

NONCONFORMING LOTS AND USES

SECTION:

- 10-8-1: Purpose
- 10-8-2: Expansion of Pre-Existing, Nonconforming Use
- 10-8-3: Undersized Lots of Record
- 10-8-4: Destruction of Nonconforming Buildings
- 10-8-5: Abandonment of Nonconforming Use
- 10-8-6: Change of Nonconforming Uses
- 10-8-7: Removal of Nonconforming Uses
- 10-8-8: Repairs and Maintenance
- 10-8-9: Definition of Replace

10-8-1: PURPOSE: There were lots, structures and uses that were lawful before the effective date hereof, or amendment hereto, but which have become either prohibited, regulated or restricted under the new terms and conditions of this Title. They shall hereafter be referred to as pre-existing, nonconforming uses or buildings.

It is recognized that significant expenditures of personal and financial energy may have been invested in the development of such uses and structures and that to dismiss these expenditures as no longer relevant would be harmful to the public welfare, both in regards to the community harmony and with respect to support that will be needed to improve the quality, esthetics and functional aspects of the community.

It is therefore the intent of this Chapter to allow these structures and uses that existed prior to the effective date hereof to continue, including normal maintenance, repair or replacement in case of damage due to fire or other disaster.

10-8-2: EXPANSION OF PRE-EXISTING, NONCONFORMING USE: A pre-existing nonconforming use may make a normal expansion of the existing structure for the same use up to twenty five percent (25%) of the existing square footage of floor area. Expansions larger than twenty five percent (25%) require a conditional use permit issued by the Planning Commission under the terms and conditions of Chapter 4 of this Title. Any expansion of a pre-existing, nonconforming use shall be subject to design review under the provisions of Chapter 6 of this Title.

10-8-3: UNDERSIZED LOTS OF RECORD:

- A. Any lot having an area or dimension less than the minimum shall be designated a building site, provided the following criteria are met:
 - 1. The lot is shown on an officially approved and recorded subdivision map.
 - 2. A deed or a valid contract of sale is recorded with the Lane County Clerk.
 - 3. The lot was of legal area and dimension for a building site at the time the sale was recorded.
- B. No lot or combination of contiguous lots, either vacant or containing a residential dwelling, shall be platted, partitioned or replatted so that an undersized lot is created, nor shall a lot be platted, partitioned or replatted if setbacks or dimensions less than the minimum would result.

10-8-4: DESTRUCTION OF NONCONFORMING BUILDINGS: In the event of damage or destruction due to fire or other disaster, a nonconforming building or structure may be replaced in accordance with the Building Codes and use which existed at the time of such damage or destruction.

Replacement shall be commenced within one year from the date of destruction and shall be diligently followed to completion. The Planning Commission, with a written request of the applicant, may extend the period an additional one year.

10-8-5: ABANDONMENT OF NONCONFORMING USE: The discontinuance of a nonconforming use for any six (6) consecutive months shall constitute abandonment. The pre-existing use shall be deemed to have been terminated and every building, structure and use occupying the premises thereafter shall conform to the regulations of the zoning district in which is located.

10-8-6: CHANGE OF NONCONFORMING USES: A change from one nonconforming use to another nonconforming use requires a conditional use permit issued by the Planning Commission subject to the procedures and conditions in Chapter 4 of this Title.

10-8-7: REMOVAL OF NONCONFORMING USES: If, after holding public hearings, the Planning Commission determines that the continuance of a nonconforming use is detrimental to the health, safety or welfare of a neighborhood, the nonconforming use shall be completely removed or converted to a conforming use within an amortization period prescribed by the City Council. The Planning Commission shall establish conditions for the operation of the nonconforming use during the amortization period (not less than 5 years nor more than 40 years, depending upon the impact the nonconforming use has on the surrounding neighborhood). The Planning Commission shall then grant a conditional use permit subject to the procedures set forth in Chapter 4 of this Title.

10-8-8: REPAIRS AND MAINTENANCE: Nothing in this Title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety. (Ord. 625, 6-30-80).

10-8-9: DEFINITION OF REPLACE: To rebuild a structure such that it is brought back to its original use. In replacing a damaged nonconforming structure, the structure does not need to conform to the prior design, but the design may not be altered in a manner that increased its nonconformity.

Amended by Ordinance No. 15, Series 1988

Sections 10-8-4 and 10-8-5 amended and section 10-8-9 added by Ord. No. 3, Series 2013, see Exhibit B (effective 7-31-13)

Section 10-5-3-B amended by Ord. No. 7, Series 2019 (effective 12-18-19)