

CITY OF WHEELER, OREGON ZONING ORDINANCE

ARTICLE 17: NONCONFORMING USES

Section 17.010 Continuation of a Nonconforming Structure or Use

Subject to the provisions of ORS 215.130 and subsequent provisions of this article, a nonconforming use or structure may be continued.

Section 17.020 Enlargement or Expansion of a Nonconforming Use

- (a) For a nonconforming use that is a structure, in case of practical difficulty and unnecessary hardship, the Planning Commission may grant a permit to allow for the enlargement or expansion of a nonconforming use up to a cumulative 20% of total floor area as the nonconforming use exists on the effective date of the ordinance that made the use nonconforming.
- (b) For a nonconforming use that does not involve a structure, in case of practical difficulty and unnecessary hardship, the Planning Commission may grant a permit to allow for the enlargement or expansion of a nonconforming use up to a cumulative 10% in total land area as the nonconforming use exists on the effective date of the ordinance that made the use nonconforming.
- (c) The City shall grant a permit to allow an expansion or enlargement of a nonconforming use where the expansion or enlargement is required to conform to another law, such as a pollution control requirement.

Section 17.025 Enlargement or Expansion of a Nonconforming Structure

The City shall grant a permit to allow the enlargement or expansion of a nonconforming structure where the enlargement or expansion is consistent with current ordinance requirements. Any enlargement or expansion of a nonconforming structure inconsistent with current ordinance standards shall be regulated as a variance request.

Section 17.030 Discontinuance of a Nonconforming Use

If a non-conforming use is discontinued for a period of one-year, further use of the property shall conform to city ordinance.

Section 17.040 Destruction of a Nonconforming Structure

If a nonconforming structure is destroyed by any cause to an extent exceeding 80% of its real market value as indicated by the records of the County Assessor and restoration is not commenced within one year from the date of destruction, a future structure on the site shall conform to city ordinance.