

*Proposed Amendments*

**Chapter 1.20  
APPEALS**

Sections:

1.20.010 ~~Appeals Purpose.~~

1.20.020 ~~General provisions.~~

~~1.20.020 Appeals to Planning Commission.~~

1.20.030 Appeals to the City Council.

**1.20.010 Appeals Purpose.**

~~Whenever any section of this code provides for appeal, the prescribed procedures shall be as follows: This Chapter provides provisions for the filing and processing of appeals.~~

**1.20.020 General provisions.**

~~A. Deadline. If the deadline for the prescribed appeal time is on a weekend or a City holiday, the deadline is extended to the next business day of the City.~~

**BA. Notice Application Requirements.**

- ~~1. The notice of An appeal application shall be filed in writing, set forth all the specific grounds for the appeal, and be signed by the applicant appellant.~~
- ~~2. The notice of appeal application shall be accompanied by the applicable nonrefundable processing fee, as set by resolution of the City Council from time to time.~~

**B. Filing.**

- ~~1. An appeal to the City Council or City Manager shall be filed with the City Clerk.~~
- ~~2. An appeal to the Planning Commission or Building Standards Advisory and Appeals Board shall be filed with the Planning and Building Director.~~

**CA. Deadline.**

- ~~1. An appeal shall be made within 10 days of the action or decision for which the appeal is made, unless another time is specifically provided by the appeals provisions of the applicable Chapter.~~
- ~~2. If the deadline for the prescribed appeal time is on a weekend or a City holiday, the deadline is extended to the next business day of the City.~~

~~**D. Hearing Notice.** The City Clerk shall give Public notice of an appeal hearing shall be given in writing to the appellant, and any other person who has requested notice, of the date the appeal has been placed on the agenda, accordance with the California Government Code and shall include the provision of notice to the appellant.~~

### **1.20.020 Appeals to Planning Commission.**

- ~~A. Administrative Decisions. Appeals from the decision of any administrative official in taking any of the actions authorized by CMC Title 17 shall be made to the Planning Commission through the Planning and Building Director. Appeals must be received by the Planning and Building Director within 10 days from the date of the action from which such appeal is being taken.~~
- ~~B. Commission Action. The Commission shall consider the appeal within 30 days after the date of filing of the appeal. The Commission may add, modify, or delete conditions, or deny the appeal, if the Commission determines that such changes or denial, as the case may be, are necessary to ensure the public health, safety, or general welfare.~~

### **1.20.030 Appeals to the City Council.**

- ~~A. Timing. An appeal to the Council may be made by filing a notice of appeal with the City Clerk within 10 days of the action or decision from which appeal is made, unless another time is specifically provided herein.~~
- ~~1. Any operator aggrieved by any decision of the Tax Administrator with respect to the amount of the transient occupancy tax, and/or interest and penalties, if any, thereon, may appeal by filing a notice of appeal within 15 days of the serving or mailing of the determination of tax due.~~
  - ~~2. Appeals by film permit applicants under Chapter 3.30 CMC shall be made within five days of the date of denial or other action on the permit application.~~
  - ~~3. Any person aggrieved by any decision of the collector of business license taxes made pursuant to Chapter 5.04 CMC may appeal by filing a notice of appeal within 30 days after the receipt of written notice from the collector of the disputed decision.~~
  - ~~4. A person may appeal the decision of the Chief of Police to revoke or deny a taxicab or rent car driver's permit, made pursuant to Chapter 5.16 CMC.~~
  - ~~5. An appeal may be taken from the order of the Health Officer<sup>1</sup> revoking or suspending a permit pursuant to Chapter 8.12 CMC by filing a notice of appeal within 15 days of the issuance of the order. The appellant shall serve a copy of the notice of appeal on the Health Officer.~~
  - ~~6. An appeal may be taken from a notice from the Director of Public Works made pursuant to Chapter 12.12 CMC.~~
  - ~~7. An appeal may be taken to the Council by any citizen from any decision of an official relating to an exception permit under Chapter 13.08 CMC or a determination made under Chapter 13.16 CMC.~~
  - ~~8. A subdivider or any aggrieved party may appeal a decision made by the Planning Commission.~~

#### **BA. Notice by Clerk Setting of Appeal Hearing.**

- ~~1. Upon receipt of the notice and fee an appeal application, the City Clerk shall set the matter of the appeal for a public hearing on the agenda ~~for~~ of the next available regularly scheduled Council meeting, but no sooner than 10 days after~~

the day of filing the ~~notice of appeal~~ application and payment of fee, unless otherwise provided by the applicable appeal procedure.

- ~~2. All appeals from decisions of the Planning Commission shall be considered by the Council within 30 days after the filing of the notice of appeal, unless the appellant consents to a continuance. All other types of appeals shall be considered within any timeframe stipulated by the applicable appeal procedure.~~

~~The City Clerk shall give notice in writing to the appellant, and any other person who has requested notice, of the date the appeal has been placed on the agenda.~~

- ~~1. All appeals from decisions of the Planning Commission shall be considered by the Council within 30 days after the filing of the notice of appeal, unless the appellant consents to a continuance.~~

**CB. — Council Action.**

- ~~1. The Council may deny the appeal summarily or decide to hear it. If the latter, the Council shall set a date certain for the hearing on the appeal, which shall allow a reasonable time for investigation of the matter appealed. At the appeal hearing, the Council shall consider all questions raised by such the grounds for the appeal, as submitted by the appellant. The Council may affirm, overturn or modify ~~The findings of the Council shall be final and conclusive and shall be served on the appellant in the manner prescribed in this code for service of notice of hearing,~~ the initial decision of the administrative official or decision-making body, or refer the matter back to the official or body with direction for reconsideration.~~

- ~~1. Appeals of nuisance abatement orders shall be subject to the provisions for hearings on nuisance abatement as provided in Chapter 1.12 CMC.~~

- ~~2. All appeals from decisions of the Planning Commission shall be heard in the same manner as the original action was heard by the Planning Commission. If the appeal regards a tentative subdivision or parcel map, the Council may add, modify, or delete conditions if the Council determines that such changes are necessary to ensure that the map conforms to the Subdivision Map Act and the provisions of CMC Title 16. The Council may deny a tentative map for failure to meet any of the grounds contained in CMC 16.10.040.~~

- ~~3. Appeals from decisions of the Planning Director under Chapter 19.01 CMC shall be de novo, and the Council shall be guided by the criteria and standards, and shall make findings in relation thereto, as are required for the issuance of a permit in the first instance.~~

- ~~2. The findings of the Council shall be final and conclusive and shall be served on the appellant in the manner prescribed in this Code for service of notice of hearing.~~

D. Amounts Owed. Any amount found to be due to the City shall be immediately due and payable upon the service of notice of the ~~findings~~ appeal decision of the Council.

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<sup>1</sup>“Health Officer” is the Director of Napa County Environmental Management.

## Chapter 17.02 ADMINISTRATIVE PROVISIONS

### Sections:

- 17.02.0120 Effect on other laws or private restrictions.
- 17.02.0230 Prior rights.
- 17.02.0430 Purpose of Title.
- 17.02.0640 ~~Adoption and authorization to initiate~~ tion of amendments.
- ~~17.02.070 Extent of zoning or districting plan.~~
- ~~17.02.075 Rules governing use of zoning map and symbols.~~
- 17.02.0850 Planning Commission.
- 17.02.1060 Administration and enforcement.
- 17.02.11070 Decisions subject to review.
- 17.02.12080 Forms, filing and processing fees.
- ~~17.02.130 General district designation.~~
- ~~17.02.140 Combining district designation.~~
- ~~17.02.150 Establishment of combining districts.~~
- ~~17.02.160 Zoning map.~~
- ~~17.02.170 Regulations applicable to all districts.~~
- ~~17.02.180 Compliance with regulations required.~~
- ~~17.02.190 Planning Commission determinations of similar uses.~~
- 17.02.2090 Notice of public hearing.
- 17.02.2100 Lots of record.
- 17.02.22110 Regulations are minimum – Relationship to private restrictions.
- 17.02.23120 RMS compliance.
- ~~17.02.240 Additional uses permitted.~~

### **17.02.0120 Effect on other laws or private restrictions.**

Where this ~~¶~~¶ Title imposes a greater restriction than that imposed by other law or by private restrictions, this ~~¶~~¶ Title shall control.

### **17.02.0230 Prior rights.**

The enactment of the ordinance codified in this ~~¶~~¶ Title shall not terminate or otherwise affect variances, permits, or other adjustments authorized under the provisions of any ordinance repealed, nor shall any violation of such ordinances be excused.

### **17.02.0340 Purpose of Title.**

The City is determined to be primarily, essentially and predominately a residential community wherein business and commerce are an enhancement and supportive to the quality of life and the City's residential character. This determination is made having in mind the historic value and the development of the City, its growth and the causes thereof, and also its geographical and topographical aspects, together with its proximity to other communities in the region.

This ~~zoning plan~~ Title is adopted to provide minimum regulations designed to promote and protect the public health, safety, peace, comfort, convenience, general welfare, and for the accomplishment of the following specified purposes:

- A. To assist in providing a definite plan of development for the City, and to guide, control and regulate the future growth of the City in accordance with the City's General Plan.
- B. To protect the established character of the City and the social and economic stability of agriculture, residential, commercial, industrial, historical and other resource areas within the City which assures the orderly and beneficial development of such areas.

**17.02.0460 ~~Adoption and authorization to initiate~~ Initiation of amendments.**

~~A precise zoning plan is adopted for the City.~~ An amendment to the text of this title ~~or to a zoning map~~ may be initiated by the City Council, ~~by the Planning Commission, or by a property owner or interested party.~~

**17.02.070 ~~Extent of zoning or districting plan.~~**

~~For the purpose of regulation of the use of land, improvements, and structures, the City is divided into zoning districts as provided in this title. The use of land, improvements and structures in each district is subject to the specific regulatory provisions provided for each of the districts as set forth in this title.~~

**17.02.075 ~~Rules governing use of zoning map and symbols.~~**

~~Where uncertainty exists as to the boundaries of any district shown on the zoning map, the following rules shall apply:~~

- ~~A. Where such boundaries are indicated as approximately following property, street or alley lines, such lines shall be construed to be such boundaries;~~
- ~~B. In subdivided property and where a district boundary divides a lot, the location of such boundaries, unless the same are indicated by dimensions, shall be determined by use of the scale appearing on the zoning map;~~
- ~~C. A symbol indicating the classification of property on the zoning map shall in each instance apply to the whole of the area within the district boundaries, unless otherwise noted on said map;~~
- ~~D. Where a public street, alley or parcel of land is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to such vacant or abandoned street or alley;~~
- ~~E. Where one land ownership is divided by a district boundary the total ownership may be placed in either district by approval of a rezoning application.~~

**17.02.0580 Planning Commission.**

All references to the "Commission" or the "Planning Commission" in this ~~t~~itle are to the Planning Commission ~~discussed referenced in CMC Chapter 2.21-CMG.~~

**17.02.4060 Administration and enforcement.**

This ~~t~~itle shall be administered and enforced by the Planning Commission and the City Council, assisted by the officers and employees of the City who are delegated to such duty by authority and direction of the Council.

**17.02.14070 Decisions subject to review.**

A. Commission Decisions. Any Councilmember may call up an action or decision of the Commission within the allowed appeal period by written request to the City Clerk. The request must state the reason for calling up the Commission action or decision. The City Clerk shall schedule the item at the next possible Council meeting. The Council shall decide by majority vote of those present if it intends to set a public hearing to consider the call up request.

B. Administrative Decisions.

1. Appeals from the decision of any administrative official in taking any of the actions authorized by this Title shall be made to the Planning Commission through the Planning and Building Director and shall be filed in accordance with the provisions of Chapter 1.20, Appeals.
2. The Commission shall consider the appeal at a public hearing at the next available Commission meeting unless the appellant consents to a continuance. The Commission may add, modify, or delete conditions, or deny the appeal, if the Commission determines that such changes or denial, as the case may be, are necessary to ensure the public health, safety, or general welfare.

**17.02.12080 Forms, filing and processing fees.**

A. All applications filed as provided by this ~~§~~ Title shall be on forms provided by the Planning and Building Department and accompanied by a filing fee as established by resolution of the Council. Failure to complete payment of any fees or charges under this section will be considered sufficient grounds to discontinue the processing of the application.

B. Applications shall not be considered complete until all fees, maps and other documents required at the time of filing of such application have been submitted.

~~B. Failure to complete payment of any fees or charges under this section will be considered sufficient grounds to discontinue the processing of the application.~~

**17.02.130 General district designation.**

~~The classes of general districts established and into which the City is divided are designated as follows:~~

- ~~RR Rural Residential (see Chapter 17.14 CMC)~~
- ~~RR-H Rural Residential:Hillside (see Chapter 17.15 CMC)~~
- ~~R-1 Single-Family Residential (see Chapter 17.16 CMC)~~
- ~~R-2 Multiple-Family Residential (see Chapter 17.18 CMC)~~
- ~~R-3 Residential/Professional Office District (see Chapter 17.19 CMC)~~
- ~~MHP Mobile Home Park (see Chapter 17.20 CMC)~~
- ~~DC, CC Downtown Commercial and Community Commercial (see Chapter 17.22 CMC)~~
- ~~I Light Industrial (see Chapter 17.26 CMC)~~
- ~~PD Planned Development (see Chapter 17.24 CMC)~~
- ~~P Public (see Chapter 17.23 CMC)~~

~~The uses of land, buildings, and structures in each general district is subject to the provisions of the particular chapter referred to above, as well as to the general regulations and requirements of this title.~~

~~No uses are allowed in such district except those specifically listed in this title and then only as limited by the use permit when required, height limits, lot or site requirements, parking, and other restrictions listed in the appropriate chapter.~~

#### ~~**17.02.140 Combining district designation.**~~

~~In addition to the classes of districts set forth in CMC 17.02.130, certain combining districts are established and are designated as follows:~~

- ~~PD Planned Development District (see Chapter 17.24 CMC)~~
- ~~DD Design District (see Chapter 17.28 CMC)~~
- ~~A Airport (see Chapter 17.30 CMC)~~
- ~~VA Visitor Accommodations (see Chapter 17.31 CMC)~~

#### ~~**17.02.150 Establishment of combining districts.**~~

~~A. The Planning Commission may recommend to the Council that a combining district be established and shall designate that district by indicating the general district followed by the combining district designation.~~

~~B. The Planning Commission shall develop specific findings to warrant the establishment of the combining district.~~

#### ~~**17.02.160 Zoning map.**~~

~~The designations, locations and boundaries of the district established by this title are delineated upon the map entitled, "Zoning Map for the City of Calistoga, California," dated February 5, 1991, which map is on file in the office of the City Clerk and which map and all notations, information, amendments and changes thereon are made a part of this title by reference.~~

#### ~~**17.02.170 Regulations applicable to all districts.**~~

~~The boundaries of districts as are shown upon the zoning map, or amendments thereto, are adopted and the specific regulations as set forth in this title for each district and the general regulations applicable therein are established and declared to be in effect upon all lands included within the boundaries of each and every district as shown upon the zoning map.~~

#### ~~**17.02.180 Compliance with regulations required.**~~

~~No land shall be used and no building or structure shall be erected, constructed, enlarged, altered, moved or used in any district as shown upon the zoning map except in accordance with the regulations established by this title.~~

#### ~~**17.02.190 Planning Commission determinations of similar uses.**~~

~~A. It is recognized that in the development of a comprehensive zoning ordinance, not all uses of land can be listed, nor all future uses be anticipated; or a "use" may have been omitted from the list of those specified as permissible in each of the various zones herein designated; or ambiguity may arise concerning the appropriate~~

~~classification of a particular use within the meaning and intent of this title. Therefore, the phrase “unless determined by the Planning Commission to be similar in nature” shall appear under “uses permitted” in each zone.~~

~~B. The Planning Commission shall make all the following findings when permitting or classifying an unlisted use:~~

- ~~1. That the use is in keeping with the stated intent and purpose of the zone;~~
- ~~2. That field investigations have disclosed that the subject use and its operation are compatible with the uses permitted in the zone within which it is proposed to be located;~~
- ~~3. That the subject use is similar to one or more uses permitted in the zone within which it is proposed to be located; and~~
- ~~4. That the subject use will not cause substantial injury to the health, safety, or welfare of the occupants or their property in the zone in which it is proposed to be located.~~

#### **17.02.2090 Notice of public hearing.**

Where a public hearing is required by the terms of this ~~†~~Ititle, notice of the hearing shall be given in the manner provided by ~~Sections 65090 through 65096 of~~ the California Government Code.

#### **17.02.2100 Lots of record.**

- A. A lot, for the purposes of applying the provisions of this Ititle, shall be a parcel or unit of land which has been created under the provisions of the Subdivision Map Act, or CMC Title 16, or any law regulating the division of land.
- B. All lots of a subdivision recorded in the office of the County Recorder and all lot sizes approved by the Planning Commission pursuant to the approval of a record of survey, whether recorded or not, shall retain their approved form and dimension unless subsequent subdivision, lot merger, or lot line adjustment is approved by the City and recorded with the County Recorder.
- C. Two or more contiguous parcels or units of land held by the same owner, where any one of such contiguous parcels does not conform to standards for minimum parcel size and at least one of such nonconforming contiguous parcels is not developed with a building for which a building permit has been issued, shall be merged pursuant to CMC Title 16.
- D. Any lot of record existing prior to May 3, 1957, shall be considered a legal building site.
- E. Where a lot or a property under separate ownership is an existing lot of record created prior to the applicability of the Subdivision Map Act or any local ordinances and without privilege of other legal documents, it may continue to be considered as an individual lot for the purposes of applying the provisions of the zone in which said lot is located; provided, that ~~the City causes~~ a certificate of compliance ~~to be~~is recorded with the County Recorder.



**17.02.22110 Regulations are minimum – Relationship to private restrictions.**

- A. In interpreting and applying the provisions of this ~~¶~~§title, unless otherwise stated, the regulations shall be held to be the minimum requirements for the promotion and protection of the public safety, health and general welfare.
- B. It is not intended that this ~~¶~~§title shall interfere with or abrogate or annul any easement, covenants, or other agreements now in effect; where the ordinance codified in this title imposes greater restrictions than are imposed or required by other ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of this ~~¶~~§title shall apply.

**17.02.23120 RMS compliance.**

All uses and land use permits provided for in this ~~¶~~§title shall comply with the provisions of the ~~¶~~§Resource ~~m~~maManagement ~~s~~saSystem contained in CMC Chapter 13.16-~~CMC~~.

~~**17.02.240 Additional uses permitted.**~~

~~Any uses not discussed in this title, or any use that lacks clear definition, shall be subject to the provisions of CMC 17.02.190.~~

## Chapter 17.03 ZONING

### Sections:

- 17.03.010 Zoning map.
- 17.03.020 Rules governing use of zoning map and symbols.
- 17.03.030 ~~Extent Applicability~~ of zoning ~~or districting~~ plan.
- 17.03.040 ~~General Base zoning~~ districts ~~designation~~.
- 17.03.050 Combining districts ~~designation~~.  
~~Establishment of combining districts.~~
- 17.03.060 Initiation of amendments.
- 17.03.070 Regulations applicable to all districts.
- 17.03.080 Compliance with regulations required.
- 17.03.090 Planning Commission determinations of similar uses.  
~~Additional uses permitted~~

### 17.03.010 Zoning map.

A precise zoning plan is adopted for the City. The designations, locations and boundaries of the district established by this Title are delineated upon the map entitled, "Zoning Map for the City of Calistoga, California," which map is on file in the office of the City Clerk and which map and all notations, information, amendments and changes thereon are made a part of this Title by reference.

### 17.03.020 Rules governing use of zoning map and symbols.

Where uncertainty exists as to the boundaries of any district shown on the zoning map, the following rules shall apply:

- A. Where such boundaries are indicated as approximately following property, street or alley lines, such lines shall be construed to be such boundaries;
- B. In subdivided property and where a district boundary divides a lot, the location of such boundaries, unless the same are indicated by dimensions, shall be determined by use of the scale appearing on the zoning map;
- C. A symbol indicating the classification of property on the zoning map shall in each instance apply to the whole of the area within the district boundaries, unless otherwise noted on said map;
- D. Where a public street, alley or parcel of land is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to such vacant or abandoned street or alley;
- E. Where one land ownership is divided by a district boundary, the total ownership may be placed in either district by approval of a rezoning application.

### 17.03.030 ~~Extent Applicability~~ of zoning ~~or districting~~ plan.

For the purpose of regulating the use of land, improvements, and structures, the City is divided into zoning districts as provided in this Title. The use of land, improvements and

structures in each district is subject to the specific regulatory provisions provided for each of the districts as set forth in this Title.

**17.03.040 General Base zoning districts-designation.**

A. The ~~classes of general base zoning~~ districts established and into which the City is divided are designated as follows:

- RR Rural Residential (~~see CMC Chapter 17.14-CMG~~)
- RR-H Rural Residential: - Hillside (~~see CMC Chapter 17.15-CMG~~)
- R-1, ~~R-1-10~~ SingleOne-Family Residential (~~see CMC Chapter 17.16-CMG~~)
- R-2 MultipleTwo-Family Residential (~~see CMC Chapter 17.18-CMG~~)
- R-3 Multi-Family Residential/~~Professional~~-Office District (~~see CMC Chapter 17.19-CMG~~)
- MHP Mobile Home Park (~~see CMC Chapter 17.20-CMG~~)
- DC, CC Downtown Commercial and Community Commercial (~~see CMC Chapter 17.22-CMG~~)
- P Public (CMC Chapter 17.23)
- PD Planned Development (CMC Chapter 17.24)
- I Light Industrial (~~see CMC Chapter 17.26-CMG~~)
- ~~PD~~ ~~Planned Development~~ (~~see Chapter 17.24 CMC~~)
- ~~P~~ ~~Public~~ (~~see Chapter 17.23 CMC~~)

B. The uses of land, buildings, and structures in each general zoning district is subject to the provisions of the particular chapter referred to above, as well as to the general regulations and requirements of this ~~¶~~Title.

C. No uses are allowed in ~~such a zoning~~ district except those specifically listed in this ~~¶~~Title and then only as limited by ~~the a~~ use permit when required, height limits, lot or site requirements, parking, and other restrictions listed in the appropriate chapter.

**17.03.050 Combining districts-designation.**

A. In addition to the ~~classes of base zoning~~ districts set forth in CMC 17.0~~23~~.~~1304~~0, certain combining districts are established and are designated as follows:

- PD Planned Development District (~~see CMC Chapter 17.24-CMG~~)
- DD Design District (~~see CMC Chapter 17.28-CMG~~)
- A Airport (~~see CMC Chapter 17.30-CMG~~)
- VA Visitor Accommodations (~~see CMC Chapter 17.31-CMG~~)

B. The base zoning district(s) to which a combining district may be applied shall be as provided in the applicable chapter set forth above.

**17.03.060 Initiation of amendments.**

An amendment to the zoning map may be initiated by the Council, the Planning Commission, a property owner or interested party.

**~~17.03.060 Establishment of combining districts.~~**

~~A. The Planning Commission may recommend to the Council that a combining district be established and shall designate that district by indicating the general district followed by the combining district designation.~~

~~B. The Planning Commission shall develop specific findings to warrant the establishment of the combining district.~~

**17.03.070 Regulations applicable to all districts.**

The boundaries of zoning and combining districts as are shown upon the zoning map, ~~or amendments thereto~~, are adopted and the specific regulations as set forth in this ~~¶~~Title for each district and the general regulations applicable therein are established and declared to be in effect upon all lands included within the boundaries of each and every district as shown upon the zoning map.

**17.03.080 Compliance with regulations required.**

No land shall be used and no building or structure shall be erected, constructed, enlarged, altered, moved or used in any district as shown upon the zoning map except in accordance with the regulations established by this ~~¶~~Title.

**17.03.090 Planning Commission determinations of similar uses.**

A. It is recognized that in the development of a comprehensive zoning ordinance, not all uses of land can be listed, nor all future uses be anticipated; or a “use” may have been omitted from the list of those specified as permissible in each of the various zones herein designated; or ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of this ~~¶~~Title. Therefore, the phrase “unless determined by the Planning Commission to be similar in nature” shall appear under “uses permitted” in each zone.

B. The Planning Commission shall make all the following findings when permitting an unlisted use in a zoning district or classifying an unlisted use:

1. That the use is in keeping with the stated intent and purpose of the zoneing district;
2. That ~~field~~ investigations have disclosed that the subject use and its operation are compatible with the uses permitted in the zoneing district within which it is proposed to be located;
3. That the subject use is similar to one or more uses permitted in the zoneing district within which it is proposed to be located; and
4. That the subject use will not cause substantial injury to the health, safety, or welfare of the occupants or their property in the zoneing district in which it is proposed to be located.

**Additional uses permitted.**

~~Any uses not discussed in this title, or any use that lacks clear definition, shall be subject to the provisions of CMC 17.02.190.~~