



A Legal Nonconforming Situation is a use or structure which was legally established according to applicable permitting, Land Use Code, and Building Code requirements 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. Legal nonconforming status is often referred to as “grandfathered.”

Why does the City regulate Legal Nonconforming Situations?

The Land Use Code requirements for Legal Nonconforming Situations, beginning at **Eugene Code Chapter 9, Section 9.1200**, are intended to minimize the impacts of the nonconforming situation on surrounding properties by establishing standards that limit the expansion of the nonconformity. The goal is to bring these uses or structures into compliance with the Land Use code.

What is a Legal Nonconforming 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, is considered a legal nonconforming use. For example, a single-unit dwelling constructed on property zoned for residential uses is allowed by the Land Use Code. However, if the zoning of the property is later changed to commercial, which does not permit single-unit dwellings without commercial use on the ground floor of the building, the home would be considered a legal nonconforming use.

How long can a Legal Nonconforming Use continue?

A legal nonconforming use can continue unless the use ceases for a period of 365 consecutive 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 nonconforming use can be resumed. A legal nonconforming use may not be replaced by a different type of nonconforming use, nor may any legal nonconforming use be expanded or intensified.

What is a Legal Nonconforming Structure?

A structure that was legally established, but no longer conforms to all development standards of the Land Use Code, is considered a legal nonconforming structure. For example, a single-unit dwelling that was constructed 3 feet from the interior property line may have complied with the development standards in effect at the time of permit issuance. However, based on the current 5-foot interior yard setback requirement for single-unit dwellings, the dwelling would now be considered a Legal Nonconforming Structure.

Can I repair or replace the structure?

The continuation of a legal nonconforming structure is subject to the following:

- Minor repairs and routine maintenance, such as residing, reroofing, and painting are allowed.
- If removed, the structure loses its nonconforming 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 nonconformity.
- If damaged beyond 50% of its replacement cost, the structure may be restored within two years, if the damage was not intentionally caused by the property owner and the non-conformity is not increased.

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.

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