

## ARTICLE 15

### NONCONFORMING USES, STRUCTURES AND LOTS

1500

#### Purpose

Within the districts established by this Ordinance or amendments thereto, there exist certain uses, structures and lots which were lawful before this Ordinance was enacted or amended but which do not conform to the provisions of this Ordinance or amendment thereto. These uses, structures or lots are referred to as nonconformities. The regulations governing existing nonconforming uses, structures and lots are set forth in this Article and are intended to provide a gradual remedy for the undesirable conditions resulting from such nonconformities. While such nonconformities are generally permitted to continue, these regulations are intended to restrict further investment in such nonconformities and to bring about their gradual reduction.

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#### Continuation

All structures, lots, uses of structures and uses of land that do not conform to the regulations of the district in which they are located after the effective date of this Ordinance or amendment thereto shall be regarded as nonconforming and may be continued so long as they remain otherwise lawful, including subsequent sales of property. Such uses must comply with all safety related and other applicable regulations.

1502

#### Enlargement

1. A nonconforming use or structure may be extended, enlarged or altered when so authorized as a special exception, provided that the following conditions are met and a permit is obtained as per Section 1303:
  - a. It is clear that such enlargement or extension is not materially detrimental to the health, safety and welfare of the surrounding area.
  - b. The proposed enlargement or extension only occurs on the tract where the nonconformity is currently located.
  - c. The area devoted to the nonconforming use shall not be increased by more than twenty-five (25) percent. The nonconforming structure shall not be increased by more than twenty-five (25) percent of its cubic content.

- d. Any extension or enlargement of a building shall conform to the area, height and setback regulations of the district in which it is located.
- e. Not more than one (1) extension or enlargement to a nonconforming use or structure shall be granted.

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Change of Use

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another equally restrictive or more restrictive nonconforming use, when so determined by the Borough Council, subject to the following conditions:

- 1. The applicant shall show that the nonconforming use cannot be reasonably changed to a conforming use.
- 2. The applicant shall show that the proposed change will be no more objectionable in external effects than the existing nonconforming use or will be more appropriate than the existing nonconforming use with regard to:
  - a. Traffic generation and congestion.
  - b. Parking.
  - c. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.
  - d. Outdoor storage.
  - e. Sanitary sewage disposal.
- 3. A permit is obtained from the Borough.

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Enclosure

Where a nonconforming use is conducted entirely on unenclosed premises, no structure to house or enclose such use, whether or not such structure would otherwise conform to zoning regulations, shall be permitted to be erected on the premises.

## 1505

Abandonment

If a nonconforming use of a building or land is abandoned for six (6) consecutive months or more, whereby the owner discontinues the use, the subsequent use of such a building or land shall conform with the regulations of the district in which it is located, unless another nonconforming use is approved by the Zoning Hearing Board. Such approved use shall be initiated within one hundred twenty (120) days after the approval of the Zoning Hearing Board.

## 1506

Restoration

1. Except for residential structures, a nonconforming structure, a conforming structure devoted to a nonconforming use or a structure that has been legally condemned which has been destroyed by fire or other cause to an extent of not more than seventy-five (75) percent of the value of the structure may be reconstructed and used for the same nonconforming use provided that:
  - a. The reconstructed structure shall not exceed the height, area and volume of the building destroyed or condemned.
  - b. Reconstruction of the structure shall commence within six (6) months from the date the structure was destroyed or condemned, unless the Zoning Hearing Board shall authorize a special exception for an extension of this time limit.
2. A nonconforming residential structure which is destroyed or damaged by fire or other cause may be restored to its condition prior to the occurrence.

## 1507

Repairs and Maintenance

1. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of six (6) consecutive months 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.

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2.     If a nonconforming structure becomes physically unsafe due to lack of repairs and maintenance and is declared by the Zoning Officer to be unsafe by reason of physical condition, it shall not thereafter be restored or repaired except to conform to the regulations of the district in which it is located.
3.     Nothing in this Ordinance shall be construed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Zoning Officer.

1508            Displacement

No nonconforming use shall displace a conforming use.

1509            Nonconforming Lots

A lot held in single and separate ownership on the effective date of this Ordinance which does not contain the required minimum area or width may be used for the construction, alteration or reconstruction of a building or may be otherwise used if the construction, alteration, reconstruction or other use is in compliance with the use, yard and setback provisions of this Ordinance.

1510            Reduction of Lot Area

No lot area shall be so reduced that the area of the lot or the dimensions of the open space shall be smaller than herein prescribed.

1511            Nonconforming Signs

Regulations for nonconforming signs are in Article 9 relating to signs.

1512            Registration of Nonconforming Uses

The Zoning Officer may prepare, or cause to be prepared, a complete list of all nonconforming uses, structures, lots and signs in the Borough.

1513            Ownership

Whenever a lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner.

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Violations

A nonconforming structure altered or a nonconforming use created in violation of any previous provisions in this Article shall be regarded as continuing in such violation and shall not enjoy the privilege of legal continuance conferred by Section 1501 upon other nonconforming structures and uses.