

ARTICLE XXI

NONCONFORMING USES, STRUCTURES, LOTS AND SIGNS

Section 2100. APPLICABILITY

All uses, structures, lots, and signs that do not conform to the regulations of the district in which they are located, but were in lawful existence prior to the effective date of this Ordinance or any amendment thereto shall be known and regarded as nonconforming and the following regulations shall apply.

Section 2101. CONTINUATION

The lawful use of a building, land or sign existing at the time of adoption of this Ordinance or any amendment thereto (or at the time of a change in the Zoning Map), or authorized by a building permit issued prior thereto, may be continued in the form evident at the time of adoption of this Ordinance although such use does not conform to the provisions of this Ordinance, or to any subsequent amendment.

Section 2102. NONCONFORMING USE

1. Change of Use.

- A. A nonconforming use of a structure or land may be changed to a conforming use and once changed no structure or land shall be permitted to revert to a nonconforming use.
- B. Any nonconforming use of a structure or land may be changed to a use that conforms to this Ordinance, provided that, where required, a use and occupancy permit is obtained for such change.
- C. A nonconforming use may be changed to another nonconforming use only by grant of special exception upon determination by the Zoning Hearing Board that, after public hearing, the proposed new use will be no more detrimental to its neighborhood and surroundings than is the use it is to replace. In determining relative detriment, the Zoning Hearing Board shall take into consideration, among other things, the following:
 - (1) The applicant shall show that the nonconforming use cannot reasonably be changed to a use permitted in the district where it is located.
 - (2) Proposed structural alterations, if any, shall be the minimum necessary to facilitate the proposed use and generally shall not create nor increase any structural or dimensional nonconformity.

- (3) The Applicant shall have the burden of demonstrating that the proposed use will have the same or lesser impact than the existing nonconforming use with respect to:
- a. On street parking, traffic generation and congestion.
 - b. Noise, smoke, dust, noxious matter, heat, glare, vibration and other nuisance characteristics relative to the particular use.
 - c. Storage and waste disposal.
 - d. External appearance.
 - e. Fire hazards.
 - f. Hours of operation.
 - g. Sewage treatment.
 - h. Demand for water supply.
 - i. Amount of storm water runoff to be controlled.

D. The requirement for Special Exception approval by the Zoning Hearing Board for a change from one nonconforming use to another shall be waived when the proposed new use is agricultural.

2. Extension or Enlargement.

The nonconforming use of a building or of a lot shall not be extended or enlarged, so as to use other portions of the building or lot unless the Zoning Hearing Board shall, by special exception as hereinafter provided, authorize the extension or enlargement of such use or building. The Zoning Hearing Board, upon proper application, may grant such special exception provided that:

- A. It is clear that such extension is not materially detrimental to the character of the surrounding area or the interest of the Township.
- B. The area devoted to the nonconforming use shall in no case be increased by more than twenty-five percent (25%). This increase by twenty-five percent (25%) shall occur only once per nonconforming use.
- C. Any extension of a building having a nonconforming use shall conform to the area and bulk regulations of the district in which it is situated and to all other regulations applicable to such a use in the district or districts in which the use is now permitted.

3. Abandonment

Whenever a lawful nonconforming use of a structure or land is abandoned for a continuous period of one (1) year or more, the subsequent use of such structure or land shall be in full compliance with the provisions of this Ordinance.

Section 2103. NONCONFORMING STRUCTURES

1. Any lawful nonconforming structure that has been involuntarily damaged by fire, explosion, flood, windstorm or similar cause to an extent of not more than seventy-five percent (75%) of its fair market value or that has been legally condemned may be restored within the limits of the existing foundation and within its original dimensions. Restoration shall commence within one (1) year from the date of the damage, destruction or condemnation and shall be carried on consistently without major interruption on a time schedule agreed to by the Zoning Officer at the time of issuance of the building permit. Where the damage or destruction exceeds seventy-five percent (75%) of the fair market value, any restoration, reconstruction or new construction shall comply fully with the provisions of this Ordinance.
2. Any lawful nonconforming structure existing at the effective date of this Ordinance may be extended provided that such extension conforms to the applicable area and bulk requirements of the zoning district. The additional building area represented by the proposed extension shall not exceed twenty-five percent (25%) of the floor area of the nonconforming building existing at the time of the effective date of this Ordinance.

Section 2104. NONCONFORMING LOTS

1. A vacant lot held on the effective date of this Ordinance or subsequent amendments in single and separate ownership that does not meet the minimum area or dimensional requirements of the applicable zoning district may be used and a structure may be built thereon provided the required minimum yard areas are met. Where the minimum yard requirements cannot be met or where alterations or enlargements would result in further noncompliance with the applicable zoning district requirements, a variance from the Zoning Hearing Board shall be required.
2. In the event that an owner of a nonconforming lot also owns an adjacent property that in combination would be sufficient to enable compliance with the provisions of this Ordinance, such properties or portions thereof shall be combined prior to the erection or alteration of a building or other structure.

Section 2105. NONCONFORMING SIGNS

Any sign existing at the effective date of this Ordinance or subsequent amendment that does not conform to the provisions of Article XIX shall be considered a nonconforming sign and shall comply with the requirements of Section 1905.3.

Section 2106. NONCONFORMING STRUCTURES HAVING HISTORICAL SIGNIFICANCE

The limitations on extension of a nonconforming structure, as provided in Section 1605 may be waived or modified by the Zoning Hearing Board as a Special Exception where the structure is designated as historically significant under the criteria in Section 1602 of this Ordinance and as listed in the East Pikeland Township Open Space, Recreation and Environmental Resources Plan and the East Pikeland Township Comprehensive Plan. In reaching its decision, the Zoning Hearing Board

