



A legal non-conforming situation is a use or structure which was legally established according to the applicable zoning and building codes of the time, but which does not meet current zoning regulations. A use or structure can become legal non-conforming due to rezoning, annexation, or revisions to the Eugene Land Use Code. Sometimes people refer to legal non-conforming status as “grandfathered”.

Land Use Code Requirements

Eugene Code, Chapter 9, Section 9.1200

Why does the City regulate legal non-conforming situations?

The intention is to minimize the impacts of the non-conforming situation by establishing standards that limit the expansion of the non-conformity. These standards also provide for the correction or removal of non-conforming situations in a reasonable manner. The goal is to bring these uses or structures into compliance with the Land Use code.

What is a legal non-conforming structure?

A structure that was legally established but no longer conforms to all development standards of this land use code. For example, a home is constructed 3 feet from the interior property line according to the regulations in effect at the time. However, the code was later changed and now requires the home to be 5 feet from the interior property line. The home would be considered a legal non-conforming structure.

Can I repair or replace the structure?

The continuation of a legal non-conforming structure is subject to the following:

- Minor repairs and routine maintenance; such as residing, reroofing, and painting; are allowed.
- If removed it loses its non-conforming status and any replacement structure must conform to current zoning regulations.
- It can be altered to bring the structure closer to compliance with existing regulations, but not altered in a way that increases its non-conformity.
- If damaged beyond 50% of its replacement cost it may be restored within two years, if

the damage was not intentionally caused by the property owner and the non-conformity is not increased.

What is a legal non-conforming use?

A use that was legally established on the development site, that no longer complies with the allowed uses or the standards for those uses in this Land Use code. For example, a home is constructed on property zoned for residential uses. However, the zone of the property was later changed to industrial, which does not permit residential uses. The home would be considered a legal non-conforming use.

How long can a legal non-conforming use continue?

A legal non-conforming use can continue unless the use ceases for a period of 365 days. If the use was discontinued because the structure was damaged to an extent of 50% or more of its replacement cost by a catastrophe, such as fire that is not intentionally caused by the owner, the use may be reinstated within 2 years. Also, if the legal nonconforming use is converted to a conforming use, no non-conforming use can be resumed.

Can I change a legal non-conforming use to another non-conforming use?

No, a legal non-conforming use may not be replaced by a different type of non-conforming use, nor may any legal non-conforming use be expanded or intensified.

Please contact Land Use staff at 541-682-8336 or landuseinfo@ci.eugene.or.us for more information.

Note: This document should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this document.