

Amendments to NBMC 18.30

NBMC 18.30.010 Nonconforming use – Continuance.

- A. Nonconforming uses (i.e., buildings, structures, and/or land uses) may be continued provided there is no physical change other than permitted maintenance, repair/restoration, or addition/enlargement to such building, structure, or land use, as outlined per guidelines in NBMC 18.30.030, 18.30.040, and 18.30.050.
- B. Existing nonconforming accessory buildings operating as an unpermitted ADU may be brought into conformance provided the following are met:
1. The subject accessory building was legally developed and received a building permit from the City of North Bend, including the approved final inspection.
 2. A request to legalize an existing building operating as an unpermitted ADU shall include an application for a building permit, showing changes made to the primary dwelling unit and/or detached accessory building to accommodate the ADU.
 - i. Building Permit applications shall be submitted within a three-year period from the adoption of this ordinance.
 - ii. The building shall meet minimum building, utility, and fire standards to ensure a safe, habitable environment.
 - iii. Minimum parking requirements for the ADU are met as described under NBMC 18.16.
 3. Property owners shall meet property title recording requirements described in NBMC 18.10.050 within a five-year period of the adoption of this ordinance.
 - i. A copy of the property title recording shall be submitted to the City of North Bend prior to final inspection of the building permit for recordkeeping purposes.
 - ii. Failure to provide a copy of the recorded document prior to occupancy may result in code enforcement proceedings and/or delay issuance of a Certificate of Occupancy.
 4. Nonconforming accessory buildings that do not meet current zoning standards may continue to operate as an ADU, provided that:
 - i. Additions and enlargements may be permissible if an addition or enlargement is necessary to bring a nonconforming ADU structure into conformance with the adopted Building or Fire code.
 - ii. Additions and enlargements shall not make the ADU exceed the maximum ADU size permitted under NBMC 18.10.050.
 - iii. Additions and enlargements should avoid furthering the nonconformity unless the applicant can demonstrate no other reasonable alternative is possible.
 5. Nothing in this section shall require that the city permit existing ADUs that are determined to be unsafe, uninhabitable, or dangerous.
- C. Existing nonconforming accessory buildings may be converted into ADUs provided the following are met:
1. The subject accessory building was legally developed and received a building permit from the City of North Bend, including the approved final inspection.
 2. An application for a building permit shall be submitted, demonstrating the building can be retrofitted to meet minimum building and fire standards.
 3. Nonconforming accessory structures that do not meet current zoning standards may propose an ADU, provided that:

- i. Additions and enlargements shall not make the ADU exceed the maximum ADU size permitted under NBMC 18.10.050.
 - ii. Additions and enlargements should avoid furthering the nonconformity unless the applicant can demonstrate no other reasonable alternative is possible.
- 4. The City maintains the right to deny conversion projects that fail to meet minimum building, utility, and fire standards.
- D. Unpermitted housing units shall be issued a Notice to Abate and shall be required to discontinue the residential use and/or remove the building, subject to the determination of the Building Official.

NBMC 18.30.050 Nonconforming use – Addition and enlargement.

A. A nonconforming building, structure, or land use (as applicable) may be added to or enlarged; provided, that:

- 1. Such enlargement shall not exceed 20 percent of gross floor area for said building(s) or structure(s), and 20 percent of lot area dedicated to nonconforming land uses (where buildings/structures are not present);
- 2. Regardless of ownership, any enlargement shall be limited to a one-time only addition of the nonconforming building, structure, or land use;
- 3. Such enlargement conforms to the bulk and dimensional standards of the zoning district in which such building, structure, or land use lies. If no bulk and dimensional standards exist for the specific building, structure, or land use within a zoning district, standards for the use as prescribed in the lowest intensity district which would permit such use shall be applied to locate the building, structure, or land use;
- 4. Regardless of ownership, no expansion onto adjacent and nearby properties or adjacent and nearby legal lots shall be permitted;
- 5. No nonconforming signs shall be permitted to enlarge or expand;
- 6. In no case shall any prohibited uses as designated under NBMC 18.10.030 be permitted to enlarge or expand.

B. Nonconforming residential uses within the Downtown Core zone may be allowed additions and expansions for the purpose of adding accessory dwelling units (ADUs) to the lot in addition to allowances in NBMC subsection 18.30.050(A), provided that:

- 1. Limitations of additions and enlargements described in NBMC subsection 18.30.050(A) do not apply to ADUs proposed in the Downtown Core zone.
- 2. ADU and zoning development standards described in NBMC subsection 18.10.030-050 can be met on-site.
- 3. ADUs are not required to meet the development and design standards of the Form-Based Code.