ADMINISTRATIVE DETERMINATION

Date: January 2009
Made By: Michelle Groenevelt, Community Development Director
Bradley Kraushaar, City Planner
RE: Clarification of Professional Office use in the Central Business District

The following Administrative Determination addresses and clarifies the allowed locations for Professional Offices in the Central Business District, as noted in McCall City Code Table 3.4.02 Note #5:

[Professional Offices are] not permitted on the ground floor fronting the street.
[Professional Offices are] permitted in ground floor courtyards or in other ground floor locations that do not front the street.

Location
Professional offices in the Central Business District are allowed in all locations that do not front the street on the ground floor; the meaning of “fronting the street” shall incorporate both the terms “facing” and “abutting”. That is, a use that has any frontage on a street, whether it is the back of a business or the front, whether it is at an angle to the street or parallel, or whether it has windows, doors, or just a wall, shall be considered to “abut the street”; “facing the street” is self-explanatory. The following six (6) diagrams indicate examples of where professional offices are and are not allowed in the Central Business District:
Definition
A Professional office is defined to include lawyers, architects, engineers, real estate brokers/agents, title companies, subdivision or fractional ownership sales or marketing, construction management, and similar office-based professions. A medical clinic, such as a doctor’s, dentist’s or chiropractor’s office that sees patients, is considered a medical clinic and not a professional office.

Perpetuation
Any professional office that is currently located on the ground floor, fronting the street (as defined and depicted above) in the Central Business District shall be considered non-conforming. The limitations on non-conforming uses are as follows:

• The non-conforming use may not be enlarged or increased, including expansion into any space, whether adjacent or not adjacent to the non-conforming use.
• The non-conforming use may not be moved to any location not occupied at the time the use became non-conforming (professional offices became non-conforming in the above locations on March 16, 2006).
• Once a non-conforming use ceases, that non-conforming use is grandfathered for eighteen (18) months, after which the non-conforming use is no longer grandfathered.

Enforcement
Any violation of the limitations on the location of professional offices shall be subject to code enforcement, including notices of violation, and ultimately citations or legal action.

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Below is a technical explanation of the above determination.

MCC 3.2.02: MEANING OF TERMS OR WORDS:

CLINIC: A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical and surgical attention but which building does not provide board (outpatient only).

PROFESSIONAL OFFICES: The use of a building or part thereof and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, real estate brokers/agents, title companies, subdivision or fractional ownership sales and marketing, and similar professions.

MCC 3.4.02: COMMERCIAL USE REGULATIONS:

TABLE 3.4.02: PERMITTED AND CONDITIONAL PERMITTED USES WITHIN COMMERCIAL ZONES:

<table>
<thead>
<tr>
<th>Allowed Use</th>
<th>NC</th>
<th>CC</th>
<th>CBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clinic, medical (excluding animal or veterinary)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Professional offices</td>
<td>P</td>
<td>P</td>
<td>P^5</td>
</tr>
</tbody>
</table>

Notes:

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5. Use is not permitted on the ground floor fronting the street. Use is permitted in ground floor courtyards or in other ground floor locations that do not front the street.
MCC 3.1.04: NONCONFORMING USES OF LAND:
Where at the time of the adoption of applicable regulations, lawful use of land existed which would not be permitted by the regulations imposed by this title, and where such use involves no individual structures other than small or minor accessory buildings, the use may be continued so long as it remains otherwise lawful, provided:

(A) No such nonconforming use shall be enlarged or increased.
(B) No nonconforming use may be moved in whole or in part to any portion of the lot or parcel other than the nonconforming use occupied at the time of the adoption of regulations prohibiting such use.
(C) If any nonconforming use of land ceases for any reason for more than eighteen (18) months, any subsequent use of land shall conform to the regulations specified by this title for the zone in which such land is located; provided, however, that the owner of such land may, in writing, file with the administrator during or before such eighteen (18) month period expires, give notice that the owner intends to suspend the use and intends to preserve the right, not exceeding three (3) years, to resume the use.
(D) No additional nonconforming structure(s) shall be erected in connection with such nonconforming use of land.