

ARTICLE ARTICLE 15 -
NONCONFORMING LOTS, USES AND BUILDINGS

Section 1500 Continuation of Nonconforming Uses and Buildings

- A. All lawful uses of land, buildings, signs, or other structures existing on the effective date of this ordinance may be continued, altered, restored, reconstructed, sold, or maintained in accordance with the provisions of this Ordinance.

Section 1501 Registration

- A. Nonconforming uses and structures may be reported to the Zoning Officer by the owner, user, lessor, or lessee, and be registered by the Zoning Officer within one (1) year of the effective date of this Ordinance. The Zoning Officer, upon proof of a legal nonconformity, may certify the existence of the nonconforming uses and/or structures.
- B. Should a nonconforming use or building not be reported or identified within one (1) year, the owner of the nonconforming use or structure shall have the right to show by a preponderance of the evidence to the Zoning Officer that the use or building was nonconforming upon the effective date of this ordinance.

Section 1502 Existing Nonconforming Lots of Record

- A. Any nonconforming lot, due to its lot area or dimensions, existing as of the effective date of this Ordinance or created by an amendment to this Ordinance may be continued although such lot does not conform to the lot requirements for the district in which it is located.
- B. The following requirements apply to the development and use of a nonconforming lot.
 - 1. All the requirements of this Ordinance shall be met with the exception of lot area and lot width.
 - 2. The following requirements shall apply to the development and use of the nonconforming lot:
 - a. All the requirements of this Article shall be met with the exception of lot area and lot width. No lot shall be developed unless the following requirements are met:
 - (i) Each lot shall have an approved on-lot water and wastewater system or access to public water and public sewer. Additionally, for those lots utilizing on-lot water, the minimum required isolation distance between well and on-lot wastewater system shall be provided
 - (ii) In residential districts, only one single-family dwelling may be erected, and the following minimum side yards shall be provided:
 - (aa) Interior lots with a width of 50 feet or more, two side yards shall be provided as required by the zoning district regulations
 - (bb) Corner lots with a width of 50 feet or more, two front yards shall be provided. The front yard opposite the interior side yard may be reduced by the number of feet the lot width is less than the zoning district requires, but may not be reduced to less than the minimum

side yard. The side yard shall be provided as required by the zoning district regulations.

- (cc) On lots less than 50 feet in width, but not less than 27 feet in width, two side yards shall be provided, each equaling 20% of the lot width.
- b. On a lot in a commercial or industrial district, the required side yards shall be determined by the Zoning Hearing board, upon application for a variance based on the same criteria as above for residential structures.
- 3. Where possible, contiguous nonconforming parcels under common ownership should be combined to create conforming lots.

Section 1503 Existing Nonconforming Uses and Buildings

A. Alterations and Reconstruction.

- 1. 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.
- 2. A nonconforming building which is damaged by fire, an explosion, or a natural disaster, etc, may be rebuilt and used for the same purposes, provided that:
 - a. The reconstruction of the building is commenced within 18 months from the date of the destroying of the building and is carried to completion without undue delay, and
 - b. The reconstructed building does not exceed in height, area, and volume, the building destroyed.

B. Extensions, Expansions, and Enlargements.

- 1. Nonconforming uses or buildings 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 to determine compliance with the following standards:
 - a. Any extension, expansion or enlargement of a nonconforming building or use shall be permitted as long as the maximum building coverage is not exceeded.
 - b. Any expansion or enlargement of a nonconforming building shall not exceed 50% of the total gross floor area of the nonconforming building from the time it became nonconforming.

- c. Any extension, expansion or enlargement shall conform to the height, area, yard and coverage regulations of the district in which it is located.
 - (i) Extension Along a Nonconforming Setback. If an existing building has a lawfully nonconforming building setback, additions may occur to increase the height above such setback or to extend other portions of the building out to the nonconforming side or rear setback line, provided that:
 - (aa) The structure shall not be extended beyond the existing nonconforming setback line
 - (bb) No additional nonconformity shall be created
 - (cc) The new nonconforming extension shall not be greater than 25% of the existing floor area
 - (dd) All other requirements of this Article are met
 - (ee) Such addition shall not be permitted for a non-residential building that abuts an existing primarily residential use
- d. All required loading and/or parking spaces for any expansion or enlargement shall comply with the requirements of Article 14.
- e. Any extension, expansion or enlargement of a nonconforming building or use shall not be permitted to extend into vacant parcels of land adjacent to the parcel containing the nonconforming building or use, where such vacant parcels have been separately recorded or acquired prior to the effective date of this Ordinance.
- f. Any expansions or extensions of a nonconforming sign shall comply with all provisions of this Ordinance.
- g. The intensity of a nonconforming use (resulting nuisances such as air pollution, noise, glare, vibrations, delivery traffic, hazards, etc) shall not be increased.

Section 1504 Change of Use

- A. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
- B. Whenever a nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not hereafter be changed to a use of less restricted classification unless in compliance with the rules for such change as outlined by this Article.
- C. A nonconforming use may be changed to another nonconforming use only by the granting of a Special Exception by the Zoning Hearing Board in compliance with this Ordinance. Where a Special Exception approval is required, the Zoning Hearing Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
 - 1. Traffic safety and generation (especially truck traffic)

2. Noise, dust, fumes, vapors, gases, odors, glare, vibration, fire, hazardous substances and explosive hazards.
3. Amount and character of outdoor storage
4. Late night and early morning hours of operation if the new use would be close to dwellings
5. Compatibility with the character of surrounding uses.

Section 1505 Abandonment and Discontinuance

- A. A nonconforming use shall be presumed abandoned when operations associated with the nonconforming use have ceased by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within one (1) year from the date the activity stopped and the use is not actively advertised for sale or lease. Such nonconforming use shall not thereafter be reinstated except in conformance with this Ordinance. A nonconforming building or land, which is actively marketed, but has not been sold or leased, shall not be considered abandoned. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned
- B. Except for in a Mobile Home Park, the removal of a nonconforming mobile home from the site it occupied [and if such site is not leased, actively marketed, or purchased within one (1) year or less] shall constitute abandonment of the site, and any occupation or subsequent use of said site shall conform with the provisions of this ordinance.
- C. 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. [Exception: mobile homes utilized for temporary housing for farm employees].
- D. 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 Act 175 of April 9, 1929, P.L. 177, as amended, and all other applicable laws.