

Approved by Council on 11/3/08

Chapter 18.84
NONCONFORMING STRUCTURES AND USES-ALL ZONES

18.84.010 Purpose.

18.84.020 Nonconforming lots of record.

18.84.030 Nonconforming structures.

18.84.040 Nonconforming uses of land.

18.84.050 Nonconforming uses of structures.

18.84.060 Lawful permit applications prior to zoning change.

18.84.010 Purpose.

A. Where within the land use zones established by this title or amendments that may later be adopted, there exist lots, structures and uses of land and structures which would be prohibited under the terms of this title or future amendments, it is the intent of this title to permit these nonconformities to continue until they are removed.

B. It is the further intent of this title that nonconformities shall not be enlarged, expanded or extended, except by variance issued pursuant to Section 18.12.180 of this title.

18.84.020 Nonconforming lots of record.

In any zone, any permitted use or structure and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the ordinance codified in this title. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided, that setback dimensions and other requirements not involving area or width of the lot shall conform to the regulations for the zone in which such lot is situated and the other requirements of this title and applicable laws are complied with.

18.84.030 Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of the ordinance codified in this title that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its nonconformity, except by variance;

B. A structure that is destroyed may be fully restored only if the setback and yard requirements of the underlying zone are met unless the structure is listed on the National Register of Historic Places or the Washington State Cultural Resource Inventory, in which case, the structure may be restored and located in its former location despite noncompliance with the bulk regulations:

1. To restore a destroyed nonconforming structure, a building permit must be submitted to the Community Development Department within one year of the destruction; and

2. A structure shall be considered destroyed for purposes of this section if the restoration costs exceed 75 percent of assessed value of record when the damage occurred.

C. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved.

18.84.040 Nonconforming uses of land.

If at the effective date of adoption or amendment of this title, a lawful use of land not conducted within a building exists that is made no longer permissible under the terms of this title as adopted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of the lot of record than that which it occupied at the effective date of adoption or amendment of this title

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except by variance permit granted by the Hearings Examiner pursuant to Section 18.12.180 of this title.

B. At such time as the structure is erected thereon, the structure and the use of the land shall conform to the regulations specified by this title for the zone in which such land is situated.

C. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this title for the zone in which such land is located.

18.84.050 Nonconforming uses of structures.

If a lawful use of a structure and premises, in combination, exists at the effective date of adoption or amendment of this title that would not be allowed in the zone under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this title in the zone in which it is located shall be structurally altered except as may be required to strengthen or restore to a safe condition a nonconforming building upon order of a city official, or to change the use of the structure to a use permitted in the zone in which it is located.

B. If no structural alterations are made, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this title, but no such use shall be extended to occupy any land outside such buildings without grant of a variance permit by the Hearings Examiner pursuant to Section 18.12.180 of this title.

C. A structure used in whole or in part for a nonconforming use may not be replaced or reconstructed after its removal or destruction for other than a permitted use without grant of a variance permit by the Hearings Examiner pursuant to Section 18.12.180 of this title.

D. Any structure, or structure and premises in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed.

E. If a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and premises in combination, shall not thereafter be used for a nonconforming use without grant of a variance permit by the Hearings Examiner pursuant to Section 18.12.180 of this title.

F. _____ Nonconforming structures may be structurally altered only if the setback, height, lot coverage, and open space requirements of the zone in which the structure is located are met; except that repair to the existing structure including ordinary maintenance or replacement of roof, siding, interior, walls, fixtures, electrical or plumbing shall be permitted so long as the exterior dimensions of the structure, as it existed on the effective date of nonconformance, are not increased.

18.84.060 Lawful permit applications prior to zoning change.

A. To avoid undue hardship and to give effect to vested rights, no zoning regulation changes adopted by this title or by future amendments thereto shall require a change in the plans, construction or designated use of a building or land for which either a building or conditional use permit application has been made prior to the zoning regulation changes if:

1. The application, together with any minor supplemental information requested by the Zoning Administrator, is consistent with the zoning regulations, building code regulations and other applicable laws in force at the time of application for the permit; and

2. The building permit thereafter granted is issued in accordance with the zoning regulations, building code regulations and other applicable laws in force at the time of application for the permit; and

3. The building permit issued does not thereafter become null and void through expiration, cancellation or otherwise under the provisions applicable thereto in force at the time of application for the permit.

B. This section shall not prevent such building and/or use from being a nonconforming building

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and/or use subject to the provisions of this chapter.