

# Article 5

## Nonconformity

### Section 500 Continuation

Except as otherwise provided in this section, any use, building, or structure existing at the time of enactment of this Ordinance may be continued, even though it is not in conformity with the regulations specified by this Ordinance.

### Section 501 Abandonment

If a nonconforming use of land or of a building or structure ceases or is discontinued for a continuous period of one (1) year or more, subsequent use of such building, structure, or land shall be in conformity with the provisions of this Ordinance.

### Section 502 Extension of a Nonconforming Use of Land

Any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein may be extended upon the lot upon which it exists at the time of the effective date of this Ordinance, but such extension shall conform to area and lot regulations and to the design standards of this Ordinance. The extension of a nonconforming use on a lot shall be limited to the lot, which was in existence on the effective date of this Ordinance.

### Section 503 Expansion or Alteration

- 503.1 Any nonconforming use may be expanded or altered through the obtainment of a special exception and subject to the following criteria, and those contained in Article 6:
- a. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the nonconformity;
  - b. The total of all such expansions or alterations of use shall not exceed an additional fifty (50%) percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities. The applicant shall furnish evidence as to the extent of the nonconformity when it was created;
  - c. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance;
  - d. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located;
  - e. Buffers and screens shall be provided. This includes but is not limited to fences, walls, plantings and open spaces;

- f. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities;
- g. No expansion of a nonconforming structure or a nonconforming use located outside of a structure existing on the effective date of this Ordinance shall be permitted in the Floodplain Zone;
- h. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in the Floodplain Zone shall be permitted when either elevated above the base flood elevation or flood- proofed. In no case, shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood height, velocities or frequencies.

## Section 504 Substitution or Replacement

Any nonconforming use may be replaced or substituted by another nonconforming use by special exception, with the following criteria and limitations:

- 504.1. That the proposed use is at least equally compatible and not contrary to the purposes of this Ordinance and public health, safety and welfare of municipal residents in general and with the surrounding area;
- 504.2. The proposed nonconforming use shall not increase any dimensional nonconformities;
- 504.3. The proposed use shall not generate more traffic than the existing nonconforming use;
- 504.4. The proposed use, if commercial or industrial in nature, shall not have longer hours of operation than the existing nonconforming use;
- 504.5. The proposed use shall not generate higher levels of noise, smoke, other regulated pollution, or glare off the property than the existing nonconforming use;
- 504.6. The Zoning Hearing Board may attach reasonable conditions to the special exception to keep the use compatible with the objectives and intent of this Ordinance.

## Section 505 Restoration

Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other similar active cause may be reconstructed in the same location, provided that:

- 505.1. The reconstructed building or structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure and such reconstructed building or structure shall not increase any dimensional nonconformities;
- 505.2. The previous foot print or layout is to be used for restoration;
- 505.3. Reconstruction shall be completed in one year.
- 505.4. Any lawful nonconforming accessory building may be reconstructed in the same location, provided that:

- a. The reconstructed accessory building shall not exceed the height, area or volume of the prior lawful nonconforming accessory building and such reconstructed accessory building shall not increase any dimensional nonconformities;
- b. The accessory building must be reconstructed within one (1) year from the date the prior accessory building is removed.

### Section 506 Previously Expanded Nonconforming Uses and Structures

It is the express intent and purpose of this Ordinance that if a building, structure, sign or land was expanded or extended to the limits of expansion for a nonconforming building, structure, sign or use of land as authorized by a prior zoning regulation or Ordinance, no further expansion of said building, structure, sign or land shall be authorized. In the event a nonconforming building, structure, sign or use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or Ordinance, additional expansion if permitted by this Ordinance, shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

### Section 507 Nonconforming Lots of Record

On any lot of record, which does not conform to the dimensional requirements of the zone in which it is located, a building may be erected, altered or used and any setback, yard, height and all other requirements, other than lot area, lot width or lot depth requirements, of this and all other applicable Township Ordinances and regulations for the district in which the lot is located shall be met.

### Section 508 Expansion of Nonconforming Single-Family Detached Dwellings

Any single-family dwelling that was legally in existence as of the effective date of this Ordinance, may be expanded, provided that such expansion does not result in a further encroachment into the yard setback requirement or exceed the lot coverage requirement within the zone, without obtaining a special exception or variance.

### Section 509 District/Zone Changes

Any uses, structures or lots that become nonconforming because of a change in zoning district boundaries shall be regulated under this section on nonconformities.