

ARTICLE 4

ADMINISTRATION

4.0 Purpose

This Article sets forth the powers and duties of the Planning Commission, the Board of Zoning Appeals, the Village Council and the Zoning Inspector with respect to the administration of the provisions of this Ordinance.

4.1 General Provisions

The formulation, administration and enforcement of this Zoning Ordinance is hereby vested in the following offices and bodies within the Village.

1. Zoning Inspector
2. Planning Commission
3. Board of Zoning Appeals
4. Village Council

4.2 Zoning Inspector

A Zoning Inspector designated by the Mayor shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Village may direct.

4.3 Responsibilities of Zoning Inspector

For the purpose of this Ordinance, the Zoning Inspector shall have the following duties:

1. Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications for amendments to the Zoning Ordinance text and the Official Zoning District Map.
3. Issue zoning permits and certificates of occupancy as provided by this Ordinance and keep a record of same with a notation of any special conditions involved.
4. Act on all applications upon which he is authorized to act by the provisions of this Ordinance within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request

to the Board of Zoning Appeals.

5. Conduct inspections of buildings and uses of land to determine compliance with this Ordinance and in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
6. Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the village offices.
7. Maintain permanent and current records required by this Ordinance, including but not limited to zoning permits, zoning certificates, inspection documents and records of all variances, list of all nonconforming uses, amendments and special uses.
8. Make such records available for the use of the Village Council, the Planning Commission, the Board of Zoning Appeals and the public.
9. Review and approve plot plans pursuant to this Ordinance.
10. Determine the existence of any violations of this Ordinance and cause such notifications, revocation notices, stop orders or tickets to be issued or initiate such other administrative or legal action as needed to address such violations.
11. Prepare and submit an annual report to the Village Council and Planning Commission on the administration of this Ordinance, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Ordinance. Such report shall include recommendations concerning the schedule of fees.

4.4 Planning Commission

The Commission shall be composed of five (5) members who reside in the incorporated area of the Village and shall include the Mayor, one member of the Village Council and three (3) citizens of the village to be appointed by the Mayor for terms of six years each, except that the term of any of the members of the commission shall be for one year and one for two years. All such members shall serve without compensation.

4.5 Proceedings of Planning Commission

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Commission meetings shall be held at the call of the chairman and at such other times as the

Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission. The presence of three (3) members shall constitute a quorum. The concurring vote of three (3) members of said Board shall be necessary to reverse an order, requirement, decision, or determination of the Zoning Inspector.

4.6 Duties of Planning Commission

For the purpose of this Ordinance, the Commission shall have the following duties:

1. Recommend the proposed Zoning Ordinance including text and Official Zoning District Map to the Village Council for formal adoption.
2. Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Ordinance where same will promote the best interest of the public in general through recommendation to the Village Council.
3. Review all proposed amendments to the text of this Ordinance and the Official Zoning District Map and make recommendations to the Village Council.
4. Review all Planned Unit Development Applications and make recommendations to the Village Council as provided in this Ordinance.
5. Review all special uses as identified in the respective zoning districts according to provisions and criteria stated in this Ordinance.
6. Carry on a continuous review of the effectiveness and appropriateness of this Ordinance and recommend such changes or amendments as it feels would be appropriate.

4.7 Board of Zoning Appeals

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Mayor. The term of all members shall be five (5) years and their terms shall be so arranged that the term of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other reasonable cause by the Mayor upon written charges and after a public hearing has

been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing either personally or by registered mail, or by leaving the same at his place of residence. The members shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment by the Mayor and shall be for the unexpired term.

4.8 Proceedings of the Board of Zoning Appeals

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public except as provided by law. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the Office of the Board.

Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution and the concurring vote of three (3) members of the Board shall be necessary to reverse an order of determination of the Zoning Inspector, to decide in favor of an applicant in any matter over which the Board has original jurisdiction under this Ordinance, or to grant any variance from the requirements stipulated in this Ordinance.

4.9 Duties of the Board of Zoning Appeals

For the purpose of this Ordinance, the Board has the following specific responsibilities:

1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector;
2. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.

4.10 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal

It is the intent of this Ordinance that all questions

of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Ordinance that the duties of the Village Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance, the Village Council shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 4.12 of this Ordinance. Nothing in this Ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

4.11 Village Council

The powers and duties of the Village Council pertaining to the Zoning Ordinance are as follows:

1. Approve the appointments of members to the Planning Commission.
2. Approve the appointments of members to the Zoning Board of Appeals.
3. Initiate or act upon suggested amendments to the Zoning Ordinance text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.
4. Override a written recommendation of the Planning Commission on a text or map amendment provided that such legislative action is passed by a vote of not less than three-quarters of the Village Council.

4.12 Schedule of Fees

The Village Council shall by Ordinance, establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the

Zoning Inspector and may be altered or amended only by the Village Council. Until all such appropriate fees, charges and expenses have been paid in full, no action shall be taken on any application, appeal or administrative procedure.

ARTICLE 5
ENFORCEMENT

5.0 General

This article stipulates the procedures to be followed in obtaining permits, certificates and other legal or administrative approvals under this Ordinance.

5.1 Zoning Permits Required

No building or other structure shall be erected, moved, added to, structurally altered nor shall any building, structure or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding on appeal, conditional use or variance or from the Village Council approving a Planned Unit Development District, as provided by this Ordinance.

5.2 Contents of Application for Zoning Permit

The application for zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within two and one-half (2 1/2) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

1. Name, address and phone number of applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths, and their layout;
9. Location and design of access drives;
10. Number of dwelling units;
11. If applicable, application for a sign permit or a conditional, special or temporary use permit, unless previously submitted.

Note: Please refer to Article 10 for official zoning form.

5.3 Approval of Zoning Permit

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All zoning permits shall, however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. On copy of plans, similarly marked shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Ordinance.

Note: Please refer to Article 10 for official zoning form.

5.4 Submission to Director of Transportation

Before any zoning permit is issued affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that he shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Ordinance, issue the zoning permit.

5.5 Expiration of Zoning Permit

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to

the persons affected. If the work described in any zoning permit has not been substantially completed within two and one half (2 1/2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

Note: Please refer to Article 10 for official zoning form.

5.6 Certificate of Occupancy

It shall be unlawful to use or occupy to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance. The issuance of a use certificate in no way relieves the recipient from compliance with all the requirements of this Ordinance and other regulations.

Note: Please refer to Article 10 for official zoning form.

5.7 Temporary Certificate of Occupancy

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

Note: Please refer to Article 10 for official zoning form.

5.8 Record of Zoning Permits and Certificates of Occupancy

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished, upon request and upon payment of the established fee, to any person.

5.9 Failure to Obtain a Zoning Permit or Certificate of Occupancy

Failure to obtain a zoning permit or certificate of occupancy shall be a punishable violation of this Ordinance.

5.10 Construction and Use to be as Provided in Applications, Plans, Permits and Certificates

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement or construction. Use, arrangement or construction contrary to that authorized shall be deemed a punishable violation of this Ordinance.

5.11 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate it and take action thereon as provided by this Ordinance.

5.12 Entry and Inspection of Property

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Ordinance. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the Law Director in securing a valid search warrant prior to entry.

5.13 Stop Work Order

Subsequent to his determination that work is being done contrary to this Ordinance, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Ordinance.

5.14 Zoning Permit Revocation

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.

5.15 Notice of Violation

Whenever the Zoning Inspector or his agent determines that

there is a violation of any provision of this Ordinance, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

- a. Be in writing;
- b. Identify the violation;
- c. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated; and
- d. State the time by which the violation shall be corrected.

Service of notice of violation shall be as follows:

- a. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
- b. By certified mail deposited in the United States mail addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- c. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

Note: Please refer to Article 10 for official zoning form.

5.16 Ticketing Procedure

If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a ticket. Such ticket shall:

1. Be served personally;
2. Be in writing;
3. Identify the violation;
4. State the time, date and place for appearance in court; and
5. State the amount of the fine payable in lieu of a court appearance.

If the ticket cannot be served personally, the Zoning Inspector shall request that a summons be issued by the Court.

5.17 Penalties and Fines

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain or structurally alter any building, structure or land in violation of any provision of this Ordinance or any amendment thereto. Any person, firm or corporation who violates this Ordinance or fails to comply with any of the requirements shall upon conviction thereof be fined not more than one hundred (100) dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other

person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

5.18 Additional Remedies

Nothing in this Ordinance shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Ordinance, or in the case of an imminent threat of such a violation, the Zoning Inspector, the Law Director or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourse provided by law, institute mandamus, injunction, abatement or other appropriate actions to prevent, remove, abate, enjoin or terminate such violation.

ARTICLE 6
NONCONFORMITIES

6.0 Purpose

Within the districts established by this Ordinance, or by amendments thereto which may later be adopted, lots, uses of land, structures and uses of structures and land in combination exist which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension and substitution. Furthermore, nothing contained in this Ordinance shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Ordinance, or any amendment thereto. Nevertheless, while it is the intent of this Ordinance that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Village Council, except as otherwise specifically provided for in this Ordinance.

6.1 Incompatibility of Nonconformities

Nonconformities are declared by this Ordinance to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located without approval of the Village Council, except as otherwise specifically provided for in this Ordinance.

6.2 Avoidance of Undue Hardship

To avoid undue hardship, nothing in this Ordinance 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 Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

6.3 Certificates For Nonconforming Uses

The Zoning Inspector may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

Note: Please refer to Article 10 for official zoning form.

6.4 Substitution of Nonconforming Uses

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the Village Council, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Council shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Ordinance. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

6.5 Single Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. 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, of both, that are generally applicable in the district, provided that 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.

6.6 Nonconforming 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 passage or amendment of this Ordinance, 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 purposes of this Ordinance, and 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 Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements.

6.7 Nonconforming Uses of Land

Where, at the time of adoption of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such nonconforming 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 specifically provided for in this Ordinance.
3. If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district

in which such land is located;

4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

6.8 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that does not meet the minimum requirements of the district in which the lot is located, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. The Planning Commission, after a public hearing, may permit minimal enlargement or alteration of a nonconforming structure, subject to the following:
 - a. The expansion of the nonconforming use will not be contrary to the public interest.
 - b. Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.
 - c. There must exist special circumstances or conditions fully described by the applicant and which are such that strict application of the provision of the provisions of the Ordinance would deprive the applicant of reasonable use of the structure. Mere loss in value shall not justify an approval by the Planning Commission; there must be deprivation of beneficial use of the structure.
 - d. The lot area shall be adequate to accommodate the required off-street parking for the existing structure and the addition. The design, location and surface of the parking area shall be provided so as to reduce congestion, promote safety and to reduce the impact on the existing neighborhood.

6.9 Termination of Use Through Discontinuance

When any nonconforming use is discontinued or abandoned for more than two (2) years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

6.10 Termination of Use by Damage or Destruction

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of any structure, exclusive of foundation, it shall not be

rebuilt, restored or reoccupied for any use unless it conforms to all regulations of this Ordinance. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Ordinance and the following conditions:

1. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction and rebuilding shall be diligently pursued to completion.
2. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

6.11 Repairs and Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming 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 became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.