

### 1248.03 - Nonconforming uses.

#### 1248.03.1 - Purpose.

The purpose of this chapter is to provide for the regulation of nonconforming buildings and uses to specify those circumstances and conditions under which those nonconforming buildings, structures and uses shall be permitted.

#### 1248.03.2 - Authority to continue nonconforming buildings, structures or uses.

Any nonconforming building, structure or use which existed lawfully at the time of the adoption of this title and which remains nonconforming, and any such building, structure or use which shall become nonconforming, upon adoption of this title or any subsequent amendments thereto, may continue subject to the regulations which follow.

#### 1248.03.3 - Repairs and alterations of buildings or structures and usage.

- (a) Building or structure designed or intended for a nonconforming use:
  - (1) Repairs may be made to a nonconforming building or structure provided that no structural alterations which increase the bulk of the building or structure shall be made in or to a building or structure, substantially all of which is designed or intended for a use not permitted in the district in which it is located, except to make the building or structure and the use thereof conform to the regulations of the district in which it is located.
  - (2) For the purpose of this section, repairs made shall include the replacement of storage tanks, where the safety of operation of the installation requires such replacement and replacement thereof, or substitutions for machinery or equipment not involving structural alterations to the building or structure, except as herein provided.
- (b) Building or structure designed for a permitted use: Repairs, alterations and structural changes may be made to a nonconforming building or structure, all or substantially all of which was designed or intended for a permitted use when originally built in the district in which it is located, provided said repairs, alterations or structural changes conform to the regulations of the district in which said building or structure is located. Exception: For single family residences within an R-1 single family residence district, any existing non-conforming front, rear, and/or

side yard setbacks of the primary residential structure, shall be considered as the setbacks for the subject property for the sole purpose to rebuild to the original building footprint with a structure that is architecturally consistent with the existing structure, however in no case shall the minimum side yard setback be less than five feet for the interior side yard. For corner lots the street side yard shall not be further reduced beyond the existing street side yard setback or ten feet, whichever is less.

(Ord. No. 6038-03-17, § 7, 3-21-2017)

#### 1248.03.4 - Additions and enlargements.

A nonconforming building or structure which is nonconforming as to bulk is designed or intended for a permitted use, shall not be added to or enlarged in any manner unless such additions or enlargements thereto are made to conform to all of the regulations of the district in which it is located and unless such nonconforming building or structure, including all additions and enlargements thereto, shall conform to the following:

- (a) Applicable regulation concerning the amount of lot area provided per building unit as provided in this title.
- (b) The allowable floor area ratio or percentage of land coverage as provided in this title.
- (c) The allowable gross floor area per establishment as provided in this title.
- (d) Visibility on corner lots as provided by this title.

(Ord. No. 6038-03-17, § 7, 3-21-2017)

#### 1248.03.5 - Relocation of building or structure.

No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved and the use thereof is made to conform to all of the regulations of the district in which it is located.

#### 1248.03.6 - Restoration of damaged building or structure.

- (a)

If a nonconforming building or structure is destroyed or damaged by fire, or other casualty to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed 50 percent of the replacement cost, it shall not be restored unless said building or structure and the use thereof, shall conform to all the regulations of the district in which it is located.

- (b) In the event such damage or destruction is less than 50 percent of the replacement cost, all repairs or reconstruction shall be started within one year from the date of such destruction and be completed within one year thereafter.
- (c) If the restoration is not completed in this time period, the building or structure shall be removed and the area cleaned by the owner at the owner's expense.

#### 1248.03.7 - Discontinuance of a nonconforming use.

If the nonconforming use of a building, structure or premises is discontinued for one year, it shall not be renewed, and any subsequent use of the building or structure or premises shall conform to the regulations of the district in which it is located.

#### 1248.03.8 - Expansion of nonconforming uses.

- (a) The nonconforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which said use is presently located, but no changes or structural alterations which increase the bulk of the building or structure shall be made unless such changes or structural alterations and the uses thereof, conform to all of the regulations of the district in which the building or structure is located.
- (b) The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure nor changed to any other nonconforming use.
- (c) The nonconforming use of land not involving a building or structure or in connection with any building or structure or accessory to the principal use of the land, shall not be expanded, or extended beyond the area it occupies.

#### 1248.03.9 - Change in nonconforming uses.

The nonconforming use of a building or structure, substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be changed to a use allowed in said district.