

DATE:	<u>June 19, 2023</u>	1 ST READING:	<u>June 19, 2023</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>July 10, 2023</u>
REFERRED BY:	<u>Planning Commission</u>	3 RD READING:	<u>July 24, 2023</u>
TEMPORARY NO:	<u>T 69-2023</u>	ADOPTED:	<u>July 24, 2023</u>
		EFFECTIVE:	<u>August 23, 2023</u>

Planning Commission on 06-13-2023

ORDINANCE NO. 6088-2023

AN ORDINANCE AMENDING CHAPTER 1292 NONCONFORMING USES OF THE NORTH RIDGEVILLE ZONING CODE.

WHEREAS, this Council desires to amend Chapter 1292 *Nonconforming Uses* of the North Ridgeville Zoning Code to provide reasonable regulations for the use of structures and land which do not conform to the use regulations or development requirements of this zoning code; and

WHEREAS, following the publication of newspaper notice in conformance with the provisions of Section 9.1 of the Charter and Section 1246.03(d) of the Zoning Code, a public hearing was held on the 10th day of July 2023; and

WHEREAS, it is the desire of this Council and upon the recommendation of the North Ridgeville Planning Commission, to amend these Codified Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. Chapter 1292 *Nonconforming Uses* which presently reads in its entirety as set forth in the document attached to this Ordinance as **Exhibit A** be amended, and, as amended, shall read in its entirety as set forth in the document attached to this Ordinance as **Exhibit B**.

SECTION 2. That all other ordinances or parts of ordinances or resolutions that are inconsistent or in conflict with the newly amended and adopted sections are likewise repealed to the extent of such inconsistency or conflict only.

SECTION 3. In all other respects, the North Ridgeville Zoning Code, as amended from time to time, shall remain in full force and effect.

SECTION 4. That, if any section, paragraph, sentence, clause, phrase, term, provision, or part of this Ordinance, together with all of its Exhibits attached thereto, shall be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: July 24, 2023



Jason R. Jacobs
PRESIDENT OF COUNCIL

ATTEST :



Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: Jul 26, 2023



Kevin Corcoran
MAYOR

EXHIBIT A

CHAPTER 1292 NONCONFORMING USES

1292.01 INTENT

1292.02 PERMITTED CONTINUED USE OF BUILDINGS, STRUCTURES OR LAND

CROSS REFERENCES

Nonconforming parcels in subdivisions - see P. & Z. 1220.07

Certificates for nonconforming uses - see P. & Z. 1242.03

Nonconforming uses in the B-5 District - see P. & Z. 1272.01

Nonconforming signs - see P. & Z. 1286.14

1292.01 INTENT

It is the intent of this chapter to provide reasonable regulations for the use of structures and land which do not conform as to the area or width of lots, yard dimensions, lot coverage, height of buildings, use intended or other provisions of this Zoning Code, and to provide for the conversion of such structures and land into conforming uses as soon as is reasonably possible.

(Ord. 335-66. Passed 7-5-66.)

1292.02 PERMITTED CONTINUED USE OF BUILDINGS, STRUCTURES OR LAND

The lawful use of any building, structure or land existing at the time of the enactment of this Zoning Code (Ordinance 335-66, passed July 5, 1966) may be continued although such use does not conform to the provisions of this Zoning Code, subject, however, to the following provisions:

- (a) Unsafe Structures. Any structure or portion thereof declared to be unsafe by a proper authority may be restored to a safe condition.
- (b) Alterations. A nonconforming building may be reconstructed or structurally altered if such reconstruction or alteration meets the requirements as to yard coverage, height and area regulations for a conforming use in the district in which it is located.
- (c) Extensions. The extension of a lawful use of any portion of a nonconforming building which existed prior to the enactment of this Zoning Code (Ordinance 335-66, July 5, 1966) shall not be deemed the extension of such nonconforming use.
- (d) Variances. Where there is a practical difficulty or unnecessary hardship in the way of carrying out the strict letter of the provisions of this Zoning Code, or amendments thereto, in cases of change of or appeal on nonconforming uses, the Board of Zoning and Building Appeals shall have the power, in a specific case and after a public hearing, to vary or modify the application of any such provisions to permit the applicant to enjoy essential property uses without harm to others and in harmony with the general purposes and intent of this Zoning Code, and amendments, to protect the public, health, safety, morals and general welfare and to do substantial justice.
- (e) Construction Approved Prior to Adoption or Amendment of Zoning Code. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within six months of the date of such permit, and which entire building shall be completed according to such plans as filed within one year from the date of the passage of this Zoning Code.

- (f) Restoration. Any building or structure, existing as a nonconforming use at the time this Zoning Code takes effect (August 5, 1966), which is destroyed by fire, accident or the elements, may be reconstructed and restored, provided that the same is started within one year and completed within two years from the date of such destruction.
- (g) Voluntarily Discontinued Uses. Whenever a nonconforming use has been voluntarily discontinued for two years or more, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this Zoning Code.
- (h) Uses Changed to More Restricted or Conforming Uses. 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 or nonconforming use.
- (i) District Changes. Whenever the boundaries of a district are changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

(Ord. 335-66. Passed 7-5-66.)

CHAPTER 1292 NONCONFORMING STRUCTURES AND USES

1292.01 INTENT

1292.02 AUTHORITY TO CONTINUE NONCONFORMITIES

1292.03 LIMITS TO MODIFICATIONS OF NONCONFORMING STRUCTURES

1292.04 NONCONFORMING USES

1292.01 INTENT

It is the intent of this chapter to provide reasonable regulations for the use of structures and land which do not conform to the use regulations or development requirements of this zoning code, and to provide for the conversion of such structures and land into conforming uses as soon as is reasonably possible.

1292.02 AUTHORITY TO CONTINUE NONCONFORMITIES

Any nonconforming use, structure, lot or parcel that legally existed at the effective date of this zoning code or that becomes nonconforming upon the adoption of any amendments thereto, may be continued in its zoning district so long as it remains otherwise in compliance with the provisions of this chapter. This chapter shall not be interpreted as authorizing the continuation of any use of a structure or land that did not lawfully exist on the effective date of this zoning code or any of its amendments.

1292.03 LIMITS TO MODIFICATIONS OF NONCONFORMING STRUCTURES

A nonconforming structure may not be moved, repaired, maintained, altered or enlarged except as allowed by this chapter or required by law.

- (a) Repair, Maintenance, Alterations and Additions. A nonconforming structure with a conforming use may be repaired, maintained, altered or enlarged, provided that no such repair, maintenance, alteration or enlargement shall either create any new condition of noncompliance to any standard of this zoning code, or otherwise increase the degree of the existing nonconformity of all, or any part, of such structure.
- (b) Moving. A nonconforming structure may not be moved, in whole or in part, for any distance whatsoever, to any other location on the same parcel or to any other parcel unless the entire structure conforms to all applicable standards of this zoning code after being moved.
- (c) Removal or Reconstruction. Once a nonconforming structure is damaged to the extent that 50 percent or more of the existing total floor area is destroyed, or is removed from a site for any reason or by any means, any new or reconstructed structure on the site shall comply with all applicable standards of this zoning code. Reconstruction of a nonconforming structure having no floor area shall be limited to 50 percent of the structure's replacement value. Once brought into compliance, neither that structure nor any future replacement structure may revert to a nonconforming configuration or location.

1292.04 NONCONFORMING USES

A legal nonconforming use of a structure or land may be continued subject to the provisions of this chapter.

- (a) Changes in Use. Whenever a nonconforming use has been changed to a more restrictive or conforming use, such use shall not thereafter be changed to a less restrictive or more nonconforming use.
- (b) Voluntarily Discontinued Uses. Voluntary discontinuance means the cessation of the active or productive operations of a use on the land or within a structure. Voluntary discontinuance terminates a nonconforming use. A nonconforming use that is voluntarily discontinued shall

not be resumed or reestablished. Any subsequent use or occupancy of the land or structure must conform to the current regulations for the zoning district in which it is located. A use shall be considered voluntarily discontinued when any of the following occurs:

- (a) When a nonconforming use has been replaced by a conforming use, or
- (b) When the owner of the nonconforming use voluntarily discontinues the use for a period of 12 months or more. Examples of voluntary discontinuance include, but are not limited to, vacancy, disconnection of essential utilities, or removal without replacement of equipment and furnishings characteristic of the nonconforming use.
- (c) Accessory Uses. No nonconforming accessory use shall continue after the principal use to which it is accessory has been discontinued.