

Minor Discretionary Permits



As an introduction to Minor Discretionary Permits it's important to remember what "zoning" is and why zoning is important in Turlock. Zoning means dividing land into districts reserved for different purposes. Within each district, local rules on height, bulk, and area of buildings, the area of yards and open space, and permitted land uses are established. These local rules are contained in the Turlock Zoning regulations, part of the City's Municipal Code.

The "permitted" land uses of each zoning district are those that are considered most appropriate for the particular type of district or area in which they are located. For instance, single family homes are permitted by right in the Low Density Residential zoning district.

The City also identified other land uses for each zoning district that are sometimes, but not always, compatible with the "permitted" land uses. The City must use discretion in deciding whether to approve these uses. These uses are only allowed if certain conditions are met. The City has established the Minor Discretionary Permit process to review these uses.

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What if the use requires a MDP? >>>>>>>

You must obtain a Minor Discretionary Permit prior to occupying the building or land, or obtaining building permits for any new construction to support the proposed land use.

Turlock's Zoning Ordinance has established the criteria that the Development Services Director or his/her designee follows in determining each request for a Minor Discretionary Permit. The Development Services Director may approve, conditionally approve, or disapprove an application for a Minor Discretionary Permit.



What happens after I apply >>>>>>>

First, your application will be reviewed for completeness and you will be notified within 30 days if your application is found to be incomplete. Once the application is complete, it is sent to all affected City departments for review. Comments from the City departments will be returned shortly. The Development Services Director or designee then reviews the application, and gives notice of the proposed request to all adjacent property owners. If no hearing is requested by the applicant or other affected person, or if no responses are received in opposition to the request within 10 days, then the Community Development Director or designee may take action on the Minor Discretionary Permit application.

What conditions determine an approval of an MDP? >>>>>>>

When Minor Discretionary Permits are required, the City laws generally allow the Development Services Director to grant a Minor Discretionary Permit when: **(TMC-9-5-312(a)(1))**

- The proposal is consistent with the Turlock General Plan, the Zoning Ordinance, and all other adopted plans for the site;
- The proposal is in harmony with the existing or proposed development in the general area or neighborhood and will be compatible with adjacent structure and uses, including those on adjoining properties;
- The proposal is consistent with the development plan, terms, conditions, and/or intent of any planned development or conditional use permit currently in effect on the property;
- Any structural elements contained within the proposal are of high quality design consistent with the intent of the City Design Element of the Turlock General Plan and the exterior design, appearance, materials, and colors will not cause the nature of the neighborhood of the neighborhood to materially depreciate.
- The proposal will not otherwise constitute a nuisance or be detrimental to the public safety, healthy, and welfare of the neighborhood and community.

>>>>>>> How do I apply?

An application for a Minor Discretionary Permit can be picked up at the Community Development Department Counter in City Hall. The application includes instructions on how to complete the application, lists information that must accompany the request, and identifies the application processing fee.

We recommend that you come in person and speak with a member of the planning staff prior to submitting an application. We will discuss your proposed land use with you, review local laws applicable to your request, describe similar applications and explain what happened with them.

Who decides whether to approve or deny my application? <<<<<<<

If a public hearing is requested by an applicant or other affected person or agency, or if any responses are received in opposition to the request, the Community Development Director shall forward the application to the Planning Commission for formal public hearing and consideration. When the application is forwarded to the Planning Commission, the applicant will be responsible for the payment of additional application processing fees. These fees are necessary to cover the costs of additional review and public notice.



Some things to remember <<<<<<<

It's important to note that, while you feel there are valid reasons for requesting a Minor Discretionary Permit, the requirements in the Turlock Municipal Code, which are law, are the basis upon which the Development Services Director and Planning Commission make their decision. A Minor Discretionary Permit cannot be granted solely on your good intentions or your economic need.

We encourage you to contact the Development Services Department as early as possible in the planning of your project. We will be happy to help you find out how the City regulations may affect your specific plans or ideas.