

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](#)**17-1.4.020 Nonconforming Use**

Where a use of land exists that would not be permitted under the current Code, but was lawful at the time it was established, the use may continue, provided it conforms to the following requirements:

- A. **Expansion of Nonconforming Use Limited.** Expansion of a nonconforming use shall not exceed 35 percent of the subject site or building, and not more than 2,500 square feet of building area (footprint or floor area), cumulatively, whichever is less, that existed as of November 10, 2017. Where an expansion is proposed, consistent with this section, a Conditional Use Permit shall be required, under Chapter 17-4.4.
- B. **Location of Nonconforming Use.** A nonconforming use shall not be moved in whole or in part from one lot to another lot, except as to bring the use into conformance with this Code.
- C. **Discontinuation or Abandonment of Nonconforming Use.** Except as provided by subsection E. A nonconforming use that is discontinued for any reason, other than fire or other catastrophe beyond the owner's control, for a period of more than 12 months shall be deemed abandoned and shall no longer be an allowed use. For purposes of calculating the 12-month period, a use is discontinued when:
1. The use of land is physically vacated;
 2. The use ceases to be actively involved in the sale of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods, stock, or office equipment, or the disconnection of telephone or utility service;
 3. Any lease or contract under which the nonconforming use has occupied the land is terminated;
 4. A request for final reading of water and power meters is made to the applicable utility districts;
 5. The owner's utility bill or property tax bill account became delinquent; or
 6. An event occurs similar to those listed in subsections C.1 through 5, as determined by the Planning Commission.
- D. **Application of Code Criteria and Standards to Nonconforming Use.** Once the City deems a use abandoned pursuant to subsection C, any subsequent use of the subject lot shall conform to the current standards and criteria of this Code. After the City has deemed a nonconforming use abandoned, the use shall not be allowed to resume, in whole or in part, under the same or different ownership or management; any such activity is a violation of this Code and subject to enforcement proceedings under Chapter 17-1.6. Residential uses in Commercial zones are exempt from this section.
- E. **Extension of Nonconforming Status for Discontinued Use.** Notwithstanding the provisions of subsection C, a nonconforming use that is discontinued shall not be considered abandoned where, through a Type III procedure, the Planning Commission approves an extension for repair, including as applicable ongoing, active renovation and efforts to lease the subject property. The owner must request the extension within the six-month period of discontinuance. (Ord. 2017-08 §1)

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