

## ARTICLE 9

### NONCONFORMING BUILDINGS AND USES

#### SECTION 9.1

All lawful uses of land or of a lot, building, sign, or other structure existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, changed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, provided such nonconforming conditions shall comply with the following:

#### SECTION 9.2 CONTINUATION:

The Zoning Officer may on a continuing basis or at the request of a property owner identify and register nonconforming uses, structures, and lots together with the reasons why the Zoning Officer identified them as nonconforming.

#### SECTION 9.3 ALTERATIONS:

Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use; providing such alterations and repairs are in conformance with the regulations set forth in this Ordinance and other applicable codes and ordinances adopted by the Township.

#### SECTION 9.4 EXTENSIONS OR ENLARGEMENTS.

1. The types of extensions and enlargements listed below are permitted as a special exception for nonconforming uses, buildings, and structures existing on the effective date of this Ordinance:
  - a. The extension of a nonconforming use of land upon a lot occupied by such use.
  - b. The extension or enlargement of a conforming building occupied by a nonconforming use.
  - c. The extension or enlargement of a nonconforming building occupied by a nonconforming use.
2. The foregoing extensions or enlargements of such nonconforming buildings or uses shall be subject to the following conditions:
  - a. The extension or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which it is located. Where a building or structure is nonconforming as to a required front, side or rear yard setback, the established nonconforming setback may be continued, so long as the proposed extension or enlargement does not project further into any yard, whether front, side or rear yard,

than the original building line extended. The extension or enlargement of nonconformity shall not exceed fifty percent (50%) of the amount of nonconformity existing upon the effective date of this Ordinance or subsequent amendments thereof.

- b. The entire building or use shall be provided with off-street parking and loading spaces as required by Article 5: Off-Street Parking herein.
- c. The extension or enlargement does not replace a conforming use.
- d. The extension or enlargement of a building used for a nonconforming use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this Ordinance, where such vacant parcels have been recorded separately or acquired following the effective date of this Ordinance.

3. The extension or enlargement of a nonconforming building occupied by a conforming use on the effective date of this Ordinance shall be permitted by issuance of a Zoning Permit and subject to conditions enumerated in Section 9.4.2. above.

#### SECTION 9.5 CHANGES IN NONCONFORMING USES:

A non-conforming use may be changed to another nonconforming use of the same or more restricted classification. Whenever a nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not hereafter be changed to a use of less restricted classification.

#### SECTION 9.6 RECONSTRUCTION/RESTORATION:

A nonconforming structure, building, or use which is damaged by fire, explosion, windstorm or other natural or criminal acts, may be reconstructed and used for the same purposes, provided that:

1. The reconstruction and/or restoration of the building or structure is commenced within one (1) year from the date of occurrence of the damage and is carried to completion without undue delay. The one (1) year time may be extended if the delay is caused by insurance regulations or investigations not caused by negligence or default by the applicant.
2. The reconstructed building, structure or occupied area does not exceed the height, area, and volume of the original building, structure and occupied area.
3. The remains of any such buildings, structures, or other improvements so destroyed shall be removed from the premises within six (6) months so that the same shall not remain as a nuisance or safety hazard.

#### SECTION 9.7 DISCONTINUANCE:

If a non-conforming use of land or building ceases operations for a continuous period of more than twelve (12) months, then such use and any subsequent use of land or building shall conform to the

provisions of this Ordinance, except when the discontinuance is due to a death and administration of the decedent's estate, in which event the discontinuance shall not be presumed to start until estate administration is terminated or a court order concerning the disposition of the estate has been entered.

#### **SECTION 9.8 NONCONFORMING SIGNS:**

Signs in existence at the effective date of this Ordinance or amendments thereto, may be continued subject to the regulations contained in herein.

#### **SECTION 9.9 DISTRICT CHANGES:**

Whenever the boundaries or uses of a district shall be changed the foregoing provisions shall also apply to any non-conforming lots, uses, or buildings existing therein or created thereby.

#### **SECTION 9.10 UNSAFE STRUCTURE:**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a structure or building declared unsafe by proper authority.

#### **SECTION 9.11 AGRICULTURAL EXEMPTION:**

The non-conforming controls as set forth herein shall not apply to agricultural structures when such structures are part of an active agriculture program. An active farm group situated, through action of the Township Supervisors in enacting this Ordinance, in a zone where agricultural uses become non-conforming is exempt. It is not the intent of this Ordinance to hamper continued agricultural activities. However, should the agricultural use be abandoned, thereafter agricultural buildings damaged or destroyed in any manner shall be subject to the non-conforming rules and regulations.