The City is exploring amendments to sections of the Development Code that a) allow adjustments or variances to code standards and b) regulate nonconforming structures and uses. The amendments are intended to update, streamline and simplify these code sections so they are easier to understand and administer.

**Variance, Adjustments and Alternatives [LOC 50.08]**

The proposed amendments to this section are to combine and reduce the nine existing procedures by which an applicant can vary or adjust standards in the Development Code. The procedures would be consolidated into three major categories: Minor Variances, Design Variances, and Major Variances. A set of general criteria would apply to each of the variance categories, and some variances would have more specific criteria that would apply in addition to the general criteria.

**Effect of Proposed Amendments to LOC 50.08 on Specific Neighborhoods or Districts**

**Downtown Redevelopment Design District**

The DRDD Exception procedure (LOC 50.08.005) allows exceptions to the DRDD standards or any other applicable standard in LOC Chapter 50. The proposal is to classify this procedure as a Design Variance, which would be subject to modified criteria.

**First Addition-Forest Hills Neighborhood**

The R-6 Administrative Modification (LOC 50.08.001) would be eliminated because the modifications allowed by this procedure are available through the Minor Variance procedure, or have never been used. Minor Variances to front yard setbacks in the R-6 zone would be limited to a maximum of two feet rather than 20% of the front setback requirement.

**Lake Grove Village Center Overlay District**

The LGVCO district currently allows “minor” or “major” adjustments to certain standards of the district (LOC 50.08.006). The proposal is to classify the LGVCO “minor” adjustments as a Minor Variance and the LGVCO “major” adjustments as a Design Variance. The criteria for both of the LGVCO adjustments would be modified. In addition, “major” adjustments would be allowed to adjust any applicable standard in Chapter 50 of the Community Development Code instead of only the LGVCO standards (except certain LGVCO standards that are explicitly prohibited from being adjusted). This would align LGVCO adjustments with the Downtown Redevelopment Design District, which allows exceptions to any applicable Chapter 50 code standard.
Old Town Neighborhood

The Old Town Neighborhood has an R-DD Administrative Modification procedure [LOC 50.08.001.2.b] that allows reductions to required setbacks of between two to five feet. The proposal is to classify this procedure as a Design Variance, which would be subject to the existing criteria in LOC 50.08.004.3, but new criteria would be added.

Nonconforming Structures and Uses [LOC 50.01.006]

The proposed amendments to this section would clarify existing language and remove conflicting terms, add provisions to cover all of the common types of nonconformities, and in some cases, allow more flexibility in modifying nonconforming structures in a manner that does not increase the degree of nonconformity. In design districts, additions to nonconforming structures would become more restrictive.

Effect of Proposed Amendments to LOC 50.01.006 on Specific Neighborhoods or Districts

Design Districts (Downtown Redevelopment Design District, Lake Grove Village Center Overlay, Old Town, West Lake Grove Design District)

Nonconforming multi-family, commercial, industrial, public, or institutional structures that are located in a design district and are expanded by 50% or more of the existing floor area would be required to be brought into full compliance with the Code. This new threshold is designed to encourage full compliance with code standards in design districts when large expansions are proposed. The proposed threshold would not apply to single-family dwellings, duplexes, or historic structures in design districts or to multi-family, commercial, industrial, public, or institutional structures in design districts that are expanded by less than 50% of the existing floor area.

First Addition-Forest Hills and Old Town

The proposed amendment would allow a nonconforming use to change to another use in the same use category without the need to obtain a conditional use (e.g., a nonconforming law office is replaced by an accountant, which is still a professional office use category). Because use categories are proposed to be more generalized and flexible as part of the upcoming Commercial and Mixed Use component of the Code Streamlining and Updates Project, and those uses have been grouped into broader categories in the Use Tables, this amendment could potentially open up a broader range of uses in certain use categories. This is of particular interest to the FAN-FH and Old Town neighborhoods because they have properties that contain nonconforming buildings with nonconforming uses (for example, 601 1st Street).

Lake Grove Village Center Overlay District

Currently, in the LGVCO district, a nonconforming multi-family, commercial, industrial, public or institutional structure that is damaged by any means (including partial demolition by the
property owner) can be rebuilt as long the rebuilding complies with select LGVCO standards that apply to “remodeling” (LOC 50.05.007.3.c.ii). “Remodeling” is not defined. In the rest of the City, if a nonconforming multi-family, commercial, industrial, public or institutional structure is damaged by more than 50% of the replacement cost of the entire structure, the rebuilding has to fully comply with City Codes and standards. The proposed amendment would apply the same standard for reconstructing a damaged nonconforming structure in LGVCO district that applies to the rest of the City.

Timeline for Adopting Code Amendments
- Planning Commission work session June 23
- Planning Commission hearing July 28
- City Council hearing TBD

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