

CHAPTER 1286  
Nonconforming Uses

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CROSS REFERENCES

- Division of municipal corporation into zones - see Ohio R.C. 713.06
- Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07
- Restrictions on height of buildings and structures - see Ohio R.C. 713.08
- Restrictions on percentage of lot occupancy and set-back building lines - see Ohio R.C. 713.09
- Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10
- Retroactive zoning ordinances prohibited; nonconforming uses - see Ohio R.C. 713.15
- General provisions and definitions - see P. & Z. Ch. 1260

**1286.01 INTENT.**

Regulations governing nonconforming uses are established to achieve the following purposes:

- (a) To permit the continuance of land uses and building uses which do not conform to the regulations of this Zoning Code, but to control such uses and buildings so as to minimize any adverse effect on adjoining properties and development;
  - (b) To regulate the maintenance and repair of nonconforming uses and buildings; and
  - (c) To require conformity of nonconforming uses and buildings if such uses or buildings are not operated for a certain period of time, or are moved.
- (Ord. 73-94. Passed 10-4-94.)

**1286.02 LAWFUL NONCONFORMING USES OF LAND AND BUILDINGS.**

(a) The lawful use of land or of a building, existing and lawful at the time of the enactment of this Zoning Code, may be continued although such use does not conform to the regulations specified by this Zoning Code for the district in which such land or building is located.

(b) Any such use may be extended throughout any part of the building which was arranged or designed for such use as of the time of the enactment of this Zoning Code, but no such use shall be extended to any part of the building which was not arranged or designed for such use as of the time of the enactment of this Zoning Code or extended to any land outside of the building.

(c) If no structural or external alterations are made, a nonconforming use of a building may be changed to another nonconforming use, which, in the opinion of the Board of Zoning Appeals, is of the same or a more restricted nature. The replacement of a lawful nonconforming use with another nonconforming use shall be regulated by the Board of Zoning Appeals under Chapter 1264. The finding of the Board of Zoning Appeals when granting the replacement of a nonconforming use with another nonconforming use shall be subject to the veto power of Council as provide in Section 1264.05(e).

(d) The cessation, movement, alteration, repair, or maintenance of nonconforming land or building uses shall be subject to the regulations of this chapter.  
(Ord. 73-94. Passed 10-4-94.)

**1286.03 BUILDINGS UNDER CONSTRUCTION.**

Nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the enactment of this Zoning Code, and upon which actual construction has been diligently carried on. Actual construction is defined to be the actual placing of construction materials in their permanent place, fastened in a permanent manner, provided that the actual construction of the work shall be diligently carried on until completion of the building in question.

(Ord. 73-94. Passed 10-4-94.)

#### **1286.04 CESSATION OR MOVEMENT OF NONCONFORMING USE OR BUILDING.**

In the event that any nonconforming use of land or building is discontinued for a continuous period of more than one year, any future use of land or building shall be in conformity with the provisions of this Zoning Code. If any building in which any nonconforming use is conducted or maintained is moved after the enactment of this Zoning Code, the subsequent use of the land on which such building was located and the subsequent use of such building and the land to which it was moved shall be in conformity with the regulations of this chapter for the district or districts in which such land and buildings are located.

(Ord. 73-94. Passed 10-4-94.)

#### **1286.05 MAINTENANCE, REPAIRS, ALTERATIONS, AND RESTORATIONS.**

(a) Repairs and Maintenance. Ordinary repairs, replacements of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding twenty-five percent of the building's assessed value, according to the assessments of the County Auditor of Cuyahoga County, Ohio, shall be permitted to a nonconforming use or building, provided such repair and maintenance are completed within any consecutive thirty-six month period. Any part of a nonconforming building declared to be unsafe by the Building Inspector and required by him or her to be strengthened or restored to a safe condition shall be permitted to be strengthened or restored to a safe condition.

(b) Alterations and Extensions. No nonconforming building shall be enlarged or structurally altered, with the exception of the conditions outlined in subsection (a) hereof, unless it is brought into compliance with this Zoning Code for the district in which it is located.

(c) Restoration of Damaged Buildings. If more than fifty percent of the assessed value of such nonconforming building is destroyed, according to the assessment at the time of destruction, the building and the land upon which the building is located shall be required to be brought into compliance with this Zoning Code for the district in which it is located upon restoration. (Ord. 73-94. Passed 10-4-94.)

#### **1286.06 SPECIAL PERMITS AND EXISTING TEMPORARY USES.**

In cases in which the Board of Zoning Appeals has required certain conditions and time limits to be met before a replacement of a nonconforming use with another nonconforming use is granted, the provisions of this chapter shall not be interpreted as nullifying or extending the conditions and time limits set by the Board of Zoning Appeals.

(Ord. 73-94. Passed 10-4-94.)

**1286.07 EFFECT OF AMENDMENTS.**

If an amendment to this Zoning Code makes a use or building nonconforming after such amendment, the use or building shall be considered a nonconforming use and shall be subject to the provisions of this chapter.

(Ord. 73-94. Passed 10-4-94.)