

**Molalla Municipal Code**[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 17 DEVELOPMENT CODE](#)[Division I. Introduction and General Provisions](#)[Chapter 17-1.4 NONCONFORMING SITUATIONS](#)**17-1.4.030 Nonconforming Development**

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Section 17-1.4.030 regulates nonconforming development. Nonconforming development includes situations where a development exists on the effective date of adoption or amendment of this Code that could not be built under the terms of the Code today, for example, by reason of restrictions on lot area, lot coverage, location on a lot, setbacks, height, yard, equipment, access, parking, landscaping, or other physical restriction or requirement. If the development was lawful when constructed, it may remain on the site so long as it remains otherwise lawful and complies with the following regulations:

- A. **Alterations.** Any expansion of a nonconforming development shall not exceed 50 percent of the subject building area or development area, as applicable; for example, such area may include floor area or other surface area, paving, parking spaces, landscaping, outdoor storage, signage, lighting, or other developed areas that existed as of November 10, 2017. Expansion of a nonconforming use requires approval of a Conditional Use Permit under Chapter 17-4.4. A nonconforming development shall not be enlarged or altered in a way that increases its nonconformity by more than 50 percent. Approval of a variance is required to increase a development's nonconformity, and not more than one such variance shall be approved to expand the same development. A development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this Code or moves in the direction of conformity.
- B. **Destruction.** Should a nonconforming development or nonconforming portion of a development be destroyed by any means to an extent more than 50 percent of its current value as assessed by the Clackamas County Assessor, it shall be reconstructed only in full conformity with this Code. This does not preclude the reestablishment of a nonconforming use after fire or other catastrophe as allowed under Section 17-1.4.020. This section does not apply to the R-5 Historic Residential district.
- C. **Roadway Access.** The owner of a nonconforming driveway approach or access to a public street or highway, upon receiving land use or development approval, may be required as a condition of approval to bring the nonconforming access into conformance with the standards of the applicable roadway authority.
- D. **Relocation or Removal.** Once a nonconforming structure or a portion of a nonconforming structure or development is moved it shall thereafter conform to current Code standards. (Ord. 2017-08 §1)

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