

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

ORDINANCE NO. 09-O-637

IN THE MATTER OF ORDINANCE 09-O-637, AN ORDINANCE AMENDING CHAPTER 17.120, NONCONFORMING USES, TO TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE, IN IT'S ENTIRETY.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Chapter 17.120, in its entirety.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 17.120, Nonconforming Uses, to Title 17, Land Development Code, of the Brookings Municipal Code (BMC).

Section 2. Amend Chapter 17.120. Chapter 17.120, Nonconforming Uses is amended to read as follows:

**Chapter 17.120
NONCONFORMING USES**

Sections:

- [17.120.010](#) Continuation of nonconforming use.
- [17.120.020](#) Discontinuance of a nonconforming use.
- [17.120.030](#) Destruction of nonconforming use or structure.
- [17.120.040](#) Completion of structure.
- [17.120.050](#) Enlargement or alteration of a nonconforming structure.

17.120.010 Continuation of nonconforming use.

A lawfully pre-existing use of a structure or site, which does not conform to the regulations for the district in which it is located, shall be deemed to be a lawful, nonconforming use and may be continued, subject to the following regulations:

- A. Routine maintenance and repairs may be performed on structures or sites.
- B. No non-conforming structure, shall be moved, altered, or enlarged unless required by law, allowed elsewhere in this Code, or unless the moving, alteration or enlargement will result in the elimination of the nonconforming use.
- C. No structure partially occupied by a nonconforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use. [Ord. 89-O-446 § 1.]

17.120.020 Discontinuance of a nonconforming use.

If a nonconforming use has been changed to a conforming use, or if the nonconforming use of a building, structure or premises is discontinued for the time period specified below, the said use shall be considered abandoned, and said building, structure or premises shall thereafter be used only for uses permitted as an allowed outright use or as a conditional uses in the district in which it is located:

- A. Residential uses in a commercial zoning district: five years unless the building has been altered to the point that it is no longer suitable as a residence;
- B. All other uses: two years. [Ord. 90-O-446.B § 3; Ord. 89-O-446 § 1.]

17.120.030 Destruction of nonconforming use or structure.

If a nonconforming residential or commercial structure is destroyed to any extent, by any cause beyond the owner's control, it may be rebuilt or replaced by a structure that is no larger than the original structure. Time limits for this replacement shall comply with BMC 17.120.020 above. [Ord. 90-O-446.B § 4; Ord. 89-O-446 § 1.]

17.120.040 Completion of structure.

Nothing contained in this Code shall require any change in the plans, construction, alteration or designated use of a structure for which a valid permit exists unless work is discontinued and the building permit expires prior to completion. [Ord. 89-O-446 § 1.]

17.120.050 Enlargement or alteration of a nonconforming structure.

Existing structures that do not conform to current standards, including but not limited to setbacks, coverage, and height requirements, can be expanded, but only if all new construction complies with current standards and does not increase the area out of compliance.

First Reading: June 22, 2009
 Second Reading: June 22, 2009
 Passage: June 22, 2009
 Effective Date: July 22, 2009

Signed by me in authentication of its passage this 23rd day of June, 2009



 Mayor Larry Anderson

ATTEST:


 City Recorder Joyce Neffington