

1 **BEFORE THE BOARD OF COMMISSIONERS.**

2 **FOR LINCOLN COUNTY, OREGON**

3 ORDINANCE # 354

4 _____
5
6 **Relating to land use planning; amending LCC 1.1701; and declaring an emergency.**
7 _____

8 The Lincoln County Board of Commissioners ordains as follows:

9 **SECTION 1.**

10 LCC 1.1701 is amended to read:

11 **1.1701 Non-Conforming Uses**

12 (1) Definitions:

13 (a) The use of any building, structure or land which is lawful at the time ~~of~~ *[prior to]* the
14 enactment of any zoning ordinance, regulation or amendment thereto, and is not permitted by
15 *[fails to conform to the requirements of]* the zoning ordinance, regulation or amendment, shall be
16 considered a "nonconforming use," and may be continued.

17 (b) As used in this section, "alteration" of a non-conforming use or structure includes:

18 (A) A change in the use of no greater adverse impact to the neighborhood; and

19 (B) A change in the structure or physical improvements of no greater adverse impact to
20 the neighborhood.

21 ////

1 (2) Alteration:

2 Alteration of a non-conforming use may be **permitted in accordance with subsection**
3 **(5) of this section** [*to the extent such alteration is necessary in order*] to reasonably continue the
4 use. Alteration of a non-conforming use shall be permitted when necessary to comply with any
5 lawful requirement for alteration in the use. A change of ownership, control or occupancy of a
6 non-conforming use shall be permitted.

7 (3) Restoration and Replacement:

8 Restoration or replacement of any non-conforming use shall [*may*] be permitted when
9 made necessary by fire, other casualty or natural disaster, and shall be commenced within one
10 year from the occurrence of the fire, casualty or natural disaster.

11 (4) Interruption and Abandonment:

12 A non-conforming use interrupted or abandoned for a period of more than one year may
13 not be resumed [*unless the resumed use complies with the zoning ordinance regulations, and*
14 *amendments applicable at the time of the proposed resumption*].

15 (5) Alteration [*Planning Commission*] Approval:

16 Any proposal for the alteration of a nonconforming use, except an alteration necessary to
17 comply with a lawful requirement or an alteration made for the purpose of replacement or
18 restoration under subsection (3) of this section, shall require application and review
19 pursuant to LCC 1.1210(2) [*approval of the Planning Commission. Such approval may be*
20 *given following a public hearing, as prescribed in LCC 1.1250, in which the Planning*


1 *Commission determines that the proposed alteration shall be of no greater adverse impact to the*
2 *neighborhood*].

3 **SECTION 2.**

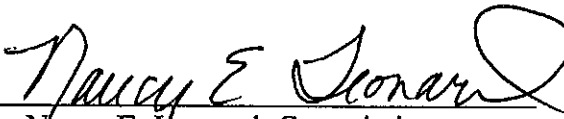
4 This Ordinance being necessary for the immediate preservation of the public peace, health
5 and safety, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

DATED this 18th day of October, 1995.

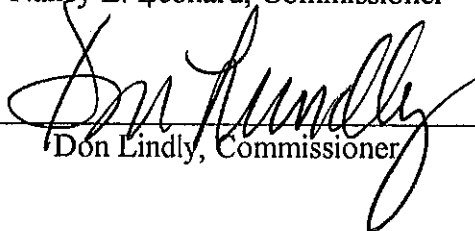
LINCOLN COUNTY BOARD OF COMMISSIONERS



Jean Cowan, Chair



Nancy E. Leonard, Commissioner




Don Lindly, Commissioner

ATTESTED TO:



Susan Kays, Recorder

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in boldfaced type.