

ARTICLE 8

NON-CONFORMITIES

SECTION 801

INTENT: Within the districts established by the resolution or amendments that may later be adopted, there exist lots, structures, or uses or 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 non-conformities to continue until they are removed, but not to encourage their continuance. It is further the intent of these Resolution that nonconformity's shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SECTION 802

NON-CONFORMING LOTS OF RECORD: All non-conforming lots of record shall be in accordance with the following provisions:

802.1 Single Non-Conforming Lots of Record: In any district in which single-family dwellings are permitted, a single-family dwelling may be erected on any single lot of record at the effective date of adoption of this amendment, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. Yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements from the required standards shall be obtained only through action of the Board of Zoning Appeals.

802.2 Non-Conforming Lots of Record in Combination: If two or more lots, or a combination of lots and portions of lots with continuous frontage in single ownership, are of record at the time of amendment of this Resolution and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Resolution. All such lots shall be required to be replatted or resurveyed, as required, to meet the current area and frontage requirements for the required use before a zoning permit may be issued. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in the Resolution.

SECTION 803

NON-CONFORMING 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:

- 803.1 No such non-conforming 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;
- 803.2 Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption for amendment of this resolution, but no use shall be extended to occupy any land outside such building.
- 803.3 No such non-conforming 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;
- 803.4 If any such non-conforming 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.
- 803.5 Additional structures not conforming to the requirements of this Resolution shall be not erected in connection with such non-conforming use of land.

SECTION 804

NON-CONFORMING STRUCTURES: Where a lawful structure exists at the effective date of adoption of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following regulations:

- 804.1 No such non-conforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its non-conformity;
- 804.2 Should such non-conforming structure be destroyed by any means, for two hundred percent (200%) or more of its most current assessed value as recorded in the Office of the Greene County Auditor, it shall not be reconstructed except in conformity with the provisions of this Resolution;
- 804.3 Should such non-conforming structure be destroyed, by any means, for less than two hundred percent (200%) of its most current assessed value as recorded in the Office of the Greene County Auditor, the destroyed portion may be reconstructed provided that the bulk, height, and area requirements shall not be in excess of those which existed prior to said damage;

- 804.4 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved;
- 804.5 To avoid undue hardship, nothing in this Resolution 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 effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently;
- 804.6 On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content existing when it become non-conforming shall not be increased. 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 building or part thereof declared to be unsafe by such official;
- 804.7 When a non-conforming use of a structure, or structure and premises in combination, is voluntarily discontinued or abandoned for more than two (2) years, except when government action impedes access to the premises, the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located and all other applicable provisions of this Resolution.