

**CHAPTER 1149**  
**Nonconforming Uses and Structures**

<p><b>1149.01 Existing nonconforming uses; continuation.</b></p> <p><b>1149.02 Nonconforming uses of buildings; enlargement, substitution, etc.</b></p> <p><b>1149.03 Criteria for approval.</b></p> <p><b>1149.04 General procedure.</b></p>	<p><b>1149.05 Nonconforming use made to conform.</b></p> <p><b>1149.06 Discontinuance of a use.</b></p> <p><b>1149.07 Repairs and maintenance.</b></p> <p><b>1149.08 Repair and replacement of nonconforming uses.</b></p>
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**CROSS REFERENCES**

Nonconforming uses, retroactive measures - see Ohio  
R.C. 713.15  
Defined - see P. & Z. 1135.01  
Nonconforming signs - see P. & Z. 1189.05(a)(1)

**1149.01 EXISTING NONCONFORMING USES; CONTINUATION.**

Except as hereinafter specified, the lawful use of a building or structure existing at the time of the adoption or amendment of this Zoning Ordinance may be continued, although such use, building, structure, or land does not conform with the provisions of this Ordinance for the district in which it is located.

**1149.02 NONCONFORMING USES OF BUILDINGS; ENLARGEMENT, SUBSTITUTION, ETC.**

Except when required by law or order or permitted under Section 1149.03, no existing building, structure or land devoted to a use not permitted by this Zoning Ordinance in the district in which such building, structure, or land is located shall be enlarged, extended or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building or premises is located.

**1149.03 CRITERIA FOR APPROVAL.**

(a) Changes. Upon application by the owner in the manner prescribed in the application procedure hereof to the Board of Zoning and Building Appeals, the change to another nonconforming use may be permitted upon finding by the Board that:

- (1) The proposed change of a nonconforming use will not increase the burden on public facilities and service such as streets, utilities, schools and refuse disposal imposed by the existing nonconforming use.

- (2) The proposed nonconforming use will not be detrimental nor disturbing to existing uses in the district and will not entail a use which constitutes a nuisance or hazard to any persons in the surrounding use district.

**1149.04 GENERAL PROCEDURE.**

(a) Contents of Application. Please refer to Chapter 1145.02 (b) for the application contents. (Ord. 12-92. Passed 6-17-92.)

(b) Appeals from decisions of the Board may be had as provided in Chapter 1139. (Ord. 23-99. Passed 6-16-99.)

**1149.05 NONCONFORMING USE MADE TO CONFORM.**

Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

**1149.06 DISCONTINUANCE OF A USE.**

No building, structure or land where a nonconforming use has been discontinued for a period of twelve months or more shall again be put to a nonconforming use.

**1149.07 REPAIRS AND MAINTENANCE.**

Repairs and maintenance work as required to keep structures in sound condition may be made to a nonconforming building or structure, provided the total cost of structural repairs and maintenance shall not, during its life subsequent to the date of its becoming a nonconforming use, exceed sixty percent (60%) of the assessed value of the building or structure for tax purposes at such a date, unless such building or structure is permanently changed to a conforming use.

**1149.08 REPAIR AND REPLACEMENT OF NONCONFORMING USES.**

A nonconforming use shall terminate when the structure it occupies is damaged and the estimated cost to repair exceeds sixty percent (60%) of the assessed value for tax purposes. When the cost of repairs to a nonconforming use is less than sixty percent (60%) of the assessed value for tax purposes, that nonconforming use may be restored provided such restoration is begun within six months from the time of damage. Failure to begin such restoration within six months from the date of damage shall terminate the nonconforming use.