parking, and service areas full dimensioned;
  - f. All trees within the use or construction area whose trunk diameter is six inches or greater.
3. A floor plan, scaled, and drawn to accurately show the proposed interior use of the building.
4. Written statement(s) describing the characteristics of the use proposed including, but not limited to, the following:
  - a. Maximum number of people involved either as employees, clients, students, customers, etc.
  - b. Type of vehicular traffic involved (auto only, truck deliveries, parent drop off/pick up, etc.).
  - c. Hours of operation.
  - d. Alcoholic beverages (on-sale, off-sale).
  - e. Outdoor activities (storage, work, auto stacking for drive-up windows, dining, etc.).
  - f. Odors, noise, dust, or glare involved.  
Hazardous or volatile materials or chemicals involved, including storage, disposal, and
  - g. special licenses for their handling.
5. Written statement setting forth any lease controls or management programs that will ensure that the use will not be detrimental to surrounding uses or persons in the area or to the City in general.
6. If the use is to be established in a location previously occupied by a different use, briefly describe the last use which existed there and when it ceased to operate.
7. An Environmental Data Submission (unless the project is exempt). (See "Environmental Review" handout.)
8. Filing Fee. (See Fee Schedule for Use Permit or Accessory Dwelling.)

**For further information, please contact the City of Novato Department of Community Development at:**

- 922 Machin Avenue, Novato, CA 94945
- (415) 899-8989
- [www.novato.org](http://www.novato.org)