

Relevant Code Sections

F. Review Authority action.

1. Permits. *A Use Permit, Minor Use Permit, or other City planning permit or approval (except a Variance, see Subsection F.2.) may be revoked or modified by the Review Authority (e.g., Director, Commission, or Council) that originally approved the permit, if the Review Authority first makes any one of the following findings:*

- a. Circumstances under which the permit or approval was granted have been changed to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and welfare require revocation or modification;*
- b. The permit or other approval was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;*
- c. One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated;*
- d. The approved use or structure has ceased to exist or has been suspended for at least 12 months;*
- e. An improvement authorized in compliance with the permit is in violation of any applicable code, law, ordinance, regulation, or statute; or*
- f. The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare, or the manner of operation constitutes or is creating a nuisance.*

18.98.090 - Legal Remedies

The City may choose to undertake any one or all of the following legal actions to correct and/or abate any nuisances or violations of this Development Code.

A. Civil actions.

1. Injunction. The City Attorney, upon order of the Council, may apply to the Superior Court for injunctive relief to terminate a violation of this Development Code.

2. Abatement proceedings. Where any person fails to abate a violation after being provided a Notice of Violation in compliance with [Section 18.98.080](#).A. and the opportunity to correct or end the violation, the City may levy one or more Code Enforcement Fees to recover costs associated with code enforcement activities until such time as the violation is corrected. In the event that the violation is not remedied the City Attorney, upon order of the Council, shall apply to the Superior Court for an order authorizing the City to undertake actions necessary to abate the violation and require the violator to pay for the cost of the actions.

3. Nuisance abatement. The City may pursue any remedies or enforcement action, as provided in Municipal Code [Chapter 6.12](#) for the abatement of a nuisance.

B. Civil remedies and penalties.

1. Civil penalties and Code Enforcement Fees. Any person who violates the provisions of this Development Code or any permit issued in compliance with this Development Code, shall be liable for a civil penalty in compliance with the City's Fee Schedule for each day that a violation continues to exist.

2. Costs and damages. Any person violating any provisions of this Development Code or any permit issued in compliance with this Development Code, shall be liable to the City for the costs incurred and the damages suffered by the City, its agents, and agencies as a direct result of the violation.

3. Procedure. In determining the amount of the civil penalty to impose, the City and Court should consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation, the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the defendant, whether corporate or individual, and any corrective action taken by defendant.

C. Criminal actions and penalties. See [Section 18.98.040](#).B. (Criminal violation).

18.98.100 - Recovery of Costs

This Section establishes procedures for the recovery of administrative costs, including staff and City Attorney time expended on the enforcement of the provisions of this Development Code in cases where no permit is required in order to correct a violation. The intent of this Section is to recover City administrative costs reasonably related to enforcement.

A. Record of costs.

1. The Department shall maintain records of all administrative costs incurred by responsible City departments, associated with the processing of violations and enforcement of this Development Code, and shall recover the costs from the property owner in compliance with this Section.
2. Staff time shall be calculated at an hourly rate as established and revised from time to time by the Council.

B. Notice. Upon investigation and a determination that a violation of any of the provisions of this Development Code is found to exist, the Director shall notify the record owner or any person having possession or control of the property by certified mail of the existence of the violation(s), the Department's intent to recover all administrative costs associated with enforcement, and of the right to a hearing on any objections to recovery of said costs. The notice shall be in a form approved by the City Attorney.

C. Summary of costs and notice.

1. At the conclusion of the case, the Code Enforcement Planner shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the property by certified and first class mail.
2. The summary shall include a notice in a form approved by the City Attorney, advising the responsible party of their right to request a hearing on the charges for City cost recovery within 10 days of the date of the notice, and that if no request for hearing is filed, the responsible party will be liable for the charges.
3. In the event that no request for hearing is timely filed or, after a hearing the Director affirms the validity of the costs, the property owner or person in control shall be liable to the City in the amount stated in the summary or any lesser amount as determined by the Director.
4. The costs shall be recoverable in a civil action in the name of the City, in any court of competent jurisdiction, or by tax assessment, or by a lien on the property, at the City's election.

D. Attorney's fees. In any action or administrative proceeding to abate a nuisance, the prevailing party in the action or proceeding shall be entitled to recover reasonable attorney's fees; however, the amount of attorney's fees awarded to a prevailing party shall not exceed the amount of attorney's fees incurred by the City in the action or proceeding. Further, an award of attorney's fees in compliance with this Section shall only be allowed where the City elects, at the initiation of the action or proceeding, to seek recovery of its own attorney's fees.

E. Request for hearing on costs. Any property owner, or other person having possession and control of the subject property, who receives a summary of costs shall have the right to a hearing before the Director of Finance on their objections to the proposed costs.

1. A request for hearing shall be filed with the Department within 10 days of the service by mail of the Department's summary of costs, on a form provided by the Department.
2. Within 30 days of the filing of the request, and on 10 days written notice to the owner, the Director of Finance shall hold a hearing on the objections, and determine their validity.
3. In determining the validity of the costs, the Director of Finance shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include:
 - a. Whether the present owner created the violation(s);
 - b. Whether there is a present ability to correct the violation(s);
 - c. Whether the owner moved promptly to correct the violation(s);
 - d. The degree of cooperation provided by the owner; and
 - e. Whether reasonable minds can differ as to whether a violation(s) exists.
4. The Director of Finance's decision shall be appealable to the City Manager and Council as provided by [Chapter 18.92](#) (Appeals).

98.010 - Purpose of Chapter

This Chapter establishes provisions which are intended to ensure compliance with the requirements of this Development Code and any conditions of planning permit or subdivision approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City.

18.22.030 - Commercial District Land Uses and Permit Requirements

A. General permit requirements. Table 2-6 identifies the uses of land allowed by this Development Code in each commercial zoning district, and the planning permit required to establish each use, in compliance with [§ 18.20.030](#) (Allowable Land Uses and Planning Permit Requirements).

B. Requirements for certain specific land uses. Where the last column in Table 2-6 (“Specific Use Regulations”) includes a section number, the referenced section may affect whether the use requires a Zoning Clearance, Minor Use Permit, or Use Permit, and/or may establish other requirements and standards applicable to the use.

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 [§ 18.71.060](#) (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 local, regional and tourist-serving retail, office and services functions of the CBD, and will not detract from this basic purpose of the CBD. Uses proposed for the intense pedestrian-oriented retail shopping areas of the CBD, which include the 100 blocks of East and West Laurel Street, the 300 block of South Franklin Street, and the 100 and 200 blocks of Redwood Avenue, shall be limited to pedestrian-oriented uses on the street-fronting portion of the building.
- 4. CG (General Commercial) district.**
 - a. The uses generally require larger display and/or storage areas; and
 - b. The use is not dependent on heavy customer traffic per square foot.
- 5. CH (Highway 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; and
- b. Uses oriented to local clientele may be allowed where visitor-oriented uses are precluded because of environmental concerns or other site specific constraints.

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 § 18.71.060) UP Use Permit required (see § 18.71.060) Permit requirement set by Specific Use S Regulations — Use not allowed					
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	

AGRICULTURAL, RESOURCE AND OPEN SPACE USES

Crop production, horticulture, orchard, vineyard	P	P	P	P	P	
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INDUSTRY, MANUFACTURING AND PROCESSING, WHOLESALING

Laboratory - Analytical and testing	—	P	—	P	—	
Artisan/craft product manufacturing with retail sales	—	P(2)	P(2)	P(2)	P(2)	
Brewery/restaurant	—	—	UP	—	—	
Printing and publishing	—	—	P	P	—	
Research and development (R&D)	—	—	—	UP	—	
Recycling - Small facility	P	P	P	P	P	<u>18.42.150</u>
Recycling - Large facility	—	—	—	UP	—	<u>18.42.150</u>

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.

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 § 18.71.060)				
	UP	Use Permit required (see § 18.71.060)				
		Permit requirement set by Specific Use				
	S	Regulations				
	—	Use not allowed				
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES

Recreational vehicle park	—	—	—	—	UP	
Commercial recreation facility - Indoor	—	—	UP	P	P	
Commercial recreation facility - Outdoor	UP	UP	—	UP	UP	
Conference facility	—	UP	UP	UP	UP	
Health/fitness facility	—	UP	UP	P	UP	
Library, museum, art gallery	UP	UP	P	P	P	
Meeting facility, public or private	UP	UP	UP	UP	UP	
Park, playground	P	P	P	P	P	
School - Private	UP	UP	UP	UP	UP	
Sports and active recreation facility	—	—	UP	UP	UP	

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 § 18.71.060) UP Use Permit required (see § 18.71.060) Permit requirement set by Specific Use S Regulations — Use not allowed					
	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
LAND USE (1)	CN	CO	CBD	CG	CH	
Studio - Art, dance, martial arts, music, etc.	UP	UP	P	P	P	
Theater	—	UP	P	P	P	

RESIDENTIAL USES

Emergency shelter	—	—	—	P	—	
Home occupation	P	P	P	P	P	18.42.080
Live/work unit	MUP	MUP	MUP	MUP	—	18.42.090
Multifamily dwellings	P	UP	UP	UP	UP	18.42.120
Residential care facility for the elderly (RCFE)	—	UP	UP	UP	—	
Residential care facility	—	UP	UP	UP	—	
Residential component mixed use project	P	UP	P(2)	P	P	18.42.100
Single residential unit	MUP (3)	—	UP(4)	UP(4)	—	

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Notes