

ARTICLE III. APPLICABILITY

SECTION 301. CONFORMITY WITH APPLICABLE PROVISIONS

The provisions, regulations, limitations, and restrictions of this ordinance shall apply to all structures, buildings, and/or land and their appurtenant and accessory structures and buildings and accessory additions and shall apply with equal force to municipal, county, state, and private buildings, structures, and/or land which are otherwise specifically provided for by statute. Nonconforming signs shall be in accordance with Section 1808.

1. Conformity of existing structures, buildings, and/or land. From and after the effective date of this ordinance, any existing structure, building, land, and/or premises shall not be reconstructed, altered, repaired, extended, replaced, restored, or converted, except in conformity with the regulations hereto specified for the zoning district in which it is located or intended to be located.
2. Conformity of proposed structures, buildings, and/or land. From and after the effective date of this ordinance, any proposed structure, building, or portion thereof shall not be erected, constructed, or placed and any proposed structure, building, land, and/or premises shall not be used or occupied so as to produce greater heights, smaller yards, or less unoccupied area or greater occupancy than prescribed for such structure, building, land, and/or premises in the zoning district in which it is located or intended to be located or except in conformity with the regulations herein specified in the zoning district, as shown on the Zoning Map, in which it is located or intended to be located.
3. Conformity of open spaces. From and after the effective date of this ordinance, any yard or open space, or part thereof, shall not be included as a part of the yard or open space similarly required for any other building or structure under this ordinance.
4. Existing nonconformity. From and after the effective date of this ordinance, any existing structure, building, and/or land or any existing use of a structure, building, and/or land not in conformity with the regulations, limitations, restrictions, and provisions herein prescribed shall be regarded as nonconforming, but may be continued in such nonconformity subject to the following limitations:
 - A. Continuation. Any lawful use of buildings, structures, or lands existing at the effective date of this ordinance, or authorized by a building permit issued prior thereto, may be continued in its existing condition, although such use does not conform to the provisions of this ordinance.
 - B. Expansion. No expansion of a nonconforming structure, building or use shall hereafter be made unless written application has been filed with the Zoning Hearing Board, and such expansion has been approved as a special exception subject to the following standards and criteria and those contained in Section 2805.2 of this ordinance:

- (1) The expansion of the nonconforming use shall be limited to an area equal to 25% of the floor area of buildings devoted to the nonconforming use as they existed on the date on which such use first became nonconforming.
- (2) Any expansion of a nonconforming use or structure shall be limited to the lot of record upon which the nonconforming use or structure existed on the date the use of the structure became nonconforming.
- (3) The expansion of nonconforming uses shall comply with the provisions for building height, yard setback, and lot coverage required for permitted uses in the district in which the nonconformity in question is located.
- (4) The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

C. Damage or destruction. A nonconforming structure or building which is damaged or destroyed may be rebuilt and occupied for the same use as before the damage after obtaining appropriate permits pursuant to Section 2703 of this ordinance and provided that:

- (1) The damage or destruction is unintentional or, if intentional, with the appropriate permit from the Township and all other applicable agencies.
- (2) The previous foundation is to be used for restoration.
- (3) The reconstructed structure or building shall not be larger than the damaged structure.
- (4) The reconstruction shall start within one year from the time of damage to the structure or building.
- (5) The repair of a nonconforming structure or building shall not cause the structure to create further expansion in a nonconforming dimension or aspect.

D. Discontinuance and abandonment. If a nonconforming use is discontinued for a period of more than one year, then this shall be deemed to be an intent to abandon such use. No nonconforming use may be reestablished after it has been determined to have been discontinued and abandoned. Any subsequent use shall conform to the regulations of this ordinance.

E. Change of nonconforming use. Upon written application, the Zoning Hearing Board, by special exception, may permit the substitution of another nonconforming use in accordance with the following criteria and limitations:

- (1) The proposed use to be substituted shall be:
 - [a] Permitted by right, by special exception, or by conditional use in a district in which the existing nonconforming use would be a permitted use; or

- [b] Permitted by right, special exception or conditional use in a more restrictive zoning district than the existing nonconforming use would be permitted.
- (2) The proposed use shall not generate more traffic than the existing nonconforming use.
- (3) The proposed use, if commercial or industrial in nature, shall not have longer hours of operation than the existing nonconforming use.
- (4) The proposed use shall not generate higher levels of noise, smoke, or glare off the property than the existing nonconforming use.
- (5) The proposed use shall not be more detrimental to the neighboring properties and uses than the existing nonconforming use.
- (6) The Zoning Hearing Board may attach any reasonable conditions.

F. Previously expanded nonconforming uses, buildings and structures. If a building, structure, or land was expanded to the limits of expansion for a nonconforming building, structure, or use of land as authorized by a prior zoning regulation or ordinance, no further expansion of said building, structure, or land shall be authorized. In the event a nonconforming building, structure, 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, shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

G. Dimensional nonconformity.

- (1) Applicability. A structure which is nonconforming as to setbacks or lot area may be expanded in accordance with the requirements of Section 301.4.G.(2) herein. Only structures which are used for a permitted use in the district in which the structure is located shall be permitted to expand in accordance with this section.
- (2) Expansion limitations. Structures or buildings which are dimensionally nonconforming may be expanded in accordance with the following regulations:
 - [a] A structure or building which is located within the required front yard area of the district in which it is located is permitted to expand, provided that the expanded part of the structure will not extend nearer to the street than the part of the existing structure which is nearest to the street and that the minimum side yard and rear yard areas of the district are met.

- [b] A structure or building which is located within the required rear yard area of the district in which it is located is permitted to expand, provided that the expanded part of the structure will not extend nearer to the rear property line than that part of the existing structure which is nearest to the property line and that the minimum side yard and front yard areas of the district are met.
- [c] A structure or building which is located within a required side yard area of the district in which it is located is permitted to expand, provided that the expanded part of the structure will not extend nearer to the side property line than that part of the existing structure which is nearest to the side property line and that the minimum front yard, rear yard and other side yard areas of the district are met.

(3) Restoration of a dimensionally nonconforming structure or building. A dimensionally nonconforming structure which is unintentionally destroyed or damaged may be rebuilt and occupied in accordance with the regulations set forth in Section 301.4.C. herein.

H. Substitution of a conforming use. Any use which complies with the regulations for the district in which the nonconforming use is located may be substituted for the nonconforming use. Once a conforming use is established, no nonconforming use shall be permitted in the future. If a nonconforming use is proposed to be eliminated and a conforming use substituted but certain regulations cannot be met (such as area, yard, etc.), the Zoning Hearing Board, upon written application, may grant a special exception to permit such conforming use, with such appropriate conditions and safeguards as the Board may see fit.

SECTION 302. NON-SPECIFIED USES

Where a use is not specifically permitted, it shall be assumed to be prohibited, unless, in the opinion of the Zoning Officer, upon review and approval by the Zoning Hearing Board, it shall be considered to be of the same general character as the uses permitted in the specific zoning district.