

D# 67 REBUILD APPROVAL PERMITS

SUPPLEMENTAL STAFF REPORT

SUMMARY: This Supplemental Staff Report provides responses to issues that were raised at a Planning Commission meeting regarding amendments to the Development Regulations (Title IV). It also includes additional information that staff has identified as being necessary to include in the analysis for amendments.

General Description

This docket request was made by the City of Renton Planning Division and proposes to amend provisions to Title IV that would permit legal non-conforming uses and structures to rebuild, reconstruct, and/or be repaired when damaged by fire, explosion, or an act of God. The proposed changes would permit reconstruction of legal non-conforming structures without a limit on the latest assessed or appraised value of the building and would require such reconstruction to be consistent with current development and design standards of the zone the structure is located in. The proposed changes would permit the reestablishment of a legal non-conforming use without a limit on the latest assessed or appraised value of the building the use it is located within. In addition, these changes would eliminate the Rebuild Approval Permit and references thereto throughout Title IV.

Additional Information: A draft of the proposed code changes is shown on Attachment A and a “clean” version of the proposed new language for RMC 4-10-050 Non-Conforming Structures and 4-10-060 Non-Conforming Uses is shown on Attachment B. The proposed amendment proposes the following changes to Title IV:

1. Remove references to Re-build Approval Permit including the option for people to apply for this permit in the future.
2. Remove Footnote 19 from the Zoning Use Table and add new sections to address existing legal residential uses and structures, making these uses and structures conforming in any zone.
3. Legal non-conforming structures can be rebuild regardless of appraised value, provided the structure becomes conforming.
4. Legal non-conforming uses can be reestablished regardless of appraised value.
5. Eliminate references to structures in the non-conforming use section of the code to provide additional clarity and streamline the non-conforming use section of Title IV.

Planning Commission Issue: In the initial staff report for the subject docket item, staff proposed the following language:

“The proposed changes would permit such reconstruction without a limit on the latest assessed or appraised value of the building and would require such reconstruction to be consistent, to the degree possible, with current development and design standards of the zone the use/structure is located in.”

One Planning Commissioner requested that staff create criteria to evaluate when a structure and/or use could deviate from the development standards. Specifically the request related to the portion of the previous proposal that would quantify or qualify “degree possible”.

Staff Response: After further review and the specific code text amendments were created, this issue has been addressed as follows:

1. For legal non-conforming structures a limit of fifty percent (50%) of the latest assessed or appraised value of the building or structure, at the time such damage occurred, was stipulated for re-development that would permit the structure to be rebuilt as is, where is. Otherwise, any restoration or reconstruction shall conform to the regulations and uses specified at the time of reconstruction.
2. To deviate from this above standard, an applicant would be required to apply for and be granted a variance.
3. For legal non-conforming uses, there is no limit on assessed or appraised value of the structure to be re-established as this section is designed to look at the use alone. However, if the use is located in a non-conforming structure, then the above provision would apply to the structure the use is located in.

4-2-050 PERMITTED LAND USES ESTABLISHED:

C. INTERPRETATION OF ZONING USE TABLES:

8. Existing Legal Uses: Where the term “existing” ~~or “existing legal”~~ follows a listed use type within the table(s) (e.g., ~~horticultural nurseries flats or townhouses~~, existing ~~legal~~), then those uses that can document their legal status, are considered to be a permitted use given all the rights of other permitted uses within the district. In addition, these uses may be rebuilt “as is, where is” should they suffer damage. These uses may be remodeled without limitation on value and may be enlarged subject to current code requirements (e.g., height limits, lot coverage, density limits, setbacks, parking, etc.), unless otherwise specifically conditioned in RMC 4-2-080.

4-2-060 ZONING USE TABLE – USES ALLOWED IN ZONING DESIGNATIONS:

ZONING USE TABLE	RESIDENTIAL ZONING DESIGNATIONS								INDUSTRIAL			COMMERCIAL ZONING DESIGNATIONS							
	RC	R-1	R-4	R-8	RMH	R-10	R-14	RM	IL	IM	IH	CN	CV	CA	CD	CO	COR	UC-N1	UC-N2
C. RESIDENTIAL																			
Detached dwelling	P	P	P	P		P	P	P19				P19			P19				
Attached dwellings		P19	P19	P19		P73	P73	P				P18	P73	P18	P16		P	P74	P87
Manufactured Homes																			
Manufactured homes					P19														
Manufactured homes, designated	P19	P19	P19	P19	P19	P19	P19												
Mobile homes					P19														
(Amd. Ord. 5018, 9-22-2003; Ord. 5191, 12-12-2005; Ord. 5520, 12-14-2009)																			

4-2-080 CONDITIONS ASSOCIATED WITH ZONING USE TABLES:

A. SUBJECT TO THE FOLLOWING CONDITIONS:

~~19. No new development of this use is allowed. However, existing uses of this type are permitted as an existing legal use per RMC 4-2-050C8.~~

4-8-070 AUTHORITY AND RESPONSIBILITIES:

H. HEARING EXAMINER:

1. Authority: The Hearing Examiner shall review and act on the following:

a. Appeals of administrative decisions/determinations (including, but not limited to, parking, sign, street, tree cutting/routine vegetation management standards, and Urban Center Design Overlay District regulations) and ERC decisions, excepting determinations of whether an application is a bulk storage facility which shall be appealable to the City Council,

b. Appeals relating to RMC [4-5-060](#), Uniform Code for the Abatement of Dangerous Buildings,

c. Bulk storage special permit and variances from the bulk storage regulations,

~~d. Permit to rebuild for nonconforming uses,~~

~~e~~d. Conditional use permit,

~~f~~e. Fill and grade permit, special,

~~g~~f. Master Plan review (overall plan) and major amendments to an overall Master Plan,

~~h~~g. Mobile home parks, preliminary and final,

~~i~~h. Planned urban development, preliminary,

~~j~~i. Plats, preliminary and final,

~~k~~j. Shoreline conditional use permit,

~~k~~l. Shoreline variance,

~~l~~m. Site plan approvals requiring a public hearing,

~~m~~n. Special permits,

~~n~~o. Temporary use permits, tier III Temporary Homeless Encampments,

~~o~~p. Variances from wireless communication facility development standards, the provisions of the subdivision regulations, and variances associated with a development permit that requires review by the Hearing Examiner, and

~~p~~q. Building permits submitted in conjunction with any of the above. (Ord. 5519, 12-14-2009; Ord. 5570, 11-15-2010)

4-8-080 PERMIT CLASSIFICATION:

G. LAND USE PERMIT PROCEDURES:

LAND USE PERMITS	PUBLIC NOTICE OF APPLICATION	RECOMMENDATION	OPEN RECORD HEARING ⁷	DECISION/ ADOPTION	OPEN RECORD APPEAL	CLOSED RECORD HEARING	JUDICIAL APPEAL
TYPE III⁴							
Permit to Rebuild (nonconforming use)	Yes	Staff	HE	HE		CC	SC
Bulk Storage Special Permit	Yes	Staff	HE	HE		CC	SC
Conditional Use Permit (Hearing Examiner)	Yes	Staff	HE	HE		CC	SC
Fill and Grade Permit, Special	Yes	Staff	HE	HE		CC	SC
Final Plats	No	Staff	NA	HE		CC	SC
Master Site Plan Approval (overall plan)	Yes	Staff	HE	HE		CC	SC
Mobile Home Parks, Preliminary and Final	Yes	Staff	HE	HE		CC	SC
Planned Urban Development, preliminary	Yes	Staff	HE	HE		CC	SC
Preliminary Plats – 10 Lots or More	Yes	Staff	HE	HE		CC	SC

Shoreline Conditional Use Permit ⁶	Yes	Staff	HE	DOE, HE		SHB	
Shoreline Variance ⁶	Yes	Staff	HE	DOE, HE		SHB	
Site Plan Review (Hearing Examiner)	Yes	Staff	HE	HE		CC	
Special Permits	Yes	Staff	HE	HE		CC	
Temporary Use Permits: Tier III Temporary Homeless Encampments	Yes	Staff	HE	HE		CC	SC
Variances (associated with Hearing Examiner land use review)	Yes	Staff	HE	HE		CC	

4-9-120 NONCONFORMING USES/STRUCTURES REBUILD APPROVAL PERMITS:

A. PURPOSE OF PERMIT:

The purpose of a rebuild approval permit ~~was~~ is to allow nonconforming uses and/or structures that became nonconforming as a consequence of Code amendments in June 1993 and thereafter, to be re-established and/or rebuilt in certain zoning districts where they would normally be prohibited because the costs associated with re-establishing the use and/or structure exceed fifty percent (50%) of their most recently assessed or appraised value prior to the loss or damage.

B. APPLICABILITY:

~~This permit shall no longer be issued by the City. The reference hereto is only for historical purposes. Any active Rebuild Approval Permit shall remain valid until the expiration noted on the permit. Upon expiration, the permit shall not be extended and/or re-issued. The owner of any existing building or structure that was legally established and has been continuously occupied, or a use that has been continuously in existence on the site but is now nonconforming because of a change in City codes in June 1993 or thereafter, may apply for a rebuild approval permit. Uses or structures that cannot substantiate that they were legal at the time they were established shall not be eligible for this permit.~~

C. AUTHORITY:

~~The Hearing Examiner shall hear all requests for rebuild approval permits for nonconforming uses. The Community and Economic Development Administrator shall make determinations regarding rebuild approval permit applications for nonconforming structures, unless such applications are coupled with rebuild approval permit applications for nonconforming uses that are being heard by the Hearing Examiner. (Ord. 5450, 3-2-2009)~~

D. SUBMITTAL REQUIREMENTS AND FEES:

~~Submittal requirements and fees shall be as specified in RMC 4-1-170, Land Use Review Fees, and 4-8-120C, Land Use Applications.~~

E. REVIEW CRITERIA FOR NONCONFORMING USES:

~~The Reviewing Official may issue a rebuild approval permit only when the continuance of the use is determined to be in the public interest and such uses are: (1) found to be compatible with other existing and potential uses/structures in the general area; or (2) can be made to be compatible with the application of appropriate conditions. The Reviewing Official shall consider the following factors when considering a request for a rebuild approval permit for a nonconforming use. In order to grant the permit, at least four (4) of these factors shall be complied with:~~

~~1. **Community Need:** There shall be a community need for the proposed use at its present location; and the continuance of the nonconforming use should not result in either the detrimental overconcentration of a particular use within the City or within the area surrounding the site.~~

~~2. **Location:** The existing location is or can be made suitable for the existing use.~~

~~3. **Effect on Adjacent Property:** The existing nonconforming use has not resulted in undue adverse effects on adjacent properties from noise, traffic, glare, vibration, etc., (i.e., does not exceed normal levels in these areas emanating from surrounding permitted uses).~~

~~4. **Historical Significance:** The existing use was associated with a historical event or activity in the community and as a result has historical significance.~~

~~5. **Economic Significance:** The existing use provides substantial benefit to the community because of either the employment of a large number of people in the community, the generation of considerable retail and/or business/occupation tax revenues to the City, or it provides needed affordable housing.~~

~~6. **Timeliness with Existing Plans and Programs:** Because of the anticipated market timing for permitted uses in the zone, retention of the existing nonconforming use would not impede or delay the implementation of the City's Comprehensive Plan.~~

F. REVIEW CRITERIA FOR NONCONFORMING STRUCTURES:

The Reviewing Official may issue a rebuild approval permit only when the continuance of the structure is determined to be in the public interest and such structures are: (1) found to be compatible with other existing and potential uses/structures in the general area; or (2) can be made to be compatible with the application of appropriate conditions. The Community and Economic Development Administrator shall consider the following factors, when considering a request for a rebuild approval permit for a nonconforming structure. In order to grant the permit, he/she shall find that at least three (3) of the following criteria have been satisfied:

~~1. **Architectural and/or Historic Significance:** The structure represents a unique regional or national architectural style or an innovation in architecture because of its style, use of materials, or functional arrangement, and is one of the few remaining examples of this.~~

~~2. **Architectural Compatibility with Surrounding Structures:** The nonconforming building or structure was part of a unified streetscape of similar structures that is unlikely to be replicated unless the subject structure is rebuilt per, or similar to, its original plan.~~

~~3. **Potential of Site for Redevelopment:** Redevelopment of the site with a conforming structure is unlikely either because the size of the existing lot may be too small to be economical, or because the characteristics of adjacent permitted uses (that might normally be expected to expand to such a site)~~

currently might preclude their expansion. Typically, economic hardship would not be considered for a variance, but is a consideration here.

4. Condition of Building/Structure: If nonconforming as to the provisions of the City's Building Code, the building or structure and surrounding premises have generally been well maintained and are not considered to be a threat to the public health, welfare, or safety, or they could be retrofitted so as not to pose such a threat.

5. Departure from Development Regulations: If nonconforming with the provisions of the City's development regulations, the building or structure does not pose a threat to the public health, welfare or safety, or could be modified so as not to pose such a threat. (Ord. 5450, 3-2-2009)

G. DECISION OPTIONS:

The approving body may grant, with or without conditions, or deny a requested rebuild approval permit. Such a permit, if granted, typically would carry conditions with it pertaining to how a damaged structure would be allowed to redevelop. The approving body may, for example, limit the term and duration of the rebuild approval permit as well as impose conditions.

H. CONDITIONS OF APPROVAL:

Conditions imposed by the approving body shall reasonably assure that nuisance or hazard to life or property will not develop. A rebuild approval permit for a nonconforming use and/or structure may, for example, be conditioned upon the provision and/or guarantee by the applicant that necessary public improvements, facilities, utilities and/or services needed to support the use/structure will be provided, or the provision of other features that would make the use/structure more compatible with its surroundings.

I. EXPIRATION:

Conditions imposed relating to the duration of a permit for a use or structure should also reflect reasonable amortization periods for any substantial upgrades to the premises that are required by City Code.

J. EXTENSIONS: (Reserved)

K. APPEALS:

The final decision of the Reviewing Official on a rebuild approval permit application is appealable pursuant to RMC 4-8-110. (Ord. 4584, 2-12-1996; Amd. Ord. 4963, 5-13-2002)

4-10-050 NONCONFORMING STRUCTURES:

A. NONCONFORMING STRUCTURES – GENERAL:

Any legally established building or structure may remain, although such structure does not conform with the provisions of the Renton Municipal Code, provided the following conditions are met:

1. Not Vacant or Left Abandoned: The nonconforming buildings or structures do not have historic significance, and have not been vacant for two (2) or more years, or have not been abandoned.

2. Unsafe Structures: The structure is kept in a safe and secure condition.

3. Limits on Alterations: ~~A legal nonconforming structure shall not be altered beyond the limitations specified below: The cost of the alterations of a legal nonconforming structure shall not exceed an aggregate cost of fifty percent (50%) of the value of the building or structure, based upon its most recent assessment or appraisal, unless the alterations make the building or structure more conforming, or is used to restore to a safe condition any portion of a building or structure declared unsafe by a proper authority. Alterations shall not result in or increase any nonconforming condition.~~

~~**a. Structures with Rebuild Approval Permits:** Alteration work exceeding an aggregate cost of one hundred percent (100%) of the value of the building or structure shall be allowed if: (1) the building or structure is made conforming by the alterations; or (2) the alterations were imposed as a condition of granting a rebuild approval permit; or (3) alterations are necessary to restore to a safe condition any portion of a building or structure declared unsafe by a proper authority. Alterations shall not result in or increase any nonconforming conditions unless they were specifically imposed as a condition of granting a rebuild approval permit, pursuant to RMC 4-9-120.~~

~~**b. Other Legal Nonconforming Structures:** The cost of the alterations shall not exceed an aggregate cost of fifty percent (50%) of the value of the building or structure, based upon its most recent assessment or appraisal, unless the amount over fifty percent (50%) is used to make the building or structure more conforming, or is used to restore to a safe condition any portion of a building or structure declared unsafe by a proper authority. Alterations shall not result in or increase any nonconforming condition.~~

4. Limits on Enlargement:

~~a. The structure shall not be enlarged unless the enlargement is conforming except as identified in subsection b. below., or it is consistent with the provisions of a rebuild approval permit issued for it.~~

b. Nonconforming enlargements may only be allowed at the discretion of the Administrator of the Department of Community and Economic Development or designee if the enlargement is shown to be moving towards conformity and is either:

i. Sited carefully to achieve compatible transition between surrounding buildings, parking areas and other land uses; or

ii. Does not significantly cause any adverse or undesirable effects on the site or neighboring properties.

~~**c. Wireless Towers and Antennas:** Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Title shall not be deemed to constitute the expansion of a nonconforming use or structure. (Ord. 5559, 10-25-2010)~~

5. Limits on Restoration: Nothing in this Chapter shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure to its same size, location, and height when damaged by fire, explosion, or act of God, subsequent to the date of these regulations and subject to the following conditions:

~~**a. Legal Nonconforming Structures with Rebuild Approval Permits:** Restoration or reconstruction work exceeding one hundred percent (100%) of the latest appraised value of the building or structure closest to the time such damage occurred shall be allowed if it is: (1) a condition of granting the rebuild approval permit pursuant to RMC 4-9-120; and/or (2) necessary to allow the structure to be rebuilt to its condition prior to the damage considering construction costs; and/or (3) required to strengthen or restore to a safe condition any portion of a building or structure declared unsafe by a proper authority; and/or (4) necessary to conform to the regulations and uses specified in this Title.~~

~~**a. Single Family Dwellings:** Any legally established single family dwelling damaged by fire or an act of God may be rebuilt to its same size, location, and height on the same site, subject to all relevant fire and life safety codes. Restoration improvements shall commence within one year of the damage, and shall continue in conformance with approved building or construction permits, otherwise the structure shall lose its restoration authorization and status.~~

b. Other Legal Nonconforming Structures: The work shall not exceed fifty percent (50%) of the latest assessed or appraised value of the building or structure at the time such damage occurred, ~~unless required to strengthen or restore to a safe condition any portion of a building or structure declared unsafe by a proper authority~~ otherwise any restoration or reconstruction shall conform to the regulations and uses specified in this Title. ~~Provided that restoration work is initiated by permit application within one (1) year of fire, explosion, or act of God. If a permit application has not been submitted within twelve (12)~~

months from the date of the fire or other casualty the structure shall be deemed abandoned and not allowed to be restored or re-constructed.

~~**c. Single Family Dwellings:** Any legally established single family dwelling damaged by fire or an act of God may be rebuilt to its same size, location, and height on the same site, subject to all relevant fire and life safety codes. Restoration improvements shall commence within two years of the damage, and shall continue in conformance with approved building or construction permits, otherwise the structure shall lose its restoration authorization and status.~~

B. ~~R-10 AND R-14 ZONE~~ EXISTING LEGAL RESIDENTIAL STRUCTURES ~~CONSIDERED CONFORMING:~~

Existing legal residential structures that can document their compliance with City code at the time they were constructed ~~Residential structures that existed or that were developed in accordance with vested land use permits prior to the effective date of this section (6-17-1996)~~ shall be considered to be conforming structures. These structures may be rebuilt should they suffer damage and remodeled without limitation on value. Such structures may be enlarged, replaced, renovated, and/or expanded pursuant to current code requirements (e.g. height limits, lot coverage, density limits, setbacks, etc.). ~~the provisions of the R-14 Zone. (Ord. 4963, 5-13-2002)~~

C. EXEMPTION DUE TO CITY ACQUISITION:

No structure shall be considered nonconforming when the nonconformity would be created by the City's acquisition of an interest in the property that creates the nonconformity, such as through condemnation for a road widening. For the purposes of this exemption, signs shall not be considered a conforming structure. (Ord. 5601, 6-6-2011)

4-10-060 NONCONFORMING USES:

Any legally established use existing at the time of enactment of this Code may be continued, although such use does not conform with the provisions of the Renton Municipal Code, provided the following conditions are met:

A. ABANDONMENT:

The use is not abandoned. A legal nonconforming use (of a building or premises) which has been abandoned shall not thereafter be resumed. A nonconforming use shall be considered abandoned when:

1. The intent of the owner to discontinue the use is apparent, and discontinuance for a period of one year or more shall be prima facie evidence that the nonconforming use has been abandoned; or
2. It has been replaced by a conforming use; or
3. It has been changed to another nonconforming use under permit from the City or its authorized representative.

B. RELOCATION:

The use is not relocated. A legal nonconforming use of a building or premises which has been vacated and moved to another location, or discontinued, shall not be allowed to reestablish itself except in compliance with the development regulations.

C. CHANGES TO A DIFFERENT NONCONFORMING USE:

The use is not changed to a different nonconforming use. To qualify as a continuation of an existing nonconforming use, a replacement nonconforming use shall:

1. Reflect the nature and purpose of the preexisting nonconforming use, and be considered to be the same or related use classification; and
2. Be substantially similar or result in a lower impact in its effect on the surrounding neighborhood; and
3. Not increase the nonconformance of the use; and
4. Not create a new type of nonconformance.

D. EXTENSION OR ENLARGEMENT:

The use shall not be extended or enlarged so as to occupy additional land area on the same or any other lot or parcel. The use shall not be relocated in whole or in part to any other part of the parcel. The use can not be is not enlarged or extended: except as provided below:

~~**1. Extension/Enlargement Outside Building:** The use shall not be extended or enlarged so as to occupy additional land area on the same or any other lot or parcel. The use shall not be relocated in whole or in part to any other part of the parcel.~~

21. Extension/Enlargement Within Building: Provided the use complies with subsections ~~E and F~~ of this Section, Alterations to Legal Nonconforming Use, a nonconforming use housed in part of a single-tenant building may be extended throughout the building, but the building shall not be enlarged or added to. A nonconforming use in a multi-tenant building shall not be expanded into space vacated by other tenants and shall also comply with subsections ~~E and F~~.

32. Additional Development on Property Containing Nonconforming Use: No additional building, whether temporary or permanent, shall be erected upon a property with a nonconforming use for purposes of expanding or extending a nonconforming use. Additional development of any property on which a legal nonconforming use exists shall require that all new uses conform to the provisions of the Renton Municipal Code.

E. ALTERATIONS TO LEGAL NONCONFORMING USE ~~WITHOUT STRUCTURAL ALTERATION:~~

Alterations to a legal nonconforming use are only permitted when they do not expand or enlarge a use consistent with subsection D of this Section, Extension or Enlargement. The modification/alteration shall not increase the nonconformance of the use, nor create a new type of nonconformance.

~~**F. ALTERATIONS TO LEGAL NONCONFORMING USE WITH STRUCTURAL ALTERATION:**~~

~~Alterations to a structure housing a nonconforming use shall not be altered beyond the limitations specified below, and shall conform to subsection D of this Section, Extension or Enlargement:~~

~~**1. Structures with Rebuild Approval Permits Housing a Nonconforming Use:** Alterations exceeding an aggregate cost of one hundred percent (100%) of the value of the building or structure or site improvements housing or supporting the use shall be allowed if: (a) the building or structure is made conforming by the alterations; or (b) the alterations were imposed as a condition of granting a rebuild approval permit; or (c) alterations are necessary to restore to a safe condition any portion of a building or structure declared unsafe by a proper authority. Alterations shall not result in or increase any nonconforming conditions unless they were specifically imposed as a condition of granting a rebuild approval permit, pursuant to RMC 4-9-120.~~

~~**2. Other Legal Structures Housing a Nonconforming Use:** The cost of the alterations shall not exceed an aggregate cost of fifty percent (50%) of the value of the building or structure or site improvements, based upon its most recent assessment or appraisal, unless the amount over fifty percent (50%) is used to make the use, building or structure more conforming, or is used to restore to a safe condition any portion of a building or structure declared unsafe by a proper authority. Alterations shall not result in or increase any nonconforming condition.~~

G. RESTORATION:

Nothing in this Chapter shall prevent the restoration or continuance of a nonconforming use damaged by fire, explosion, or act of God, subsequent to the date of these regulations, or amendments thereto, subject to the following conditions and conforming to subsection D of this Section, Extension or Enlargement: Provided that restoration work is initiated by permit application within one (1) year of fire, explosion, or act of God. If a permit application has not been submitted within twelve (12) months from the date of the fire or other casualty the use shall be deemed abandoned and not allowed to be restored or re-constructed.

~~**1. Legal Nonconforming Uses with Rebuild Approval Permits:** Restoration work exceeding one hundred percent (100%) of the latest appraised value of the building or structure housing the use or site improvements supporting use (if not contained in a structure) closest to the time such damage occurred shall be allowed if it is: (a) a condition of granting the rebuild approval permit pursuant to RMC 4-9-120; and/or (b) necessary to allow the structure to be rebuilt to its condition prior to the damage considering construction costs; and/or (c) required to strengthen or restore to a safe condition any portion of a building or structure declared unsafe by a proper authority; and/or (d) necessary to conform to the regulations and uses specified in this Title.~~

~~**2. Other Legal Nonconforming Uses:** The work shall not exceed fifty percent (50%) of the latest appraised value of the building or structure housing the nonconforming use or site improvements supporting use (if not contained in a structure) at the time such damage occurred.~~

~~**3. Single Family Dwellings:** Any legally established single family dwelling damaged by fire or an act of God may be rebuilt to its same size, location, and height on the same site, subject to all relevant fire and life safety codes. Restoration improvements shall commence within two years of the damage, and shall continue in conformance with approved building or construction permits, otherwise the structure shall lose its restoration authorization and status.~~

H. AMORTIZATION OF ADULT USES:

For amortization of legal nonconforming adult entertainment, activity, use, or retail use, see RMC 4-3-010E. (Ord. 4963, 5-13-2002)

I. EXISTING LEGAL RESIDENTIAL USES: Existing legal residential uses that can document their compliance with City code at the time they were constructed are considered to be a permitted use given all the rights of other permitted uses within the zoning districts identified in this section. In addition, these uses may be rebuilt should they suffer damage and remodeled without limitation on value. These uses may be enlarged subject to current code requirements (e.g., height limits, lot coverage, density limits, setbacks, parking, etc.).

4-10-050 NONCONFORMING STRUCTURES:

A. NONCONFORMING STRUCTURES – GENERAL:

Any legally established building or structure may remain, although such structure does not conform with the provisions of the Renton Municipal Code, provided the following conditions are met:

1. Not Vacant or Left Abandoned: The nonconforming buildings or structures do not have historic significance, and have not been vacant for two (2) or more years, or have not been abandoned.

2. Unsafe Structures: The structure is kept in a safe and secure condition.

3. Limits on Alterations The cost of the alterations of a legal nonconforming structure shall not exceed an aggregate cost of fifty percent (50%) of the value of the building or structure, based upon its most recent assessment or appraisal, unless the alterations make the building or structure more conforming, or is used to restore to a safe condition any portion of a building or structure declared unsafe by a proper authority. Alterations shall not result in or increase any nonconforming condition.

4. Limits on Enlargement:

The structure shall not be enlarged unless the enlargement is conforming except as identified in subsection b. below, b. Nonconforming enlargements may only be allowed at the discretion of the Administrator of the Department of Community and Economic Development or designee if the enlargement is shown to be moving towards conformity and is either:

- i. Sited carefully to achieve compatible transition between surrounding buildings, parking areas and other land uses; or
- ii. Does not significantly cause any adverse or undesirable effects on the site or neighboring properties.

5. Limits on Restoration: Nothing in this Chapter shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure to its same size, location, and height when damaged by fire, explosion, or act of God, subsequent to the date of these regulations and subject to the following conditions:

a. Single Family Dwellings: Any legally established single family dwelling damaged by fire or an act of God may be rebuilt to its same size, location, and height on the same site, subject to all relevant fire and life safety codes. Restoration improvements shall commence within one year of the damage, and shall continue in conformance with approved building or construction permits, otherwise the structure shall lose its restoration authorization and status.

b. Other Legal Nonconforming Structures: The work shall not exceed fifty percent (50%) of the latest assessed or appraised value of the building or structure at the time such damage occurred, otherwise any restoration or reconstruction shall conform to the regulations and uses specified in this Title. Provided that restoration work is initiated by permit application within one (1) year of fire, explosion, or act of God. If a permit application has not been submitted within twelve (12) months from the date of the fire or other casualty the structure shall be deemed abandoned and not allowed to be restored or re-constructed.

B. EXISTING LEGAL RESIDENTIAL STRUCTURES:

Existing legal residential structures that can document their compliance with City code at the time they were constructed shall be considered to be conforming structures. These structures may be rebuilt should they suffer damage and remodeled without limitation on value. These structures may be enlarged, replaced, renovated, and/or expanded pursuant to current code requirements (e.g. height limits, lot coverage, density limits, setbacks, etc.).

C. EXEMPTION DUE TO CITY ACQUISITION:

No structure shall be considered nonconforming when the nonconformity would be created by the City's acquisition of an interest in the property that creates the nonconformity, such as through condemnation for a road widening. For the purposes of this exemption, signs shall not be considered a conforming structure. (Ord. 5601, 6-6-2011)

4-10-060 NONCONFORMING USES:

Any legally established use existing at the time of enactment of this Code may be continued, although such use does not conform with the provisions of the Renton Municipal Code, provided the following conditions are met:

A. ABANDONMENT:

The use is not abandoned. A legal nonconforming use (of a building or premises) which has been abandoned shall not thereafter be resumed. A nonconforming use shall be considered abandoned when:

1. The intent of the owner to discontinue the use is apparent, and discontinuance for a period of one year or more shall be prima facie evidence that the nonconforming use has been abandoned; or
2. It has been replaced by a conforming use; or
3. It has been changed to another nonconforming use under permit from the City or its authorized representative.

B. RELOCATION:

The use is not relocated. A legal nonconforming use of a building or premises which has been vacated and moved to another location, or discontinued, shall not be allowed to reestablish itself except in compliance with the development regulations.

C. CHANGES TO A DIFFERENT NONCONFORMING USE:

The use is not changed to a different nonconforming use. To qualify as a continuation of an existing nonconforming use, a replacement nonconforming use shall:

1. Reflect the nature and purpose of the preexisting nonconforming use, and be considered to be the same or related use classification; and
2. Be substantially similar or result in a lower impact in its effect on the surrounding neighborhood; and
3. Not increase the nonconformance of the use; and
4. Not create a new type of nonconformance.

D. EXTENSION OR ENLARGEMENT:

The use shall not be extended or enlarged so as to occupy additional land area on the same or any other lot or parcel. The use shall not be relocated in whole or in part to any other part of the parcel. The use can not be enlarged or extended except as provided below:

1. Extension/Enlargement Within Building: Provided the use complies with subsection E of this Section, Alterations to Legal Nonconforming Use, a nonconforming use housed in part of a single-tenant building may be extended throughout the building, but the building shall not be enlarged or added to. A nonconforming use in a multi-tenant building shall not be expanded into space vacated by other tenants and shall also comply with subsection E.

2. Additional Development on Property Containing Nonconforming Use: No additional building, whether temporary or permanent, shall be erected upon a property with a nonconforming use for purposes of expanding or extending a nonconforming use. Additional development of any property on which a legal nonconforming use exists shall require that all new uses conform to the provisions of the Renton Municipal Code.

E. ALTERATIONS TO LEGAL NONCONFORMING USE:

Alterations to a legal nonconforming use are only permitted when they do not expand or enlarge a use consistent with subsection D of this Section, Extension or Enlargement. The alteration shall not increase the nonconformance of the use, nor create a new type of nonconformance.

G. RESTORATION:

Nothing in this Chapter shall prevent the restoration or continuance of a nonconforming use damaged by fire, explosion, or act of God, subsequent to the date of these regulations, or amendments thereto, subject to the following conditions and conforming to subsection D of this Section, Extension or Enlargement; Provided that restoration work is initiated by permit application within one (1) year of fire, explosion, or act of God. If a permit application has not been submitted within twelve (12) months from the date of the fire or other casualty the use shall be deemed abandoned and not allowed to be restored or re-constructed.

H. AMORTIZATION OF ADULT USES:

For amortization of legal nonconforming adult entertainment, activity, use, or retail use, see RMC [4-3-010E](#). (Ord. 4963, 5-13-2002)

I. **EXISTING LEGAL RESIDENTIAL USES:** Existing legal residential uses that can document their compliance with City code at the time they were constructed are considered to be a permitted use given all the rights of other permitted uses within the zoning districts identified in this section. In addition, these uses may be rebuilt should they suffer damage and remodeled without limitation on value. These uses may be enlarged subject to current code requirements (e.g., height limits, lot coverage, density limits, setbacks, parking, etc.).