

CHAPTER 1187
Nonconforming Uses and Buildings

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CROSS REFERENCES

Nonconforming uses; retroactive measures - see Ohio R.C. 713.15

Nonconforming use defined - see P. & Z. 1121.01(51)

1187.01 USE CONTINUATION AND CHANGE.

(a) Except in the D-1 District, the lawful use of a building existing on February 25, 1971 may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted one.

(b) Except in the D-1 District, whenever the use of a building becomes nonconforming through a change in the Zoning Code or district boundaries, such use may be continued, and if no structural alterations are made, it may be changed to another nonconforming use of the same or of a more restricted classification.

(Ord. 2003-1. Passed 3-13-03.)

1187.02 USE DISCONTINUATION.

In the event that a nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the building or premises shall thereafter conform to the uses permitted in the district in which it is located.

(Ord. 2003-1. Passed 3-13-03.)

1187.03 ENLARGEMENT, EXTENSION AND ALTERATION.

No existing building devoted to a use not permitted by this Zoning Code in the district in which such building is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building is located.

(Ord. 2003-1. Passed 3-13-03.)

1187.04 DAMAGE AND RESTORATION.

(a) When a building, the use of which does not conform to the provisions of the Zoning Code, is damaged by fire, explosion, act of God or the public enemy to the extent of more than sixty percent (60%) of its fair market value, it shall not be restored except in conformity with the regulations of the district in which the building is situated.

(Ord. 2003-1. Passed 3-13-03.)

(b) Any building that does not conform to current dimensional regulations and that is damaged or removed voluntarily by the owner shall not be restored or replaced except in conformity with current regulations.

1187.05 SPECIAL PERMIT IMPROVEMENTS.

Upon review and report by the Planning Commission and Board of Site Arrangement, Council may, after a formal public hearing, approve by Special Permit as set forth in Chapter 1183 improvements to a nonconforming use if such improvements would benefit adjoining properties and the neighborhood in which such use is situated. Benefits to the adjoining and neighborhood properties to be considered include: preservation of property values, improved compatibility with properties, improved aesthetics (including building condition, landscaping, buffering and general environmental conditions), and any other factors deemed by Council to be for the benefit of the public health, safety and welfare.
(Ord. 2003-1. Passed 3-13-03.)

1187.06 D-1 DISTRICT CHANGES.

Any change in use, enlargement, reconstruction, structural alteration, remodeling or major repair respecting any building in the D-1 District shall comply with the Zoning Code provision for the D-1 District.
(Ord. 2003-1. Passed 3-13-03.)

1187.07 NONCONFORMING BUILDINGS.

Any building that does not conform to the required front, side, or rear yards may be continued. Any additions or modifications to such a building may not project into the required front, side, or rear yards any distance beyond that of the existing building. If the building is damaged and removed in accordance with Section 1187.04, the new structure must conform to the yard requirements.
(Ord. 2003-1. Passed 3-13-03.)

1187.08 ENFORCEMENT AND PENALTY.

This Chapter is subject to enforcement and penalty as specified in Chapter 1129.