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Article VI. Uses.

Ord. No. 427-AC, 564-AC plus additional ordinances Sec 96.01

Sec. 96.00. Uses permitted. Land, buildings and other facilities shall be designed, developed and used only for those activities indicated for the various zones by the following Table of Permissible Uses. The symbols shown in this table have the following meanings:

Symbol Meaning

Z = Permitted use in the indicated zone with a zoning permit issued by the city planner.

S = Special Use Permit must be obtained from the planning commission.

C = Conditional Use Permit must be obtained from the city council.

(Ord. 427-AC)

Sec. 96.01. Table of Permissible Uses – Table is being updated – please contact the City Clerk at djones@cityofneedles.com

Sec. 96.02. City Planner jurisdiction over uses otherwise permissible with a zoning permit. Notwithstanding any other provisions of this article, whenever the Table of Permissible Uses provides that a use in a nonresidential zone or a nonconforming use in a residential zone is permissible with a zoning permit, a special use permit shall nevertheless be required if the city planner finds that the proposed use would have an extraordinary impact on neighboring properties or the general public. In making this determination, the city planner shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one (1) principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question. (Ord. 427-AC)

Sec. 96.03. Permissible uses and specific exclusions. (a) The presumption established by this part is that all legitimate uses of land are permissible within at least one (1) zoning district in the city's planning jurisdiction. Therefore, because the list of permissible uses set forth in section 96.01 (Table of Permissible Uses) cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

(b) Notwithstanding subsection (a) of this section, all uses that are not listed in section 96.01 (Table of Permissible Uses), even given the liberal interpretation mandated by subsection (a) of this section, are prohibited. Nor shall section 96.01 (Table of Permissible Uses) be interpreted to allow a use in one (1) zoning district when the use

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question is more closely related to another specified use that is permissible in other zoning districts.

(c) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

- (1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the Uniform Fire Code;
- (2) Stockyards, slaughterhouses, rendering plants;
- (3) Use of a travel trailer as a temporary or permanent residence. (Situations that do not comply with this subsection on the effective date of this part are required to conform within one (1) year.);
- (4) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. (Situations that do not comply with this subsection on the effective date of this part are required to conform within thirty (30) days.) (Ord. 427-AC)

Sec. 96.04. Accessory uses. (a) The Table of Permissible Uses (section 96.01) classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (1) constitutes only an incidental or insubstantial part of the total activity that take place on a lot, or (2) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multifamily development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a special use permit.

(b) For purposes of interpreting subsection (a) of this section:

- (1) A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use.
- (2) To be “commonly associated” with a principal use it is not necessary an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

(c) Without limiting the generality of subsections (a) and (b) of this section, the following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:

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- (1) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation;
- (2) Hobbies or recreational activities of a noncommercial nature;
- (3) The renting out of one (1) or two (2) rooms within a single-family residence (which one (1) or two (2) rooms do not themselves constitute a separate dwelling unit) to not more than two (2) persons who are not part of the family that resides in the single-family dwelling;
- (4) Yard sales or garage sales, so long as such sales are not conducted on the same lot more than three (3) times during any fiscal year.

(d) Without limiting the generality of subsections (a) and (b) of this section, the following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts:

- (1) Storage outside of substantially enclosed structure of any motor vehicle that is neither licensed nor operational;
- (2) Parking outside a substantially enclosed structure of more than four (4) motor vehicles between the front building line of the principal and the street on any lot used for residential purposes. (Ord. 427-AC)

Sec. 96.05. Permissible uses not requiring permits. Notwithstanding any other provisions of this part, no zoning, special use, or conditional use permit is necessary for the following uses:

- (1) Streets;
- (2) Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way;
- (3) Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or city) of the right-of-way. (Ord. 427-AC)

Sec. 96.06 Change in uses. (a) A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

- (1) The change involves a change from one (1) principal use category to another.
- (2) If the original use is a combination use or planned unit development the relative proportion of space devoted to the individual principal uses that comprise the combination use or planned unit development use changes to such an extent that the parking requirements for the overall use are altered.

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- (3) If the original use is a combination use or planned unit development use, the mixture of the types of individual principal uses that comprise the combination use or planned unit development use changes.
- (4) If the original use is a planned residential development, the relative proportions of different types of dwelling units change.
- (5) If there is only one (1) business or enterprise conducted on the lot (regardless of whether that business or enterprise consist of one (1) individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business.)

For example, if there is only one (1) building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use even those both tenants fall within the same principal use classification. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one (1) business on the lot and the essential character of the activity conducted on that lot (shopping center - combination use) has not changed.

(b) A mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two (2) active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than one hundred eighty (180) consecutive days or has been abandoned.

(c) A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use (Ord. 427-AC)

Sec. 96.07. Combination uses. (a) When a combination use comprises two (2) or more principal uses that require different types of permits (zoning, special use, or conditional use), then the permit authorizing the combination use shall be:

- (1) A conditional use permit if any of the principal uses combined requires a conditional use permit;
- (2) A special use permit if any of the principal uses combined requires a special use permit but none requires a conditional use permit;
- (3) A zoning permit in all other cases.

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(b) When a combination use consists of a single-family detached residential subdivision that is not architecturally integrated and two-family or multifamily uses, the total density permissible on the entire tract shall be determined by having the developer indicate on the plans the portion of the total lot that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.

(c) When a combination use consists of a single-family detached, architecturally integrated subdivision and two-family or multifamily uses, then the total density permissible on the entire tract shall be determined by dividing the area of the tract by the minimum square footage per dwelling unit. (Ord. 427-AC)

Sec. 96.08 Second Dwelling Units. Over the counter review. Pursuant to City of Needles Development Code, second units that comply with the following criteria may be reviewed and approved ministerially, without review by the Planning Commission:

- (1) The parcel will include, or already includes, a single-family dwelling.
- (2) The second unit is either attached or detached from the first dwelling unit.
- (3) Number of Units. Only one second unit is permitted per primary single-family dwelling on the same lot.
- (4) The second dwelling unit provides complete, independent living facilities for one (1) or more persons and includes permanent provisions for living, sleeping, eating, cooking and sanitation.
- (5) The second dwelling unit shall comply with all height, setback, lot coverage and other applicable zoning requirements of this part. An additional parking space(s) shall be provided if sufficient space is available.
- (6) The second dwelling unit maintains the scale of adjoining residences and blends into the existing setting by use of appropriate building form, height, materials, color and landscaping appropriate to that setting.
- (7) Side and rear yard setbacks for second dwelling units shall be the same as the primary residence; detached second units shall be separated from the primary residence by a minimum of 6 feet.
- (8) Required parking for the primary single-family dwelling may not be removed for the creation of a second dwelling unit (e.g. garage conversions) or allocated to meet the parking requirement for the second dwelling unit, unless replacement parking is provided in accord with this title.
- (9) Emergency Access. A detached second dwelling unit may be permitted only on a lot with access from a roadway/easement that meets the fire apparatus access road requirements of the California Fire Code Section 902.2.2.1 s
- (10) Second dwelling units shall not be permitted on a lot or parcel having guest or accessory living quarters. Existing guest or accessory living quarters may be converted into a second dwelling unit provided that all zoning and structural requirements are met.
- (11) The second unit may be rented and shall not be sold separately from the main dwelling unit unless the lot on which such units are located is subdivided. The lot upon which the second unit is located shall not be subdivided unless each lot which

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would be created by the subdivision will comply with the requirements of this title, the City's Subdivision Ordinance, and the Subdivision Map Act.

(12) Building code requirements which apply to additions to existing single-family residence shall apply. (Ord. 427-AC, 547-AC)

Sec. 96.09. Planned unit development overlay. (a) Property located in an area shown on the zoning map with the symbol PUD shall not be subdivided, developed or used for any purpose unless a conditional use permit is approved and the subdivision, development and use is in accordance with such conditional use permit. Planned unit developments are allowed in the commercial residential resort zone.

(b) The following criteria shall be applied to consideration of a conditional use permit in the PUD overlay zone in addition to any other criteria applicable to the use and development being considered:

(1) The development site shall be at least five (5) acres in net area.

(2) The development shall be of exceptional design quality, providing for imaginative use of the site, an attractive environment for occupants, and enhancing the character of the surrounding area.

(c) Area requirements, density, height, yard and other requirements with the PUD shall be those permitted or required in the zoning district with which the PUD is combined, or those established during the approval process. However, single-family residential lot sizes in a PUD may only be reduced below the minimum standards required by the appropriate zone if usable open space is provided either within the PUD in an amount equal to or greater than the sum of all reductions of the minimum lot size or usable public open space is located adjacent to the PUD. (Ord. 427-AC, 564-AC)