



NON-CONFORMING?!?

Information Bulletin No. 6

My property is non-conforming-what does that mean? This means a use which was legal when it was created, but because of subsequent changes in regulations, it no longer conforms to regulations for the district in which it is located.

What is the non-conformity?? There are four types of non-conformities. Meeting any one of the following renders a site non-conforming:

- ❖ **Non-conforming building:** physical non-conformity with setbacks or building coverage, for example
- ❖ **Non-conforming use of conforming building:** the physical characteristics meet current regulations, but the use therein does not, a duplex in a single-family district, for example
- ❖ **Non-conforming use of a non-conforming building:** neither the physical configuration nor the land use meet current regulations
- ❖ **Non-conforming use of land:** few or no structures, but the current use does not comply with current regulations

Does this mean I cannot make any changes to my property? Not necessarily. Because each situation is unique, you would need to talk to planning staff to discuss options. But, generally, continuing, repairing or replacing a non-conformity may be addressed with issuance of a use permit. It depends on the specifics of the subject site, zoning district, and individual land use entitlement history.

But what if my house burns down? Or a car drives through the wall?? OR...??? In the event of structural damage or destruction due to a catastrophic event, the use can be re-established to the condition it was prior to the event, as long as a building permit is issued within one year of the event. If you wait longer than a year, the use is considered to be abandoned, and work would need to conform to current regulations (23.68.040).