

ARTICLE XIX

NON-CONFORMING USES, STRUCTURES AND LOTS

1900. Non-conforming Uses and Structures

- (1.) A non-conforming use is any use, whether of land or of structure, or both, which does not comply with the applicable use provisions in this Ordinance or subsequent amendments, where such use was lawfully in existence prior to the enactment of this Ordinance or subsequent amendments.
- (2.) A non-conforming structure is any structure or part of a structure manifestly not designed to comply with the applicable use provisions of this Ordinance or subsequent amendment, where such structure lawfully existed prior to the enactment of this Ordinance or subsequent amendments.
- (3.) Any such non-conforming use or structure may, subject to standards of Section 1904 of this Article be enlarged, altered, extended, reconstructed, or restored (except as provided in item 1904 (1.) below after the effective date of this Ordinance to no more than an additional twenty-five percent (25%) of the area which was in non-conformance upon the adoption of this Ordinance.

1901. Continuation of Non-Conforming Uses and Structures

Any non-conforming use or structure may be continued indefinitely, provided such use or structure:

- (1.) Shall not be moved to another location where such use or structure would be non-conforming.
- (2.) Shall not be changed to another non-conforming use or structure without approval by the Zoning Hearing Board and then only to a use or structure which, in the opinion of the Zoning Hearing Board is of the same or of a more restricted nature in accordance with Section 1904 of this Article.
- (3.) Shall not be re-established if such use or structure has been discontinued for any reason for a period of twelve (12) months or more, or has been changed to, or replaced by, a conforming use or structure. Intent to resume a non-conforming use shall not confer the right to do so.

- (4.) Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use or structure is reinstated within twelve (12) months of such damage; if the restoration of such structure is not completed within the said twelve (12) month period, the non-conforming use of such structure shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged portion of such structure.

1902. Repairs and Maintenance

Notwithstanding any of the above regulations, nothing in this Article shall be deemed to prevent normal maintenance and repair of any non-conforming use or structure, or the carrying out, upon the issuance of a building permit, of major structural alterations or demolitions necessary in the interest of public safety. In granting such a building permit, the Township shall state the precise reason such alterations were deemed necessary.

1903. Registration of Non-conforming Uses and Structures

All lawful uses and structures existing at the effective date of this Ordinance which do not conform to the requirements set forth in this Ordinance, or any amendments thereto, may be identified and registered by the Zoning Officer. Failure or neglect of the Zoning Officer to identify or register uses or structures which are non-conforming as defined in this Ordinance or subsequent amendments does not exempt such use or structures from the applications of this Ordinance.

1904. Expansion and Change of Non-conforming Uses and Structures

- (1.) Procedure. Any non-conforming use or structure or combination thereof may be expanded or changed only upon approval of the Zoning Hearing Board after a special exception hearing as defined elsewhere in this Ordinance.
- (2.) Standards. Each application for an expansion or change of a non-conforming use shall be subject to the following standards:
- (3.) It shall be the responsibility of the applicant to sufficiently document to the Zoning Hearing Board that the proposed expansion or change will not be contrary to the purposes of this Ordinance and

the public health, safety, and welfare of township residents in general and of the residents of the immediate area, in particular.

- (a) That such expansion or change does not exceed the twenty-five percent (25%) maximum increase as set forth in item 1900 (3.)
 - (b) That such expansion or change shall comply with the applicable yard and setback requirements of the district where located.
- (4.) Any person seeking permission to change a non-conforming use or structure to any other non-conforming use or structure shall sufficiently document to the Zoning Hearing Board that such new non-conforming use or structure is more in compliance with the applicable provisions of this Ordinance than the present non-conforming use or structure.
 - (5.) The Zoning Hearing Board may attach additional provisions to the granting of a special exception to expand or change a non-conforming use or structure for the purpose of promoting the objectives and intent of this Ordinance.
 - (6.) The expansion of a non-conforming use or structure shall comply with the applicable yard requirements of the district where located.

1905. Non-conforming Lots (except as specified in the V, VC, C-1, C-2, I-1, I-2 or I-3 Zoning Districts)

A vacant lot owned individually and separately and separated in ownership from any adjoining tracts of land on the effective date of this Ordinance, which has a total lot area or lot width less than prescribed in this Ordinance, provided that the lot was and still is in single ownership, and no opportunity is present to consolidate two (2) or more contiguous lots into a lot conforming to the district requirement, may be used provided such lot shall be developed in conformity with all applicable district regulations other than the minimum lot area, lot width and yards. Existing small lots meeting the above stipulations shall comply with the following permitted building setback reductions:

- (1.) Side yards may be proportionately reduced based upon the percentage that the existing small lot is not in compliance, but in no event shall the side yard be less than five feet (5'). For example, if the existing small lot is twenty-five percent (25%) less than the minimum lot size requirement, the side yard may be reduced by

twenty-five (25%). Front yard relief shall comply with the average setback of the two existing principal buildings with the greatest setbacks located within one hundred (100) feet on each side of the proposed building.

- (2.) Rear yards may be proportionately reduced in the same manner as item (1.), but in no event shall the rear yard be less than ten feet (10').