



# Community Development Land Use Application

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| Property Information:                  |              |          |       |         |            |
|--|--------------|----------|-------|---------|------------|
| STREET ADDRESS OR LOCATION OF PROPERTY |              |          |       |         |            |
| ZONE                                   | OVERLAY ZONE | TOWNSHIP | RANGE | SECTION | TAX LOT(S) |

| Owner:    | Applicant/Representative Other than Owner: |
|-----------|--|
| NAME      | NAME OF APPLICANT / REPRESENTATIVE         |
| ADDRESS   | ADDRESS                                    |
| PHONE     | PHONE                                      |
| EMAIL     | EMAIL                                      |
| SIGNATURE | SIGNATURE                                  |

**Proposed Use:**

**Existing Use:**

**Site Plan:**

Please attach a site plan of the property showing lot dimensions, sizes, and locations of all existing and proposed structures. The site plan must show the structure's setbacks to all property lines as well as access to the site and the parking area layout. Site plans must be drawn to scale and show the needed information pertinent to the request. Parking Maps for VRDs must have scaled dimensions showing the location of required 9'x18' car spaces.

| Specific of Request:    |                          |                 |                       |
|-------------------------|--------------------------|-----------------|-----------------------|
| Conditional Use         | Non-conforming           | Subdivision     | Zoning Code Amendment |
| Landscape/Access Review | Planned Development      | Temporary Use   | Zoning Map Amendment  |
| Major Partition         | Property Line Adjustment | Vacation Rental | Appeal                |
| Minor Partition         | Setback Reduction        | Variance        |                       |

| For Office Use Only          |                      |
|------------------------------|----------------------|
| Application Received:        | File Number:         |
| Application Deemed Complete: | 120-Day Decision:    |
| Staff Decision (Type 1)      | PC Decision (Type 2) |



## Community Development

# Non-Conforming Use

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Please describe the scope of your project.

At the time the Zoning Ordinance is adopted or amended, some of the existing uses may no longer conform to the newly adopted use provisions. These are known as nonconforming uses. In order to feasibly adopt the new Ordinance and not cause undue economic hardship to owners of nonconforming uses, structures are allowed to continue to be utilized under the following provision of Article 8 of the City of Seaside Zoning Ordinance.

### **Section 8.020 CONTINUATION, ENLARGEMENT, OR RELOCATION OF A NONCONFORMING USE**

A use allowed prior to the adoption of Ordinance 83-10 but which is no longer permitted in the zone in which it is located may continue after it becomes nonconforming so long as it complies with all the following requirements:

1. A nonconforming use shall not be enlarged or extended to occupy a greater portion of the lot, parcel or structure except as follows:
  - In case of practical difficulty and unnecessary hardship, the Planning Commission may grant the enlargement or expansion of a nonconforming use up to:
    - 25% in floor area where the use occurs within a structure where the use and structure existed on the effective date of this ordinance or,
    - 10% in land area where the use occurs outside of a structure and where the use existed on the effective date of this ordinance.
2. Except as provided in one (1) above, a nonconforming use shall not be moved to any other portion of a lot, parcel or building.

Proposed Alteration: The Planning Commission will make a determination on the proposed enlargement or extension of a nonconforming use that would occupy a greater portion of a lot or parcel based on the applicant's justification of the following statements:

- A. Please explain the proposed plan to expand or enlarge the existing nonconforming use. In addition to the written explanation, the applicant must provide supplemental

plans, drawings, and/or photos that will clearly show the Commissioners how and where the existing structure will be modified.

- B. Please explain the practical difficulty and unnecessary hardship that is the basis to justify the request to enlarge or expand the existing nonconforming use.
- C. Provide the existing nonconforming use's lot coverage area, the area of the subject property, and the area of the proposed expansion or enlargement. Each area calculation should be represented in the form of square feet.
- A1 Area of Existing Nonconforming Use:
  - A2 Area of the Subject Property:
  - A3 Area of Proposed Expansion or extension of use:
- D. What is the percentage of the proposed expansion or enlargement in relation to the area of the existing nonconforming use:
- E. Is the percentage equal to or less than 25% for a structural expansion or 10% for a use that is outside of a structure?
- F. Will the existing nonconforming use be moved to any other portion of the subject property?
- G. Provide a site plan, drawn to scale, which indicates the following: the actual shape and dimensions of the lot, the sizes and locations of buildings and other structures (existing & proposed), the existing and intended use of each building (including floor plans), and other information need to determine conformance with the development standards in the ordinance (e.g. setbacks, parking spaces, fences, accesses, landscaping, neighboring buildings, or uses, etc.)