

SECTION 701 INTENT AND PURPOSE

Within the districts established by this Resolution or amendments that may later be adopted, there exist lots, structures, or uses of land and structures which were lawful before this Resolution was passed or amended, but which would be prohibited or more restricted under the terms of this Resolution or amendment thereto. It is the intent of this Resolution to permit these nonconformities to continue until they are removed, but not to encourage their continuance. Additionally these nonconformities shall not be enlarged upon, expanded, or extended, and shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district, unless otherwise noted herein.

A nonconforming use may be substituted for a lawful nonconforming use provided that such use is of the same kind and character as the prior lawful nonconforming use and does not result in an increase in noise, pollution, traffic, dwelling units or in the number of persons using the property. See O.R.C. 519.19 or as amended.

SECTION 702 NONCONFORMING LOTS

All nonconforming lots shall be subject to the following provisions:

702.1 Single Nonconforming Lots

In any district a permitted building, structure or use may be located, erected, constructed, reconstructed or structurally altered on any lawfully existing nonconforming lot of record provided the requirements of this resolution are met with the exception of minimum lot area and/or frontage. Any legally permitted building or structure erected prior to the effective date of adoption or amendment of this Resolution that is destroyed by any means may be reconstructed in the same footprint, or less, within two (2) years.

SECTION 703 NONCONFORMING USES OF LAND

Where, at the time of adoption or amendment of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

703.1 No such nonconforming uses shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.

703.2 Any nonconforming use may be extended throughout any parts of a building which were arranged or designed for such use at the time of adoption or amendment of this Resolution, but no use shall be extended to occupy any land outside such building.

703.3 No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution unless it increases conformity with these regulations.

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703.4 If any such nonconforming uses of land are voluntarily discontinued for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.

703.5 ***Solid Mineral Extraction Operations***

Notwithstanding anything in this section to the contrary, any solid mineral extraction operation that constitutes a nonconforming use hereunder may be extended to the duly recorded boundaries of any contiguous parcel owned by the mineral extraction operator as of the date of adoption of this Resolution.

SECTION 704 NONCONFORMING STRUCTURES

Nonconforming structures shall not be subject to the requirements concerning structures contained in this Resolution, except as follows:

- 704.1 No such nonconforming structure may be enlarged, altered, or reconstructed in a way which increases its nonconformity within the minimum dimensional requirements of Section 411, but any structure or portion thereof may be altered to decrease its nonconformity;
- 704.2 Should a legal nonconforming structure or legal nonconforming portion of a structure on any conforming lot of record in a Residential District be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Resolution, unless such structure or portion of a structure was erected prior to the effective date of adoption or amendment of this Resolution and reconstructed in the same footprint, or less, within two (2) years.
- 704.3 Should such structure be moved for any reason for any distance whatever, it shall there after conform to the regulations for the district in which it is located after it is moved;
- 704.4 Nothing contained herein shall be construed to prevent the performance of ordinary repairs on any nonconforming structure or portion thereof, including without limitation the repair or replacement of internal walls, fixtures, wiring or plumbing. However, the repair or modification shall not increase the specific property (height, location, square footage, etc.) which led to the initial nonconformity. Any addition or modification which, by itself, would conform to the present Zoning Resolution may be added to the structure without increasing the nonconformity of the structure.
- 704.5 Upon the order of any official charged with protecting the public safety, nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe by such official.
- 704.6 Any nonconforming structure, the use of which is voluntarily discontinued or abandoned for more than two (2) years shall not thereafter be used for any purpose unless the structure conforms to all requirements of these regulations or a variance therefrom has been granted by the Board of Zoning Appeals.