

## **Chapter XVII Nonconforming Uses**

### **17.1 Intent**

Except as provided below, no person may cause an increase in the extent of a nonconforming use or nonconforming building structure except as provided below. The terms "nonconforming use" and "nonconforming building or structure" are defined as follows:

**1. Nonconforming Building or Structure:**

A lawfully established building, structure, or portion thereof that lawfully existed before the effective date of this Ordinance, and that does not meet the floor area, setback, parking or other dimensional regulations for the zoning district in which it is located.

**2. Nonconforming Use:**

A use of land, or use of land and buildings, which lawfully existed before the effective date of this Ordinance that does not conform to the use regulations of the zoning district in which such land is located.

### **17.2 Extension or Enlargement of Uses, Buildings, or Structures**

**1. The physical alteration or expansion of existing structures, or the construction or placement of new structures is not permitted if such alteration, construction or placement results in either of the following:**

- a. An increase in the total amount of building or land area occupied by or devoted to a nonconforming use, or;**
- b. Greater nonconformity with setback, height, parking area, or other zoning district area, setback, or dimensional requirements.**

**2. A nonconforming use may be extended throughout any portion of a completed building that was designed or arranged to accommodate the nonconforming use before the effective date of this ordinance.**

**3. A nonconforming use may not be extended or enlarged to occupy additional buildings or land outside the original building.**

**4. A nonconforming use of open land may not be extended to cover more land than was**

occupied by that use before the effective date of this ordinance.

### **17.3 Maintenance & Repair**

Maintenance and repair work may be done on any building occupied by a nonconforming use provided such work does not increase the exterior dimensions of such building in existence before the effective date of this ordinance.

### **17.4 Reconstruction**

1. Any building occupied by a nonconforming use which has been damaged or destroyed by a fire, explosion or act of God may be restored or reconstructed within the preexisting exterior dimensions of such building.
2. Nonconforming buildings or structures damaged or destroyed by a fire, explosion, or act of God may be restored or reconstructed within the preexisting exterior of such buildings.

### **17.5 Changes of Use**

A change in use of property from a nonconforming use to another use may be made only in accordance with the provisions of this chapter.

1. Changing a nonconforming use to a permitted or special use allowed in a zoning district is permitted provided appropriate approvals such as site plan review or special use approval are obtained prior to such change of use. Following approval, the use of the property may not revert to its nonconforming use status.
2. Changing a nonconforming use to another nonconforming use may be authorized only by the Zoning Board of Appeals provided that the Zoning Board of Appeals finds:
  - a. All requirements of this Ordinance can be reasonably complied with.
  - b. The proposed nonconforming use will have less of an adverse impact on those persons and properties most affected by it.
  - c. The proposed nonconforming use will be more compatible with the surrounding area or neighborhood in which it is located than is the existing nonconforming use.

### **17.6 Abandonment & Discontinuance**

If a nonconforming use of any building or land is abandoned or discontinued through vacancy, lack of operation or otherwise for a continuous period of 12 months, and the owners shows an intent to abandon. This intent may be indicated by action or inaction by the owner. Indicators include but are not limited to:

1. Disconnection of utilities.
2. Removal of building fixtures necessary to reasonably carry on the then current use.
3. Property falling into disrepair or being unsafe.
4. Discontinuance of newspaper or mail service.
5. Removal of signs.

Any future use of such building or land shall conform in its entirety to the provision of this Ordinance; provided, however, the Township Zoning Board of Appeals may, upon application within six (6) months of the termination of said period, permit the resumption of such non-conforming use.

