

COMMUNITY DEVELOPMENT DEPARTMENT

M E M O

November 20, 2024

To: City Council

From: Marlin Eckhoff, Building Official *M.E.*

Subject First reading of an Ordinance amendment to section 16.03.060 of the Craig Land Use Code.

BACKGROUND / DISCUSSION

This proposed Ordinance Amendment is to address the ability to rebuild a nonconforming use if destroyed by natural causes. A nonconforming use is the use of a building that does not comply with our current zoning regulations but was a lawful use when it was established. The most common examples of this are single-family residences that were legal when they were built, but now are in a Commercial or Light Industrial Zone District that does not allow new single-family homes.

Our current Land Use Code has the following language for nonconforming uses and buildings: "A nonconforming building which has been damaged by fire or other natural causes may be restored to its original condition, provided that such work is commenced within 180 days of such calamity, and less than 50% of the building is destroyed."

This has become somewhat of an issue for community members that own or are looking at purchasing homes that are nonconforming. It also has led some insurance companies to not want to insure these homes because if the home is over 50% destroyed, the current language would not allow the home to be rebuilt on the same lot.

I feel that allowing a nonconforming use to be rebuilt when destroyed by natural causes will not cause a short or long-term issue with zoning districts. However, it will help the financing, re-financing, and insuring of existing buildings and homes for citizens within the community.

I have included the following items for your review:

1. A draft of the Ordinance amendment.
2. Section 16.03.060 of the Land Use Code with the two line items we are proposing to amend highlighted in yellow.

RECOMMENDATION

The Planning & Zoning Commission was presented with this Ordinance Amendment on November 18, 2024. They voted unanimously five (5) to zero (0) to recommend to council to approve the Ordinance Amendment with additional language allowing an extension beyond 180 days for reasons such as but not limited to, insurance claim delays, etc.

16.03.060 Nonconforming uses and buildings.

Except as provided in this section, the lawful use of any building or land existing at the time of enactment of this chapter, or of any amendments to this code, may be continued even though such use does not conform to the requirements of this code. The following provisions apply to all nonconforming uses or buildings:

1. Abandonment. Whenever a nonconforming use or building has been discontinued for a period of one hundred eighty (180) days, such use shall not thereafter be reestablished, and any future use shall be in conformance with the provisions of this chapter.
2. Completion. Any building or structure for which a building permit has been issued prior to the date of enactment of this chapter may be completed and used in accordance with the plans, specifications and permits on which said building permit was granted, if construction is commenced within sixty (60) days after the issuance of said permit and diligently pursued to completion.
3. Displacement. No nonconforming use or building shall be altered, extended or restored so as to displace any conforming use. A mobile home or trailer used as a dwelling in any district may not be altered in any way. When it is removed, it may be replaced only with a conforming use.
4. Extensions. A nonconforming use shall not be expanded in land area, amount of activity from or to the use or amount of materials for the use. The extension of a conforming building shall not be deemed, by itself, the extension of such nonconforming use located in the building; however, nonconforming businesses in RLD, RMD and RHD Districts shall not be extended under any circumstances.
5. Repairs and maintenance. Ordinary repairs and maintenance of a nonconforming building shall not be deemed an extension of such nonconforming building and shall be permitted.
6. Restoration. A nonconforming building which has been damaged by fire or other causes may be restored to its original condition, provided that: (a) such work is commenced within one hundred eighty (180) days of such calamity; and (b) less than fifty percent (50%) of the building is destroyed.
7. Unsafe buildings. Any nonconforming building or portion thereof declared unsafe by the building inspector may be replaced, strengthened or restored to a safe condition.