
ARTICLE 14. LEGAL, NONCONFORMING USES AND STRUCTURES

See Article 3, Definitions and Article 8, Replacement of Manufactured Homes and Legal, Non-conforming Manufactured Homes.

Section 1400. Intent

It is the intent of this Article to accomplish the following:

- To protect the legal status of uses and structures that were legal and conforming to laws that were in effect prior to adoption of this Ordinance and subsequent amendments.
- To permit the reasonable replacement of a legal, nonconforming use or structure which is destroyed by a catastrophe.
- To encourage the reasonable and eventual conversion of a legal, nonconforming use or structure to conformance with the standards of this Ordinance.

Section 1401. General Restrictions for Legal, Nonconforming Uses and Structures

All alterations, reconstruction and similar changes in legal, nonconforming uses and structures require the approval of the Planning Commission prior to the issuance of a Zoning Certificate, subject to the requirements of this Ordinance.

1401. 1 Legal, Nonconforming Uses and Structures May Continue After Adoption of This Ordinance. Any lawful uses of buildings or land existing at the effective date of this Ordinance may be continued, even though such use or structure does not conform to the provisions hereof, subject to the provisions of this Ordinance.

1401.2 Legal, Nonconforming Use or Structure May Continue After Amendments of This Ordinance.

Whenever the use of a building or land becomes nonconforming through a change in the amended zoning Ordinance or in the district boundaries, such use may be continued, or structure may continue to be used, subject to the provisions in the amended Ordinance.

1401.3 Legal, Nonconforming Uses or Structures Partially Destroyed by Catastrophe. A legal, nonconforming use or structure which has been damaged by fire, explosion, act of nature or the public enemy to the extent of sixty (60) percent of its restoration value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than sixty (60) percent of its restoration value, a nonconforming use or structure may be replaced, repaired or reconstructed, and used only as before the time of damage, provided such repairs or reconstruction are started within six (6) months of the date of such damage, and provided that public health, safety and welfare are not jeopardized. The Zoning Inspector may require the property owner to remedy any public nuisance or safety hazard resulting from the damage to the structure. Such remedies shall be subject to review and approval by the Fire Chief and Police Chief, prior to consideration by the Planning Commission, who shall enforce all provisions of the Ohio Revised Code relative to public health, safety and welfare. Such remedies shall be subject to the review and approval of the Planning Commission prior to the issuance of a Zoning Certificate for conformance with all provisions of the Zoning Ordinance. If a Zoning Compliance Inspection is not approved within two (2) years of such damage, the property and any structures shall not be used except in conformance with the current standards in this Ordinance. In the event that the owner and the Municipality do not concur on the reproduction value, a determination of reproduction value shall be made by three (3) practicing building construction contractors, one to be appointed by the owner, one to be appointed by the Municipality, and the third selected by the mutual consent of the two parties. Costs for the services of the building construction contractors shall be borne by the applicant.

1401.4 Conditional Uses Are Not Made Legal, Nonconforming Uses by This Ordinance. It is not the intention herein to classify as nonconforming a use or building allowed in a district as a conditional use under the regulations of this Ordinance.

1401.5 Legal, Nonconforming Uses and Structures Approved But Not Yet Existing. Any building arranged, intended or designed for a nonconforming use, or which would be a nonconforming structure, and which has been granted final approval of a Zoning Certificate, conditional use permit, variance, and all other permits or approvals, excluding the Zoning Compliance Inspection, prior to the adoption of this Ordinance may be completed as a legal, nonconforming use or structure and/or used for such legal, nonconforming use.

1401.6 Determination of Legal, Nonconforming Use. A determination of the legal and conforming status of an existing use or structure shall be made by the Planning Commission according to the provisions of the Ordinance (see Article 17).

(a) **Application for Determination of Legal, Nonconforming Use Only.** Any property owner, tenant or lessee may apply to the Planning Commission for a determination of the legal, conforming status of an existing structure or use. Such application may be made even if there is no proposed alteration of such structure or use.

Section 1402. Restrictions on Legal, Nonconforming Uses

A use of a structure existing lawfully at the time of the effective date of this Ordinance, but which does not conform to the use regulations of the district in which it is located, may be continued so long as it remains otherwise lawful, subject to the provisions of this section:

1402.1 No Legal, Nonconforming Use May be Extended in a Structure. The Legal, Nonconforming Use of a building may not be extended throughout those existing parts of the building which were arranged or designed for such use.

1402.2 No Legal, Nonconforming Use May Occupy More Land. No Legal, Nonconforming Use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

1402.3 No Legal, Nonconforming Use May be Moved. No Legal, Nonconforming Use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.

1402.4 No Expansion or Addition of a Nonconforming Structure for A Legal, Nonconforming Use. No expansion of an existing structure, and no additional structure not conforming to the requirements of this Ordinance shall be erected in connection with a Legal, Nonconforming Use.

1402.5 No Other Nonconforming Use May Replace a Legal, Nonconforming Use. When any Legal, Nonconforming Use is replaced by a permitted use, the use shall thereafter conform to the regulations for the district, and no nonconforming use shall thereafter be resumed. No Legal, Nonconforming Use shall be changed to another nonconforming use.

1402.6 Legal, Nonconforming Use May Not be Resumed if Discontinued for Three Months. A nonconforming use which is discontinued for a period of three (3) months shall not again be used except in conformity with the regulations of the district in which it is located.

Section 1403. Restrictions for Legal, Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on size, height, yards, setbacks, or other requirements concerning the structure, such structure may continue to remain so long as it remains otherwise lawful, subject to the provisions of this section.

1403.1 No Changes Permitted in Legal, Nonconforming Structures. No nonconforming building or structure shall be moved, extended, enlarged, or altered in a way which increases its nonconformity, but any such structure may be altered to decrease its nonconformity, as provided by this Ordinance.

1403.2 Dilapidated Legal, Nonconforming Structures May Only Be Altered to Conform to This Ordinance. If a nonconforming structure becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Section 1404. Expiration of Approval of Changes in Legal, Nonconforming Uses and Structures

Any approval by the Planning Commission of a change in a legal, nonconforming use and/or structure shall expire if the use is not conducted as approved, or construction of approved changes is not constructed within six (6) months of the date of approval. Note: This provision applies to uses and structures which, with the approved changes, will continue to be legal, nonconforming uses and/or structures.