

ARTICLE 7

NONCONFORMING USES AND BUILDINGS

7.100 CONTINUATION OF USE

A use, building or structure lawfully in existence prior to the adoption of this Ordinance, which does not comply with the applicable use provisions of this Ordinance or any applicable amendment thereto may be continued except as otherwise provided in this Article.

7.200 REGULATION OF NONCONFORMING USES

No existing building or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted, or structurally altered except when changed to a conforming use, or when required to do so by law or order and as follows:

7.210 Restoration

Any nonconforming building or structure damaged less than fifty percent (50%) may be restored, reconstructed, or used as before, provided that the volume of such use, building or structure shall not exceed the volume which existed prior to such damage, or as provided under Subsection 7.250 hereof, and that it is completed within one (1) year of such happening, and provided that such restoration shall be in conformity with the requirements of this Ordinance.

7.220 Displacement

A nonconforming use shall not be extended to displace a conforming use.

7.230 Change of Use

- a. A nonconforming use or structure shall not be changed into a use which is permitted in a less restrictive district than the district where the nonconforming use is first permitted.
- b. A nonconforming use may be changed into a conforming use.

- c. A nonconforming use which is not permitted in any district or which is permitted only as a special exception may only be changed into a conforming use.
- d. When a nonconforming use shall be changed in accordance with the provisions hereof, the use of the building or other structure or tract of land shall not thereafter be changed again except in accordance with these regulations.
- e. Buildings or structures, regardless of conformity or ownership, shall not be combined for the purpose of extending an existing nonconforming use.

7.240 Repairs

Normal maintenance, repairs, and incidental alteration of a building or other structure containing a non-conforming use is permitted.

7.250 Expansion

A nonconforming use contained within a structure shall be expanded more than 25% of its floor area as it exists at the time of the adoption of the ordinance that created the nonconformance; and, no nonconforming use that is not enclosed by a structure shall be expanded more than 25% of the land area that it occupies at the time of adoption of such ordinance. Such use shall not be expanded, however, into a more restrictive district than where it is located; and, such use shall not be permitted to expand except in accordance with all of the building regulations herein. Such enlargement must conform to all other regulations of the District where it is situated. This provision may be used only once for each zone lot.

7.260 Prior Approval

Nothing herein contained shall require any change in the plans, construction, or designated use of a building complying with existing laws, a permit for which had been duly granted and the construction of which shall have been started before the date of adoption of this Ordinance or any applicable amendment thereto, and the ground story framework of which, including the second tier of beams, shall have been completed within six (6) months of the date of the permit, and which entire building shall have been completed, according to such plans as have been filed, within one (1) year of the date of adoption of this Ordinance or any applicable amendment thereto.

7.300 TERMINATION OF NONCONFORMING USES

7.310 Termination

The discontinuance of a nonconforming use for a period of one (1) year and/or the change of use to a more restricted or conforming use for any period of time shall be considered termination and such nonconforming use shall not thereafter be revived. Intent to resume active operations shall not affect the foregoing.

7.320 Partial Destruction

When fifty percent (50%) or more of the existing floor area or volume of a nonconforming building or structure, or use of land is destroyed by fire, or by other casualty, or Act of God, the use of such building, structure or land as a nonconforming use, building or structure shall thereafter be terminated.

7.400 REGISTRATION OF NONCONFORMING USES

The Zoning Officer may identify and register nonconforming uses and nonconforming structures as provided in Section 613 of the Pennsylvania Municipalities Planning Code, Act 247 as amended.