

## **Article 22**

### **NONCONFORMING BUILDINGS AND USES**

#### **Section 2201. IN GENERAL.**

All lawful uses of land or of a building, or other structure existing on the effective date of this ordinance may be continued, altered, restored, reconstructed, 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, providing such nonconforming uses shall comply with the provisions of Article 22.

#### **Section 2202. CONTINUATION.**

The owner of the premises occupied by a lawful nonconforming use or building existing at the effective date of this ordinance shall, within one (1) year of the effective date of this ordinance report to the Zoning Officer the information necessary for the registration of such nonconformance under Section 2208 of this Ordinance, and shall secure a Certificate of Nonconformance for the purpose of insuring to the owner the right to continue such nonconforming building or use.

#### **Section 2203. EXISTING NON-CONFORMING LOTS OF RECORD**

In any district in which single family detached dwellings are permitted and notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customarily accessory buildings may be erected on any single lot of record which was present at the effective date of adoption or amendment of this Ordinance. Such a lot shall be in separate ownership and not have continuous road frontage with other lots of the same and separate ownership. This provision shall apply even if the lot fails to meet the requirements for lot area or lot width or both, for the district in which the lot is presently located, provided that the yard dimensions, coverage and other requirements of this Ordinance not involving lot area or lot width shall conform to the regulations for the district in which it is located.

#### **Section 2204. ALTERATIONS AND RECONSTRUCTION.**

- A. Repairs and structural alterations not constituting extensions, expansions or enlargements may be made to a nonconforming building or to a building occupied by a nonconforming use.
- B. A nonconforming building which is damaged by fire, explosion or an act of God, may be rebuilt and used for the same purposes, provided that:
  - 1. The reconstruction of the building is commenced within one (1) year from the date of the destroying of the building and is carried to completion without undue delay.
  - 2. The reconstructed building does not exceed in height, building area, and volume of the building destroyed; and
  - 3. The reconstructed building shall comply with the yard regulations of the district in which it is located. The foregoing notwithstanding, any nonconformities of the building or lot that existed prior to damage may be continued to the same degree upon reconstruction of the building.

**Section 2205. EXTENSIONS, EXPANSIONS AND ENLARGEMENTS.**

Land, building or structures occupied or used for residential or non-residential purposes which are nonconforming and otherwise not permitted in the zoning district in which they are located shall be allowed to expand, extend or enlarge. All extensions, expansions and enlargements of lawful nonconforming uses and buildings shall be reviewed by the Zoning Officer in accordance with the following standards:

- A. Any extension, expansion or enlargement of a nonconforming building or use shall be permitted only once.
- B. Any expansion or enlargement of a nonconforming building shall not exceed twenty-five (25) percent of the total gross floor area of the nonconforming structure.
- C. Any extension, expansion or enlargement shall conform to the building height, lot area, yard and coverage regulations of the district in which it is located.
- D. All required parking spaces for any expansion or enlargement shall comply with the requirements of Article 21, Off-Street Parking.
- E. Any extension, expansion or enlargement of a nonconforming building or use shall not be permitted to extend into vacant lot or lots adjacent to the parcel containing the nonconforming building or use.

**Section 2206. CHANGE OF USE.**

Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use. A nonconforming use may be changed to another nonconforming use of less intensity as adjudged by the Zoning Officer. Whenever a nonconforming use has been changed to a less intense or to a conforming use, such use shall not hereafter be changed to a more intense use.

**Section 2207. ABANDONMENT AND DISCONTINUANCE.**

- A. If a nonconforming use of a building or land is abandoned for any period of time, the nonconforming status thereof shall be lost, and the subsequent use of such building or land shall be in conformity with all the provisions of this ordinance.
- B. If a nonconforming use of a building or land ceases or is discontinued for a continuous period of one (1) year or more, the nonconforming status thereof shall be lost, and subsequent use of such building or land shall be in conformity with all the provisions of this ordinance, except in cases where the cessation or discontinuance was caused by circumstances beyond the control of the owner.
- C. The removal of a nonconforming mobile home from the site it occupied shall constitute abandonment of the site so occupied and subsequent use of said site shall conform with the provisions of this ordinance.
- D. The removal of a mobile home from a residential lot already occupied by a residential building shall constitute abandonment of the nonconforming use and such use shall not thereafter be permitted.

- E. Mobile Home Parks, Trailer Camps or Trailer Parks which are nonconforming under the terms of this Ordinance shall be operated in accordance with Public Health Regulations, Commonwealth of Pennsylvania, Department of Environmental Protection, under the provisions of the Act 175 of April 9, 1929, P.L. 177, as amended, and all other applicable laws.

**Section 2208. REGISTRATION AND CERTIFICATE OF NONCONFORMANCE.**

The Zoning officer shall identify and register all nonconforming uses and structures with due diligence upon receipt of the information required under and by section 2202 from the owner, by issuing a Certificate of Nonconformance in accordance with Section 2404. He shall maintain for that purpose a file, reflecting, for each nonconforming use or structure, the names and addresses of all persons having an ownership or possessory interest in the property, a description of the property, its location, its zoning classification, a detailed description of each nonconforming use and structure, the manner in which it is nonconforming, the date and a detailed description of each alteration, restoration, reconstruction, change, extension, and enlargement, the date of any abandonment or discontinuance, the date of issuance of each certificate of nonconformance, and any other pertinent information.