

ARTICLE 26 NON-CONFORMING

2600 PURPOSE

Lots, uses of land, or structures within Zoning Districts established in this Resolution that lawfully existed and operated before this Resolution was enacted, amended, or otherwise made applicable that are now non-conforming to the current regulations of the Zoning District in which they are located may be continued even though such use does not conform with the provisions of this Resolution.

2601 LOTS OF RECORD

Any lot of record fifty (50) feet or wider existing prior to December 1, 1956, the effective date of this Resolution, located in any A or R District may be used for the construction of a single-family dwelling even though the area and width are less than the current minimum requirement. The following setbacks shall apply:

Side: Five (5) feet minimum
Front, Rear: Conform to the current requirement of the Zoning District

- A. Where two (2) adjacent lots of record having less than the required area and width are held by one owner, the lots shall be combined and used for one (1) main building. In either case, the Zoning District setback requirement shall be met.
- B. For an existing lot of record in an A-3, A-4 or R-A Districts, a 20,000 square feet minimum lot area shall be required when public water and on-lot sewage treatment systems are proposed for a new dwelling, subject to the review and approval by the Toledo-Lucas County Health Department.
- C. Any lot of record existing prior to the effective date of this Resolution in a C-2 District having fifty (50) feet or more of lot width may be used for the purpose that C-2 zoning permits subject to conforming to all other District requirements.

2602 DISTRICT CHANGES

Whenever the use of a building or land becomes non-conforming because of an amendment to this Resolution or in the district boundaries, such use may be continued.

2603 ALTERATION and ENLARGEMENT

A building or structure that is a permitted use or conditional use in the District in which it is located, but does not conform to the other Zoning Districts requirements, shall not be enlarged, extended, altered, or moved except in conformance with this Resolution. A non-conforming use of land shall not be expanded altered, or enlarged in any manner.

2604 SUBSTITUTION

A non-conforming use may be changed to another non-conforming use provided that the newly proposed non-conforming use is similar to or in less conflict in character and use with the Zoning District as the original non-conforming use, as determined by the Zoning Manager.

2605 RECONSTRUCTION

A non-conforming use which has been damaged by fire, explosion, or an act of God, to the extent of sixty (60%) percent or more of its reproduction value at the time of the damage shall be restored in conformity with the current regulations of the Zoning District in which it is located. When damaged by less than sixty (60%) percent of its reproduction value a non-conforming use may be repaired or reconstructed and used as before the time of the damage, provided such repairs or reconstruction are started within one (1) year from the date of such damage, except as set forth in Section 2403-Performance Requirements.

2606 DISCONTINUANCE or ABANDONMENT

A non-conforming structure occupied by a non-conforming use may be re-occupied by a conforming use following abandonment of the non-conforming use.

If a non-conforming use is abandoned for a period of two (2) years, any future use of the premises shall be in conformity with the provisions of this Resolution and shall not again be used except in conformity with the current regulations of the Zoning District in which it is located.

2607 UNSAFE STRUCTURE

Any non-conforming structure or portion thereof containing a non-conforming use, may receive ordinary maintenance repairs, or repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided the square footage that existed when it became non-conforming shall not be increased. Nothing in this Article shall prevent the strengthening or restoring to a safe condition any building or part thereof, declared unsafe by any official charged with protecting public safety, upon order of such official. Where appropriate, a Zoning Certificate shall be required.

2608 MOBILE HOMES, TRAILERS

A non-conforming trailers or mobile homes located on a lot in any Zoning District, other than in a Manufactured Home Park District, shall not be relocated on the same lot or replaced once removed from said lot.

2609 NONCONFORMITY RESULTING FROM PUBLIC IMPROVEMENTS

Roadway widening and utility construction may result in developed properties being reduced in size causing them to no longer conform to the requirements of this Resolution. The public improvement project may reduce the required landscape strip width, the required building and/or sign setback distance, the required number of parking spaces for the specific use, and the overall required area of the parcel. In those instances where additional right-of-way is obtained to accommodate a public improvement and a reduction below the minimum requirements of this Resolution occurs, the existing use of the property may be continued.

Existing development made nonconforming as a result of a public improvement may be substituted with another similar and permitted use. Any substituted use that requires a greater number of parking spaces than the prior use, pursuant to Article 29 of this Resolution, shall provide the required number of parking spaces.