

Chapter 19.33: Zoning Clearance Review

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19.33.010 Purpose

This Chapter establishes procedures for conducting Zoning Clearance review to ensure that each new or expanded use or structure complies with the applicable requirements of this Zoning Ordinance. Having made such determination, the City keeps a record of the Zoning Clearance approval that will serve as a record of the initial establishment of a use, or the construction of a structure, which is allowed as a matter of right. For new businesses or substantial changes to existing businesses, the Zoning Clearance will assist the applicant to ensure their business meets all zoning regulations.

19.33.020 Applicability

Zoning Clearance approval is required for buildings or structures erected, constructed, altered, repaired or moved, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which are allowed as a matter of right by this Zoning Ordinance. The Zoning Clearance form will be completed at the same time as the evaluation of the business license application.

19.33.030 Review Procedures

- A. **Zoning Administrator.** Prior to obtaining any business license, building permit, subdivision approval, or lot line adjustment, the applicant shall request the Zoning Administrator to determine whether the use, building, or change in lot configuration complies with all provisions of this Zoning Ordinance or any Use Permit, Variance, or Design Review approval issued pursuant to the Zoning Ordinance's requirements and that all conditions of such permits and approvals have been satisfied.
- B. **Application Forms and Fees.** Applications and fees for Zoning Clearance Approval shall be submitted in accordance with the provisions set forth in Section 19.32.020. The Zoning Administrator may request that the application be accompanied by plans and related materials necessary to show that the proposed development, alteration, or use of the property complies with all provisions of this Zoning Ordinance and the requirements and conditions of any applicable Use Permit, Variance, or design review approval.
- C. **Applicability.** The Zoning Administrator shall determine whether the Zoning Ordinance allows the proposed uses or structures by right. No Zoning Clearance approval shall be

required for continuations of previously approved or permitted uses and structures, uses and structures which are not subject to any building or Zoning Ordinance regulations, or other uses or buildings already subject to Use Permits, Variances, or other discretionary approvals in the district in which they are located.

- D. **Issuance of Zoning Clearance.** A Zoning Clearance shall be issued if the Zoning Administrator determines that the proposed use or building is allowed as a matter of right by the Zoning Ordinance, and conforms to all the applicable development and use standards therein. An approved Zoning Clearance may include attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans, floor plans and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Zoning Ordinance.

19.33.040 Zoning Administrator Determination

- A. **Request for Determinations.** The Zoning Administrator shall have the authority to make zoning determinations for interpretations of the Zoning Ordinance, verifications of zoning regulations, or verifications related to previous permits and other matters related to the application and interpretation of the Zoning Ordinance. Requests for zoning determinations shall be made in writing to the Zoning Administrator. Requests shall be accompanied by the payment of fees established in the City's Master Fee Schedule. The Zoning Administrator shall provide a Zoning Administrator Determination in writing within 30 days of a complete submittal.

19.33.050 Appeals

- A. A Zoning Clearance or a Zoning Administrator Determination may be appealed to the Planning Commission. The appeal must demonstrate that there is either an error or abuse of discretion by the Zoning Administrator, or that the Zoning Administrator decision is not supported by the evidence in the record. In its review of the appeal, the Planning Commission shall consider the purpose and intent, as well as the letter, of the pertinent provisions, and shall affirm, modify, or reverse the Zoning Administrator determination. The appeal shall be considered pursuant to the provisions of Chapter 19.39: Appeals.