

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE AMENDING DIVISION 17 OF THE FORT BRAGG MUNICIPAL CODE (CLUDC 1-26) TO:

ORDINANCE NO. XXX-2026

- 1) Amend Section 17.22.030 (C) Commercial Zoning Districts and Table 2.6; 17.24.030 Industrial Land Use Table 2-10; and Special Purpose Land Use Table 2-14 of Section 17.26.030 to Facilitate Economic Development by Allowing More Uses in More Zoning Districts; and**
- 2) Amend Section 17.71.030 (F) (2) - Limited Term Permit - Events to clarify the Limited Term Permit Process; and**
- 3) Amend Section 17.71.060 E - Use Permit and Minor Use Permits to Make Minor Modifications to the Minor Use Permit Process; and**
- 4) Amend Section 17.90.030 - Restrictions on Nonconforming Structures and Uses Through 17.90.080 - Nonconforming Due to Lack of a Use Permit to allow for easier reuse and expansion of non-conforming structures and uses.**

WHEREAS, California Constitution Article XI, Section 7, enables the City of Fort Bragg (the "City") to enact local planning and land use regulations; and

WHEREAS, the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

WHEREAS, the City of Fort Bragg ("City") adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits and its sphere of influence; and

WHEREAS, the City adopted a Coastal General Plan ("Coastal GP") as the Land Use Plan portion of the Local Coastal Program on May 12, 2008 which established policies for all land within the Fort Bragg Coastal Zone; and

WHEREAS, in August 2008 the California Coastal Commission certified the City's Local Coastal Program (LCP) which includes the Coastal GP as the Land Use Plan; and

WHEREAS, The City Council adopted Resolution 3162-2008 on May 12, 2008 adopting the Coastal General Plan; and

WHEREAS, the City adopted a Coastal Land Use and Development Code in 2008 as the implementing portion of the Local Coastal Program on May 12, 2008, which established all land use

regulations for the Coastal Zone; and

WHEREAS, the Coastal General Plan includes policies to: (1) advance the orderly growth and development of the City’s Coastal Zone; (2) protect coastal resources; (3) incorporate sustainability into the development process so that Fort Bragg’s coastal resources and amenities are preserved for future generations; (4) respond to current environmental and infrastructure constraints; (5) protect the public health, safety and welfare; and (6) promote fiscally responsible development; and

WHEREAS, the development and retention of jobs and businesses is a substantial concern for individuals of all demographics, ages, and economic backgrounds in Fort Bragg; and

WHEREAS, the City desires to ensure that business development occurs in an orderly manner, in accordance with the goals and objectives of the General Plan and reasonable land use planning principles; and

WHEREAS, Section 17.94.040 states that the Planning Commission shall forward a written recommendation, and reasons for the recommendation, to the City Council based on the findings identified in Section 17.94.060; and a resolution was transmitted to the City Council on **DATE**, 2026 that represents the Planning Commission’s recommendations; and

WHEREAS, the City Council has considered all public comments and a staff report dated DATE, 2026 regarding the proposed ordinance; the staff report is incorporated herein by reference and available for review at City Hall during normal business hours; and

WHEREAS, the proposed minor modification to the Coastal Land Use and Development Code is set forth in its entirety in **Section 2 – Section 8** below; and

WHEREAS, the “activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long-range development plan” pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption “shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)).

NOW, THEREFORE, The Fort Bragg City Council, based on the entirety of the record before it, which includes without limitation, CEQA Public Resources Code §21000, et seq. and State CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Inland General Plan; the Fort Bragg Inland Land Use and Development Code; State law; all reports and public testimony submitted as part of the City Council meeting of DATE, 2026 and City Council deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Fort Bragg City Council **does ordains as follows:**

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. The foregoing recitals are true and correct and are made a part of this Ordinance.
2. On DATE, 2026, the Planning Commission held a properly noticed public hearing to consider recommending the proposed amendments to the Coastal Land Use and Development Code to the Fort Bragg City Council for adoption, and adopted a resolution in support of the City Council’s adoption of the amendment to the CLUDC.
3. On DATE, 2026 the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Coastal Land Use and Development Code.
4. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City and seeks to be consistent with recently adopted State Laws as codified in California Government Code sections 66310 through 66342; and

5. The proposed amendment is internally consistent with other applicable provisions of the Coastal Land Use Development Code, including its Chapters 17.42, 17.71, 17.100, and others; and the LCP Amendment is consistent with the California Coastal Act; The proposed amendment is consistent with CLUDC standards; and
6. Pursuant to Coastal Act Section 30510(a), the City of Fort Bragg will carry out the Local Coastal Program as amended in a manner fully in conformity with the California Coastal Act; and
7. The documents and other material constituting the record for these proceedings are located at the Community Development Department; and
8. The amendments to the Local Coastal Program shall take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

Section 2. Based on the foregoing, the City Council hereby amend Title 17.22.030 (C) and Table 2-6 Commercial District Land Uses and Permit Requirements as follows:

C. Findings for Use Permit or Minor Use Permit approval. The approval of a Use Permit or Minor Use Permit for a project within a commercial district shall require that the review authority first make the following findings for the zoning district applicable to the site, in addition to the findings required by Section [17.71.060](#) (Use Permit and Minor Use Permit).

1. **CN (Neighborhood Commercial) district.** The use is designed and intended to serve the local neighborhood ~~and not a broader service area, and is not of a size as to require a clientele larger than the neighborhood market area.~~
2. **CO (Office Commercial) district.** The use acts to support primary uses in the zone, or clients or visitors of allowable permitted uses.
3. **CBD (Central Business District) district.** The use complements the intense, pedestrian and regionally oriented shopping areas of the CBD, and will not detract physically from the basically pedestrian nature of the CBD.
4. **CG (General Commercial) district.** ~~No additional findings required.~~
 - a. ~~The use is generally oriented to clients arriving by auto rather than pedestrians;~~
 - b. ~~The uses generally require larger display and/or storage areas; and~~
 - c. ~~The use is not dependent on heavy customer traffic per square foot.~~
5. **CH (Highway and Visitor Commercial) district.**
 - a. Secondary uses oriented to local clientele may be permitted where the primary use of a site is oriented to or serves visitor, regional, or transient traffic;
 - b. Secondary uses may be allowed where primary uses are precluded because of environmental concerns or other site specific problems.; ~~or if they are~~
 - c. ~~The use is generally vehicular-oriented unless~~ part of a ~~larger mixed-use~~ visitor-oriented complex.

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|--|------------------------------------|--|------------|-----------|-----------|---------------------------------|
| TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts | P | Permitted Use, Zoning Clearance required | | | | |
| | MUP | Minor Use Permit required (see Section 17.71.060) | | | | |
| | UP | Use Permit required (see Section 17.71.060) | | | | |
| | S | Permit requirement set by Specific Use Regulations | | | | |
| | — | Use not allowed | | | | |
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | | Specific Use Regulations |
| | CN | CO | CBD | CG | CH | |

AGRICULTURAL, RESOURCE & OPEN SPACE USES

| | | | | | | |
|--|---|---|---|---|---|--|
| Crop production, horticulture, orchard, vineyard | P | P | P | P | P | |
|--|---|---|---|---|---|--|

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

| | | | | | | |
|--|--------------|--------------|-----------------|---------------|--------------|---------------------------|
| Laboratory - Analysis, research and development, testing | — | P | — | P | — | |
| Artisan/craft product manufacturing with retail sales | — | P(2) | P(2) | P(2) | P(2) | |
| Brewery/restaurant | — | — | UP | UP | UP | |
| Printing and publishing | — | P— | P(2) | P | P | |
| Research and development (R&D) | — | UP | — | UP | — | |
| Recycling - Reverse vending machine | P | P | P | P | P | - |
| Recycling - Small collection facility | P | P | P | P | P | 17.42.150 |
| Recycling - Large collection facility | — | — | — | UP | — | 17.42.150 |
| Recycling - Light processing | — | — | — | UP | — | - |

Key to Zoning District Symbols

| | | | |
|------------|---------------------------|-----------|--------------------------------|
| CN | Neighborhood Commercial | CG | General Commercial |
| CO | Office Commercial | CH | Highway and Visitor Commercial |
| CBD | Central Business District | | |

Notes:

- (1) See Article [10](#) for land use definitions.
- (2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.

~~(2) Use allowed only on second or upper floors, in compliance with Section [17.22.060.B](#) (Limitation on Location of Allowable Uses).~~

| | | | | | | |
|--|------------------------------------|--|------------|-----------|-----------|---------------------------------|
| TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts | P | Permitted Use, Zoning Clearance required | | | | |
| | MUP | Minor Use Permit required (see Section 17.71.060) | | | | |
| | UP | Use Permit required (see Section 17.71.060) | | | | |
| | S | Permit requirement set by Specific Use Regulations | | | | |
| | — | Use not allowed | | | | |
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | | Specific Use Regulations |
| | CN | CO | CBD | CG | CH | |

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

| | | | | | | |
|--|--------------------|--------------------|---------------|---------------|---------------|--------------|
| Campground, recreational vehicle (RV) park | — | — | — | — | UP | |
| Commercial recreation facility - Indoor | — | — UP | UP | P | P | |
| Commercial recreation facility - Outdoor | — | — | — | UP | UP | |
| Conference/convention facility | — | — | UP | UP | UP | |
| Health/fitness facility | — | UP | UP | P | UP | - |
| Library, museum, art gallery | — | — | P | P | P | |
| Meeting facility, public or private | UP | UP | UP | UP | UP | |
| Park, playground | P | P | P | P | P | |
| School – Private Specialized education/training | — | UP | UP | UP | — | |
| Sports and entertainment assembly | — | — | — | UP | UP | - |
| Studio - Art, dance, martial arts, music, etc. | — UP | UP | P | P | P | |
| Theater | — | — UP | P | P | P | |

RESIDENTIAL USES

| | | | | | | |
|---|-----------------|-----------------|-----------------|-----------------|-----------------|---------------------------|
| Accessory Dwelling Unit (ADU) | P(5) | P(5) | P(5) | P(5) | P(5) | 17.42.170 |
| Emergency/transitional shelter | — | — | — | P | — | |
| Home occupation | P | P | P | P | P | 17.42.080 |
| Live/work unit | MUP | MUP | MUP | MUP | — | 17.42.090 |
| Multi-family dwellings | P | UP | UP | UP | UP | 17.42.120 |
| Residential care facility for the elderly (RCFE) | — | UP | UP | UP | — | |
| Residential care facility, 7 or more clients | — | UP | UP | UP | — | |
| Residential component mixed use project | P | UP | P(2) | UP | UP | 17.42.100 |

| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | | Specific Use Regulations |
|---------------------------------------|-----------------------------|----|------|------|-------|--------------------------|
| | CN | CO | CBD | CG | CH | |
| Single-family Residential Unit | P(3) | — | P(4) | P(4) | — | |
| Tiny home | P(6) | — | — | P(6) | UP(6) | 17.42.175 |
| Tiny home/manufactured home community | UP | UP | — | UP | UP | 17.42.110 |

Key to Zoning District Symbols

| | | | |
|-----|---------------------------|----|--------------------------------|
| CN | Neighborhood Commercial | CG | General Commercial |
| CO | Office Commercial | CH | Highway and Visitor Commercial |
| CBD | Central Business District | | |

Notes:

- (1) See Article [10](#) for land use definitions.
- (2) Use allowed only on second or upper floors and/or on the rear 50% of the first floor of the building or the back 50% of the parcel (facing the alley), and the unit must have a separate alley facing entrance, in compliance with Section [17.22.060.B](#) (Limitation on Location of Allowable Uses).
- (3) Use permitted only for lots in the CN zone that do not front a major collector, as defined in the General Plan.
- (4) Use permitted only for existing nonconforming single-family homes that have the appearance of a single-family home, per the Citywide Design Guidelines.
- (5) Use permitted only on parcels with an existing nonconforming single-family primary unit or existing/proposed multifamily development, and only in compliance with § 18.42.170.
- (6) Use permitted only on parcels with existing single residential unit or existing/proposed multifamily development, and only in compliance with § 18.42.175.

| | | |
|--|------------|--|
| TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts | P | Permitted Use, Zoning Clearance required |
| | MUP | Minor Use Permit required (see Section 17.71.060) |
| | UP | Use Permit required (see Section 17.71.060) |
| | S | Permit requirement set by Specific Use Regulations |
| | — | Use not allowed |

| | | | | | | |
|---------------------|------------------------------------|-----------|------------|-----------|-----------|---------------------------------|
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | | Specific Use Regulations |
| | CN | CO | CBD | CG | CH | |

RETAIL TRADE

| | | | | | | |
|--|----------|-------|---------|-------|-------|---------------------------|
| <i>Art, antique, and collectables stores</i> | — | — | P | P | P | - |
| Artisan shop | — MUP | —P | P | P | P | |
| Auto and vehicle sales and rental | — | — | — | P | P | |
| Auto parts sales with no installation services | — | — | — | P | P | |
| Bar/tavern | — | — | UP | UP | UP | |
| Big box retail | — | — | UP | UP | UP | |
| Building and landscape materials sales - Indoor | — | — | — | P | P— | |
| Building and landscape materials sales - Outdoor | — | — | — | UP | — | 17.42.130 |
| <i>Cannabis retail and accessory cannabis uses</i> | — | --- | MUP (3) | MUP | MUP | 17.42.057 Chapter 9.30 |
| <i>Cannabis retail - Delivery only</i> | — | — | — | MUP | MUP | 17.42.057 Chapter 9.30 |
| Construction and heavy equipment sales and rental | — | — | — | UP | UP | 17.42.130 |
| Convenience or liquor store | UP | — | P | P | P | |
| Drive-through retail | — | — | UP | UP | UP | 17.42.070 |
| Farm supply and feed store | — | — | — | P | — | |
| Fuel dealer (propane for home and farm use, etc.) | — | — | — | UP | — | |
| <i>Formula business 2,001 SF or more</i> | — | UP(2) | UP(2) | UP(2) | UP(2) | 17.42.075 |
| <i>Formula business - 2,000 sf or less</i> | — | P | P | P | P | 17.42.075 |
| Furniture, furnishings and appliance | — | — | P | P | — | |

| TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts | P Permitted Use, Zoning Clearance required MUP Minor Use Permit required (see Section 17.71.060) UP Use Permit required (see Section 17.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed | | | | | Specific Use Regulations |
|--|---|-----|-----|----|----|---------------------------|
| | PERMIT REQUIRED BY DISTRICT | | | | | |
| LAND USE (1) | CN | CO | CBD | CG | CH | |
| store | | | | | | |
| General retail - 10,000 sf or larger | — | — | UP | UP | UP | |
| General retail - 5,000 sf 9,999 Sf or larger | — | — | P | P | P | |
| General retail - Less than 5,000 sf | P | — | P | P | P | |
| Groceries, specialty foods | P | —UP | P | P | P | |
| Mobile home, boat, or RV sales | — | — | — | UP | UP | |
| Night club | — | — | UP | UP | UP | |
| Office supporting retail | P | P | P | P | P | |
| Outdoor retail sales and activities | — | — | P | P | P | 17.42.130 |
| Restaurant, café, coffee shop | UP | P | P | P | P | 17.42.190 |
| Second hand store | — | — | — | P | P | |
| Service station | — | — | — | UP | UP | 17.42.180 |
| Shopping center | — | — | — | UP | UP | |
| Outdoor dining | P | P | P | P | P | 17.42.165 |

Key to Zoning District Symbols

| | | | |
|-----|---------------------------|----|--------------------------------|
| CN | Neighborhood Commercial | CG | General Commercial |
| CO | Office Commercial | CH | Highway and Visitor Commercial |
| CBD | Central Business District | | |

Notes:

- (1) See Article [10](#) for land use definitions.
- (2) Use permit required except for the exceptions set forth in § 18.46.050.
- (3) The number of permissible cannabis retail businesses in the Central Business District shall be set by resolution of the City Council in an amount not to exceed 3 businesses.

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|--|-----------|--|------------|-----------|-----------|---------------------------------|
| TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts | P | Permitted Use, Zoning Clearance required | | | | |
| | UP | Minor Use Permit required (see MUP Section 17.71.060) | | | | |
| | S | Use Permit required (see Section 17.71.060) | | | | |
| | — | Permit requirement set by Specific Use Regulations | | | | |
| | | Use not allowed | | | | |
| | | PERMIT REQUIRED BY DISTRICT | | | | |
| LAND USE (1) | CN | CO | CBD | CG | CH | Specific Use Regulations |

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

| | | | | | | |
|---|--------------|--------------|-----------------|--------------|--------------|--------------|
| ATM | P | P | P | P | P | - |
| Bank, financial services | UP | P | P | P | P | |
| Business support service | — | P | P | P | P | |
| Formula business | — | UP(2) | UP(2) | UP(2) | UP(2) | 17.42.075 |
| Formula business – 2,000 sf or less | — | P | P | P | P | 17.42.075 |
| Medical services - Doctor office | P | P | P | P | UP | |
| Medical services - Clinic, lab, urgent care | — | P | P | P | —P | |
| Medical services - Hospital | — | UP | — | UP | UP | |
| Office - Accessory | P | P | P | P | P | |
| Office - Business/service | — | P | P | P | P | |
| Office - Processing | — | P | P(2) | P | — | - |
| Office - Professional/administrative | — | P | P | P | P | |

SERVICES - GENERAL

| | | | | | | |
|-------------------------------------|----|-------|-------|-------|-------|---------------------------|
| Adult day care | P | P | P | P | —P | |
| Catering service | — | P | — | P | —P | |
| Child day care center | UP | UP | UP | UP | —P | |
| Contractors, base (4) | — | — | — | UP | — | |
| Cottage food preparation (5) | UP | — | — | UP | UP | |
| Drive-through service | — | — | UP | UP | UP | 17.42.070 |
| Equipment rental/sales | — | — | UP | P | UP | |
| Formula business | — | UP(2) | UP(2) | UP(2) | UP(2) | 17.42.075 |
| Formula business - 2,000 sf or less | — | P | P | P | P | 17.42.075 |
| Kennel, animal boarding | — | — | — | UP | — | |

| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | | Specific Use Regulations |
|--|-----------------------------|----|-----|----|----|---------------------------|
| | CN | CO | CBD | CG | CH | |
| Lodging - Bed & breakfast inn (B&B) | — | — | UP | UP | P | 17.42.050 |
| Lodging - Hotel or motel | — | — | UP | UP | UP | |
| Lodging - Short Term Rental | — | — | MUP | — | — | 17.42.190 |
| Maintenance service - Client site services | — | — | — | P | — | |
| Mortuary, funeral home | — | —P | — | P | — | |
| Personal services | P | P | P | P | UP | |
| Personal services - Restricted | — | — | UP | UP | — | |
| Public safety facility | — | P | P | P | P | |
| Repair service - Equipment, large appliances, etc. | — | — | — | P | — | |
| Social service organization | — | P | P | P | — | |
| Vehicle services - Major repair/body work | — | — | — | UP | UP | |
| Vehicle services - Minor maintenance/repair | — | — | — | P | P | |
| Veterinary clinic, animal hospital | — | P | — | P | P | |

Key to Zoning District Symbols

| | | | |
|-----|---------------------------|----|--------------------------------|
| CN | Neighborhood Commercial | CG | General Commercial |
| CO | Office Commercial | CH | Highway and Visitor Commercial |
| CBD | Central Business District | | |

Notes:

- (1) See Article [10](#) for land use definitions.
- (2) Use allowed only on second or upper floors, in compliance with Section [17.22.060.B](#) (Limitation on Location of Allowable Uses).
- (3) Permitted above the first floor or as part of a restaurant.

- (4) Contractor’s base permitting only within a structure.
- (5) Businesses that manufacture approved Cottage Foods under State law related to Cottage Food Operations.

| | | | | | | |
|--|------------------------------------|--|------------|-----------|-----------|---------------------------------|
| TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts | P | Permitted Use, Zoning Clearance required | | | | |
| | MUP | Minor Use Permit required (see Section 17.71.060) | | | | |
| | UP | Use Permit required (see Section 17.71.060) | | | | |
| | S | Permit requirement set by Specific Use Regulations | | | | |
| | — | Use not allowed | | | | |
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | | Specific Use Regulations |
| | CN | CO | CBD | CG | CH | |

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

| | | | | | | |
|--|----|----|----|----|----|---------------------------|
| Ambulance, taxi, or limousine dispatch facility | — | UP | — | UP | UP | |
| Broadcasting studio | — | P | P | P | — | |
| Parking facility, public or commercial | P | P | P | P | P | |
| Pipelines, transmission lines | S | S | S | S | S | 17.42.144 |
| Telecommunications facility | S | S | S | S | S | 17.44 |
| Transit station or terminal | UP | UP | UP | UP | UP | |
| Solar, wind, geothermal facilities for on-site use | P | P | P | P | P | |
| Utility facility | P | P | UP | P | P | |
| Vehicle storage | — | — | — | UP | UP | |

Key to Zoning District Symbols

| | | | |
|------------|---------------------------|-----------|--------------------------------|
| CN | Neighborhood Commercial | CG | General Commercial |
| CO | Office Commercial | CH | Highway and Visitor Commercial |
| CBD | Central Business District | | |

Notes:

- (1) See Article [10](#) for land use definitions.

Section 3. Based on the foregoing, the City Council hereby amends Title 17.24.030 Land Use Table 2-10 as follows:

| TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts | P | Permitted Use, Zoning Clearance required | | | |
|--|-----------------------------|--|----|----|--------------------------|
| | MUP | Minor Use Permit required (see Section 17.71.060) | | | |
| | UP | Use Permit required (see Section 17.71.060) | | | |
| | S | Permit requirement set by Specific Use Regulations | | | |
| | — | Use not allowed | | | |
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | Specific Use Regulations |
| | IL | IH | IT | HD | |

AGRICULTURAL, RESOURCE & OPEN SPACE USES

| | | | | | |
|--|-----|-------|------|----|----------------------------|
| Cannabis – Indoor cultivation (nursery and/or mature plants) | MUP | MUP | — | — | Chapter 9.30 and 18.42.055 |
| Aquaculture | — | UP(3) | UP | UP | 17.42.046 |
| Crop production, horticulture, orchard, vineyard | P | P | P(4) | — | |

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

| | | | | | |
|--|------|------|------|---|---------------------------|
| Agricultural product processing | —UP | P | — | — | |
| Artisan/craft product manufacturing | P(2) | —UP | — | — | |
| Brewery/restaurant | UP | UP | — | — | |
| Boat and ship construction, repair, maintenance | —UP | P | — | P | |
| Construction contractor base | P(2) | P(2) | — | — | |
| Fish processing | P(2) | P | — | P | |
| Laboratory - Medical, analytical, research & development | P(2) | P | — | — | |
| Laundry, dry cleaning plant | P | P | — | — | - |
| Lumber and wood product manufacturing | UP | UP | P(4) | — | |
| Manufacturing/processing - Heavy | — | UP | — | — | |
| Manufacturing/processing - Light | P(2) | P | — | — | |
| Manufacturing/processing - Medium intensity | —UP | P(2) | — | — | |
| Media production | P | P | — | — | |
| Petroleum product storage and distribution | UP | P | — | — | |
| Printing and publishing | P | P | — | — | |
| Research and development (R&D) | P | P | — | — | |
| Recycling – Heavy processing | UP | UP | — | — | 17.42.150 |

| TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts | P | Permitted Use, Zoning Clearance required | | | |
|--|-----------------------------|--|--------------|--------------|--------------------------------------|
| | MUP | Minor Use Permit required (see Section 17.71.060) | | | |
| | UP | Use Permit required (see Section 17.71.060) | | | |
| | S | Permit requirement set by Specific Use Regulations | | | |
| | — | Use not allowed | | | |
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | Specific Use Regulations |
| | IL | IH | IT | HD | |
| Recycling - Large collection facility | UP | UP | — | — | 17.42.150 |
| Recycling - Light processing | UP | UP | — | — | 17.42.150 |
| Recycling - Reverse vending machine | P | P | — | — | 17.42.150 |
| Recycling - Scrap and dismantling yards | — | UP | — | — | |
| Recycling - Small collection facility | P | P | — | P | 17.42.150 |
| Storage - Cold storage facility, ice plant | — | UP | — | UP | |
| Storage - Outdoor | UP | UP | UP | UP | 17.42.140 |
| Storage - Personal storage facility (mini-storage) | UP | P | — | — | |
| Storage - Warehousing | P(2) | P | — | — | |
| Wholesaling and distribution | P(2) | P | — | — | |

Key to Zoning District Symbols

| | | | |
|----|------------------|----|-----------------------------|
| IL | Light Industrial | IT | Timber Resources Industrial |
| IH | Heavy Industrial | HD | Harbor District |

Notes:

- (1) See Article [10](#) for land use definitions.
- (2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.
- (3) Use only allowed in Coastal Zone.
- (4) See Section [17.24.030.C](#) for additional permit requirements.

| TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts | P Permitted Use, Zoning Clearance required MUP Minor Use Permit required (see Section 17.71.060) UP Use Permit required (see Section 17.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed | | | | | | | | | |
|---|---|--------------|-----------------------------|----|--------------------------|--|--------------------------|----|----|----|
| | <table border="1"> <tr> <th rowspan="2">LAND USE (1)</th> <th colspan="4">PERMIT REQUIRED BY DISTRICT</th> <th rowspan="2">Specific Use Regulations</th> </tr> <tr> <th>IL</th> <th>IH</th> <th>IT</th> <th>HD</th> </tr> </table> | LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | Specific Use Regulations | IL | IH | IT |
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | Specific Use Regulations | | | | | |
| | IL | IH | IT | HD | | | | | | |

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

| | | | | | |
|--|----|----|---|----|-----------------------|
| Adult entertainment business | S | S | — | — | 17.40 |
| Commercial recreation facility - Indoor | UP | — | — | — | |
| Commercial recreation facility - Outdoor | UP | UP | — | — | |
| Fishing pier | — | — | — | UP | |
| Health/fitness facility | UP | — | — | — | |
| Hiking/riding trail | — | — | P | — | |
| Library, museum | — | — | — | UP | |
| Meeting facility, public or private | UP | — | — | — | |
| Park, playground | — | — | P | — | |
| Nature preserve | — | — | P | — | |
| School - Specialized education/training | UP | UP | — | — | |
| Sports and entertainment assembly | — | UP | — | — | |

RESIDENTIAL USES

| | | | | | |
|--------------------|----|-----|---|-----|---------------------------|
| Caretaker quarters | —P | MUP | — | MUP | |
| Live/work unit | UP | — | — | UP | 17.42.090 |

Key to Zoning District Symbols

| | | | |
|----|------------------|----|-----------------------------|
| IL | Light Industrial | IT | Timber Resources Industrial |
| IH | Heavy Industrial | HD | Harbor District |

Notes:

- (1) See Article [10](#) for land use definitions.
- (2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.
- (3) Use only allowed in Coastal Zone.

(4) See Section [17.24.030.C](#) for additional permit requirements.

| TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts | P Permitted Use, Zoning Clearance required MUP Minor Use Permit required (see Section 17.71.060) UP Use Permit required (see Section 17.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed | | | | |
|---|--|----|----|----|--------------------------|
| | PERMIT REQUIRED BY DISTRICT | | | | Specific Use Regulations |
| LAND USE (1) | IL | IH | IT | HD | |

RETAIL TRADE

| | | | | | |
|---|--------|--------|---|-----|---------------------------|
| Accessory cannabis – Retail, retail delivery | MUP(2) | MUP(2) | — | — | 18.42.057 Chapter 9.30 |
| Accessory retail or services | MUP | MUP | — | MU | 17.42.020 |
| Bar/tavern | — | — | — | MUP | |
| Boat and ship sales | — | — | — | P | |
| Building and landscape materials sales - Indoor | P | P | — | — | |
| Building and landscape materials sales - Outdoor | UP | P | — | — | 17.42.130 |
| Cannabis retail - Delivery only | MUP(2) | MUP(2) | — | — | 18.42.057 Chapter 9.30 |
| Construction and heavy equipment sales and rental | UP | P | — | — | 17.42.130 |
| Convenience store | — | — | — | MUP | |
| Farm supply and feed store | P(2) | P | — | — | |
| Fuel dealer (propane for home and farm use, etc.) | P | P— | — | — | |
| Marine hardware and supplies sales | — | — | — | P | |
| Mobile home or RV sales | UP | UP | — | — | |
| Restaurant, café, coffee shop | — | — | — | MUP | |
| Retail sales accessory to wholesaling | MUP | MUP | — | — | |
| Service station | UP | UP | — | — | 17.42.180 |

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

| TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts | P Permitted Use, Zoning Clearance required MUP Minor Use Permit required (see Section 17.71.060) UP Use Permit required (see Section 17.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed | | | | |
|--|--|----|------|----|--------------------------|
| | PERMIT REQUIRED BY DISTRICT | | | | Specific Use Regulations |
| | IL | IH | IT | HD | |
| LAND USE (1) | IL | IH | IT | HD | Specific Use Regulations |
| ATM | — | — | — | P | - |
| Business support service | P | — | — | — | |
| Office - Accessory | P | P | P(4) | P | |
| Office - Processing and corporate | P | P | — | — | |

Key to Zoning District Symbols

| | | | |
|----|------------------|----|-----------------------------|
| IL | Light Industrial | IT | Timber Resources Industrial |
| IH | Heavy Industrial | HD | Harbor District |

Notes:

- (1) See Article [10](#) for land use definitions.
- (2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.
- (3) Use only allowed in Coastal Zone.
- (4) See Section [17.24.030.C](#) for additional permit requirements.

| TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts | P Permitted Use, Zoning Clearance required MUP Minor Use Permit required (see Section 17.71.060) UP Use Permit required (see Section 17.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed | | | | |
|--|--|----|----|----|--------------------------|
| | PERMIT REQUIRED BY DISTRICT | | | | Specific Use Regulations |
| | IL | IH | IT | HD | |
| LAND USE (1) | IL | IH | IT | HD | Specific Use Regulations |

SERVICES - GENERAL

| | | | | | |
|------------------------------|------------|------------|---|---|---------------------------|
| Accessory retail or services | MUP | MUP | — | — | 17.42.020 |
|------------------------------|------------|------------|---|---|---------------------------|

| TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts | P | Permitted Use, Zoning Clearance required | | | |
|---|-----------------------------|--|--------------|--------------|--|
| | MUP | Minor Use Permit required (see Section 17.71.060) | | | |
| | UP | Use Permit required (see Section 17.71.060) | | | |
| | S | Permit requirement set by Specific Use Regulations | | | |
| | — | Use not allowed | | | |
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | Specific Use Regulations |
| | IL | IH | IT | HD | |
| Equipment rental | P(2) | P(2) | — | — | |
| Kennel, animal boarding | UP | UP | — | — | |
| Lodging - Hotel or motel | — | — | — | UP(5) | |
| Maintenance service - Client site services | P(2) | P | — | — | |
| Medical Marijuana Dispensary | UP | UP | — | — | FBMC 9.30 (Ord. 851 §1, 2005) & 17.42.095 |
| Public safety facility | P | P | P(4) | P | |
| Repair service - Equipment, large appliances, etc. | P(2) | P | — | — | |
| Vehicle services - Major repair/body work | UP | UP | — | — | |
| Vehicle services - Minor maintenance/repair | P | P | — | — | |
| Veterinary clinic, animal hospital | P | P | — | — | |

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

| | | | | | |
|---|------|----|----|-----|---------------------------|
| Ambulance, taxi, or limousine dispatch facility | P(2) | P | — | — | |
| Boat launching facility | — | — | — | P | |
| Broadcasting studio | P | — | — | — | |
| Freight terminal | P(2) | P | — | — | |
| Harbor and marina facilities | — | — | — | P | |
| Parking facility, public or commercial | — | — | — | MUP | |
| Pipeline or transmission line | S | S | S | S | 17.42.144 |
| Telecommunications facility | S | S | S | S | 17.44 |
| Transit station or terminal | UP | UP | UP | UP | |
| Utility facility | P | P | — | — | |
| Vehicle storage | UP | UP | — | — | |

Key to Zoning District Symbols

| | | | |
|----|------------------|----|-----------------------------|
| IL | Light Industrial | IT | Timber Resources Industrial |
| IH | Heavy Industrial | HD | Harbor District |

Notes:

- (1) See Article [10](#) for land use definitions.
- (2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.
- (3) Use only allowed in Coastal Zone.
- (4) See Section [17.24.030.C](#) for additional permit requirements.
- (5) Allowed only on a parcel with no harbor basin water frontage, and/or with its buildable area over 25 feet above mean high tide.

Section 4. Based on the foregoing, the City Council hereby Amends Land Use Table 2-14 of section 17.26.030, as follows:

| | | | | |
|--|------------------------------------|--|----|---------------------------------|
| TABLE 2-14 Allowed Land Uses and Permit Requirements for Special Purpose Zoning Districts | P | Permitted Use, Zoning Clearance required | | |
| | MUP | Minor Use Permit required (see Section 17.71.060) | | |
| | UP | Use Permit required (see Section 17.71.060) | | |
| | S | Permit requirement set by Specific Use Regulations | | |
| | — | Use not allowed | | |
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | Specific Use Regulations |
| | OS | PR | PF | |

AGRICULTURAL, RESOURCE & OPEN SPACE USES

| | | | | |
|--|---|---|---|---------------------------|
| Animal keeping | S | S | S | 17.42.040 |
| Nature preserve | P | P | P | |
| Crop production, horticulture, orchard, vineyard | P | P | P | |
| Diking, Filling, and dredging in wetlands | P | — | — | |

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

| | | | | |
|--|---|---|-----|--------------------------------------|
| Recycling – Reverse vending machine | — | — | P | 17.42.150 |
| Recycling - Small collection facility | — | — | MUP | 17.42.150 |
| Storage - Warehouse | — | — | P | |

| TABLE 2-14 Allowed Land Uses and Permit Requirements for Special Purpose Zoning Districts | P Permitted Use, Zoning Clearance required | MUP Minor Use Permit required (see Section 17.71.060) | UP Use Permit required (see Section 17.71.060) | S Permit requirement set by Specific Use Regulations | — Use not allowed |
|--|--|--|---|--|----------------------|
| | | | | | |
| LAND USE (1) | OS | PR | PF | | |
| Storage - Outdoor | — | — | UP | 17.42.140 | |

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

| | | | | |
|--|--------------|---------------|---------------|---|
| Equestrian facility | P | UP | — | |
| Health/fitness facility | — | UP | UP— | |
| Hiking/riding trail | P | P | P | |
| Library, museum | — | UP | UP | |
| Meeting facility, public or private | — | UP | UP | |
| Park, playground | — | P | P | |
| School - Elementary, middle, secondary | — | — | P | - |
| School - Specialized education/training | — | — | P | |
| Sports and entertainment assembly | — | UP | UP | - |
| Theater | — | UP | UP | |

RESIDENTIAL USES

| | | | | |
|--|--------------|--------------|---------------|---|
| Caretaker quarters | MUP | MUP | MUP | |
| Emergency/transitional shelter | — | — | UP | |
| Farm dwelling on a parcel of 10 acres or more | MUP | — | — | |
| Residential care facility for the elderly (RCFE) | — | — | UP | |
| Residential care facility, 7 or more clients | — | — | UP | - |

RETAIL TRADE

| | | | | |
|------------------------------|---|---|---|---------------------------|
| Accessory retail or services | — | P | P | 17.42.030 |
|------------------------------|---|---|---|---------------------------|

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

| | | | | |
|--|---|---|----|--|
| Medical services - Clinic, urgent care | — | — | UP | |
| Medical services - Hospital | — | — | UP | |
| Office - Accessory | P | P | P | |

| TABLE 2-14 Allowed Land Uses and Permit Requirements for Special Purpose Zoning Districts | P Permitted Use, Zoning Clearance required MUP Minor Use Permit required (see Section 17.71.060) UP Use Permit required (see Section 17.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed | | | |
|---|--|-----------------------------|----|--|
| | LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | |
| OS | | PR | PF | |
| Office - Government | — | —P | P | |

SERVICES - GENERAL

| | | | | |
|------------------------------|----|----|----|---------------------------|
| Accessory retail or services | — | P | P | 17.42.020 |
| Adult day care | — | — | UP | |
| Child day care center | — | — | UP | |
| Public safety facility | —P | —P | P | |
| Social service organization | — | — | P | |

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

| | | | | |
|---|---|---|----|---------------------------|
| Ambulance, taxi, or limousine dispatch facility | — | — | UP | |
| Parking facility, public or commercial | — | — | P | |
| Pipeline or transmission line | S | S | S | 17.42.144 |
| Telecommunications facility | S | S | S | 17.44 |
| Transit station or terminal | — | — | UP | |
| Utility facility | — | — | P | |
| Vehicle storage | — | — | UP | |

Key to Zoning District Symbols

| | | | |
|----|----------------------|----|-----------------|
| OS | Open Space | PF | Public Facility |
| PR | Parks and Recreation | | |

Notes:

- (1) See Article [10](#) for land use definitions.

Section 5. Based on the foregoing, the City Council hereby Amends 18.71.030 (F) (2) - Limited Term Permit - Events, as follows:

17.71.030 - Limited Term Permit

F. Allowed short-term activities. A Limited Term Permit may authorize the following short-term activities within the specified time limits, but in no event for more than 12 months. Other short-term activities that do not fall within the categories defined below shall instead comply with the planning permit requirements and development standards that otherwise apply to the property.

2. Events. Art and craft exhibits, carnivals, circuses, concerts, fairs, farmer's markets, festivals, flea markets, food events, open air or drive in theaters, outdoor entertainment/sporting events, religious revivals, rummage sales, second hand sales, swap meets, and other special events for up to five consecutive days, or four two-day weekends, within a 12-month period, allowed only on non-residentially zoned properties. These activities shall be referred to the Technical Advisory Committee (TAC) for a recommendation prior to action on the Limited Term Permit. **The TAC review process includes the following:**

- a. An encroachment permit and/or proof of insurance coverage is required from the Department of Public Works for events which occur on public property or within the public right of way (streets, sidewalks, trails).
- b. A permit from County Environmental Health may be required if food is prepared at the event.
- c. An inspection by the Fire Marshal is required for all large tents and pavilions.
- d. An inspection by the Building Department is required for all temporary structures.
- e. Police Department review is required for all projects which require traffic re-routing or control.
- f. Caltrans review is required for all projects which require traffic re-routing or control involving Main St./Hwy 1.
- g. All events shall comply with the City's Noise Ordinance.
- h. Recurring events with a three-year history of no issues (as determined by TAC) may apply for a 5-year Limited Term Permit, which will only require the annual renewal of insurance and completion of renewal form.

Exempt Events. The following event types are exempt from the requirement to obtain an LTP.

- Private events of less than 30 people, located in a City Park.
- Events of any size in an existing facility that is already permitted for events, such as a meeting hall, church or school.

Section 6. Based on the foregoing, the City Council hereby Amends 17.71.060 E - Use Permit and Minor Use Permit, as follows:

E. Project review, notice, and hearing. Each application shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Development Code.

2. Minor Use Permit. Before a decision on a Minor Use Permit, the public notice shall be provided ~~in compliance with Chapter 17.96 (Public Hearings), and~~ as follows.

- a. **Public Notice and Hearing.** Public Notice shall be provided to property owners and businesses within 300 feet of the proposed use. The notice shall state that the Director will

decide whether to approve or disapprove the Minor Use Permit application ~~on a date at an administrative hearing with a certain date, location and time specified in the notice and clarify that project opponents may attend that hearing or provide written comments in advance of the hearing. , and that a public hearing will be held only if requested in writing by any interested person appears at before the specified date for the decision.~~

~~**b.—Hearing.** When a hearing is requested, notice of the hearing shall be provided in compliance with Chapter 17.96, and the Director shall conduct the public hearing before a decision on the application in compliance with Chapter 17.96.~~

Section 8. Based on the foregoing, the City Council hereby Amends 17.90.030 - Restrictions on Nonconforming Structures and Uses Through 18.90.080 - Nonconforming Due to Lack of a Use Permit, as follows:

17.90.030 - Restrictions on Nonconforming Structures and Uses

A nonconforming land use and the use of a nonconforming structure may be continued, including transfers of ownership; provided, their continuation shall comply with the requirements of this Section. See Section [17.90.040](#) for exceptions regarding certain residential uses and structures.

The City shall only grant a Minor Use Permit if the City determines that the means of accommodating the Minor Use Permit: (1) will not have an adverse effect on coastal resources; (2) will ensure adequate services will be provided to serve the proposed development; and (3) will not displace Coastal Act priority uses. If the City determines that the means for accommodating a Minor Use Permit will have an adverse effect on coastal resources, will not ensure adequate services will be provided to serve the proposed development, or will displace Coastal Act priority uses, the City shall deny the Minor Use Permit.

Minor Use Permit approval does not replace, supersede or modify the independent requirement for a CDP approved pursuant to the otherwise applicable policies and standards of the certified LCP.

A. Nonconforming use of land.

1. General rule. General rule. A nonconforming use of land may be continued, provided the use shall ~~not only~~ be intensified, enlarged or increased, ~~nor~~ be extended to occupy a greater area of land than it lawfully occupied before becoming nonconforming, ~~if the business is not a nuisance (has had no code violations and no calls for service within the past three years) and if a Minor Use Permit is approved for the expansion. The Review Authority shall find that the non-conforming use is compatible with neighboring uses and would not adversely impact neighboring properties.~~

2. Nonconforming use in a conforming structure. A nonconforming land use within a conforming structure may be expanded or replaced with Minor Use Permit approval, in the following manner:

a. Expansion of use. The nonconforming use of a portion of a structure may be expanded throughout the structure ~~and/or the parcel with a Minor Use Permit. The Review Authority shall find that the non-conforming use is compatible with neighboring uses and would not adversely impact neighboring properties. All new buildings/development associated with the non-conforming use shall conform with all standards of this development code except for the use requirement;~~ and

b. Substitution of use. The nonconforming use of a structure may be changed to another nonconforming use of ~~the same or more restricted a similar~~ nature and impact; except that if a nonconforming use is changed to a conforming use, no nonconforming use may be resumed.

B. Nonconforming structure. A nonconforming structure may continue to be used in the following manner:

1. Changes to, or expansion of a structure. A nonconforming structure may be changed or expanded as follows.

a. Nonresidential or multi-family structure. A nonconforming nonresidential or multifamily structure may be enlarged, expanded, reconstructed, or relocated, with Minor Use Permit approval, if the changes comply with all applicable provisions of this Development Code, provided the Review Authority first finds that the additional work is compatible with neighboring uses and would not adversely impact neighboring properties. ~~Additions that go beyond the prior building footprint may be allowed as follows: an addition that encroaches into a required setback no further than an existing nonconforming portion of the structure may be allowed; provided, that: a) the expansion is not more than 500 square feet beyond the same physical dimensions of the existing structure; or the expansion is limited to 25% of the existing structure's area, whichever is less.~~

b. Single-family dwelling. A single-family dwelling that is nonconforming with respect to setback requirements, height limits, or other development standards may undergo interior modifications in compliance with Building Code requirements without limitation by this Chapter. Exterior modifications that go beyond the prior building footprint may be allowed as follows:

i) The Director may approve any addition to a nonconforming single-family dwelling where the addition complies with applicable setback requirements; and

ii) An addition that encroaches into a required setback no further than an existing nonconforming portion of the structure may be allowed with Minor Use Permit approval, provided that: the addition is less than 25 percent of the total floor area of the existing structure; it complies with Building Code

iii) requirements; and the review authority first determines that the addition will not adversely affect any neighboring property.

2. Conversion of existing nonconforming structure to residential unit. Within a residential zoning district, a nonconforming accessory structure within a rear yard may be converted to a second unit, and a nonconforming residential structure within a rear yard may be rehabilitated and expanded, provided that: ~~it complies with the relevant requirements of Section 18.40.170 accessory Dwelling Units.~~

~~a. The structure does not exceed one story in height; and~~

~~b. The conversion and/or expansion complies with Subsection B.1.b.~~

3. Ordinary maintenance and repair. Any nonconforming structure may undergo ordinary maintenance and repair.

4. Seismic retrofitting and Building Code compliance. Any nonconforming structure may undergo alterations, reconstruction, or repair to reinforce unreinforced masonry or to comply with Building Code requirements; provided that the work is exclusively to comply with applicable earthquake safety standards and the Building Code, and does not change building footprint or height.

5. A non-conforming structure may be reconstructed in the same building footprint, so long as the building is not increased in size by more than 250 square feet beyond the same physical dimensions of the prior structure; or b) if larger than 250 square feet, a Minor Use Permit approval is granted (limit to 25% larger).

17.90.040 - Residential Exemptions

A. Reconstruction or replacement. An involuntarily damaged or destroyed single residential unit or multifamily nonconforming use may be reconstructed or replaced with a new structure with the same footprint, height, and number of dwelling units, in compliance with current Building and Fire Code requirements.

B. Substantial rehabilitation/renovation. Substantial rehabilitation/renovation of, and additions to an existing dwelling unit in a zoning district where residences are a nonconforming use may be allowed if they meet all development standards of the zoning district. ~~with Minor Use Permit and Design Review approval, in compliance with §§ 18.71.060 and 18.71.050. (Housing Element Program H-1.1.4)~~

~~1.— Substantial rehabilitation/renovation defined. Substantial rehabilitation/renovation of an existing dwelling unit occurs when at least 25% of the floor area of the existing structure is proposed to be added to the structure and/or a Building Permit for construction valued at 50% or more of the assessed value of the structure before rehabilitation/renovation is requested.~~

~~2.— Protection of community and neighborhood character. The Review Authority shall ensure that Minor Use Permit and Design Review approval for a substantial rehabilitation or renovation.~~

17.90.050 - Loss of Nonconforming Status

A. Termination by discontinuance.

1. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of 12 months or more, all rights to legal nonconforming status shall terminate.
2. The Director shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation.
3. The Director may grant ~~a Minor Use Permit to allow~~ an extension of that 12-month period for a period not to exceed an additional 12 months if the Director finds that circumstances of a significant or unusual nature prevent or have prevented the timely reestablishment of the use.
4. Once the rights to a legal nonconforming status have terminated, any further use of the site or structure shall comply with the regulations of the applicable zoning district and all other applicable provisions of this Development Code.

B. Termination by destruction. Nonconforming status shall terminate if a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed, except as provided by Section 18.90.040 for dwellings, and except as follows.

1. ~~If the cost of repairing or replacing the damaged portion of the structure is 75 percent or less of~~

~~the assessed value of the structure immediately before damage,~~ The structure may be restored to no more than the same size and use, and the use continued, if ~~a building permit is submitted for the restoration is started~~ within 12 months of the date of damage, ~~or as extended by the Director of Community Development,~~ and is diligently pursued to completion.

2. Minor Use Permit approval ~~shall be required, if the cost of repairing or replacing the damaged portion of the structure is more than 75 percent of the assessed value of the structure immediately before the damage, except that fair market value shall be used where a current licensed appraisal is available to the City. Minor Use Permit approval and~~ shall require a finding, in addition to those contained in 18.71.060.F. (Findings and decision), that the benefit to the public health, safety, or welfare exceeds the detriment ~~inherent in~~ of the restoration and continuance of a nonconformity.

17.90.060 - Nonconforming Parcels

A. Legal building site. A nonconforming parcel that does not comply with the applicable area, width, or depth requirements of this Development Code shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Director by evidence furnished by the applicant.

1. **Approved subdivision.** The parcel was created by a recorded subdivision map;
2. **Individual parcel legally created by deed.** The parcel is under one ownership and was legally created by a recorded deed before the effective date of the zoning amendment that made the parcel nonconforming;
3. **Variance or lot line adjustment.** The parcel was approved through the Variance procedure or resulted from a lot line adjustment; or
4. **Partial government acquisition.** The parcel was created in compliance with the provisions of this Development Code, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size ~~is was~~ decreased. ~~not more than 20 percent and the yard facing a public right-of-way was decreased not more than 50 percent.~~

B. Subdivision of a nonconforming parcel. No subdivision shall be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel.

17.90.070 - Parcel Without Frontage on a Public Way

A. Conforming parcel without frontage on a public way. A parcel without frontage on a public right-of-way, but otherwise conforming to the applicable requirements of this Development Code, may be used with ~~the approval of the Public Works Director Minor Use Permit approval,~~ unless Article 2 would otherwise require a Use Permit.

B. Parcel with private accessways. If a private accessway was provided in conjunction with an approved subdivision map, the uses allowed in the applicable zoning district shall be considered conforming uses.

17.90.080 - Nonconforming Due to Lack of a Use Permit

A. Conformity of uses requiring a Use Permit. A use lawfully existing without the approval of a Use Permit or Minor Use Permit that would be required by this Development Code shall be deemed conforming only to the extent of its previous lawful use (e.g., maintaining the same site area boundaries, hours of operation, etc.).

B. Previous planning permits in effect. A use that was authorized by a Use Permit or Minor Use Permit but is not allowed by this Development Code in its current location may continue, but only in compliance with the original Use Permit or Minor Use Permit.

Section 9. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases may be held invalid or unconstitutional.

Section 10. Effective Date and Publication. This Ordinance shall become effective upon its certification by the Coastal Commission. Within fifteen (15) days after the passage of this Ordinance by the Coastal Commission, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

Section 11. Fort Bragg City Council does hereby recommend that the Coastal Commission approve Zoning Amendment 1-2026 to amend Division 17 to the Fort Bragg Municipal Code.

The foregoing Ordinance was introduced by Councilmember _____ at a regular meeting of the City Council of the City of Fort Bragg held _____, and adopted at a regular meeting of the City of Fort Bragg held on _____, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSE:

Jason Godek, Mayor

ATTEST:

City Clerk

PUBLISH: Date, 2026 and Date, 2026 (by summary).
EFFECTIVE DATE: 15 Day after Certification by the California Coastal Commission