

Article XIV. Nonconforming Uses**Section 14.00 *Nonconforming Use of Buildings and Land Not Affected by Zoning***

The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of the effective date of this resolution or any amendment thereto, may be continued, although such use does not conform with this resolution or amendment, but if any such nonconforming use is voluntarily discontinued for two (2) years or more, any future use of said land shall be in conformity with the provisions of this resolution or amendment thereto.

Section 14.01 *Completion of Nonconforming Building or Structure*

The construction of any dwelling, building or structure which commenced prior to the effective date of this resolution or amendment thereto, and for which a Zoning Certificate has been lawfully obtained, may be continued and completed, although such use does not conform with this resolution or amendment.

Construction is hereby defined as the placing of construction materials in permanent position and fastened in a permanent manner.

Construction must be completed within two (2) year of the effective date of this resolution or amendment thereto for the building or structure to be a lawful nonconforming use as provided in Article XIV of this resolution. A building or structure shall be deemed complete for purposes of this section only upon issuance of an occupancy permit by the appropriate building authority.

Section 14.02 *Restoration of Nonconforming Uses*

On any nonconforming building or structure, or portion of a building or structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement on non-bearing walls, fixtures, wiring, or plumbing, provided that the square footage existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building, structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 14.03 *Reconstruction of Nonconforming Uses*

- A. Should a nonconforming building or structure or nonconforming portion of a building or structure be damaged by any means to the extent of 60% or more of its replacement value as determined by the Township Zoning Inspector, it shall not be reconstructed except in conformity with the provisions of this resolution.

- B. Should a building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 14.04 *Extension of Nonconforming Uses*

- A. No lawful nonconforming building or structure may be enlarged, altered or relocated in a way which increases its nonconformity in use, but any building, structure or portion thereof, may be altered, enlarged, or relocated to decrease its nonconformity in use.
- B. No lawful nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the time of the effective date of this resolution or any amendment thereto.
- C. No lawful nonconforming uses shall be moved in whole or in part to any portion of the lot or property other than that occupied by such uses at the time of the effective date of this resolution or any amendment thereto.
- D. No additional building or structure not conforming to the requirements of this resolution or any amendment thereto shall be erected in connection with such lawful nonconforming use of land.
- E. No existing building or structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- F. Any lawful nonconforming use may be extended throughout any parts of a building or structure which were manifestly arranged or designed for such use at the time of the effective date of this resolution or any amendment thereto, but no such use shall be extended to occupy any land outside such building or structure.
- G. Any building or structure, or building or structure and land in combination, in or on which a lawful nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the lawful nonconforming use may not thereafter be resumed.

Section 14.05 *Extensions of Nonconforming Buildings and Structures*

Except as provided in Section 14.05 (A) and (B), no lawful nonconforming building or structure may be enlarged, altered or relocated in a way which increases its nonconformity, but any building, structure or portion thereof, may be altered, enlarged or relocated to decrease its nonconformity;

- A. Any building or structure in any zoning district which is lawfully nonconforming solely because it is located partially or entirely within the required front, back or side yard(s), may be enlarged, altered or relocated only if the following regulations(s) are met;

1. The proposed extension, alteration or relocation conforms to all current front yard, rear yard and side yard(s) setback requirements.
- B. Any single family dwelling within the R-1 Residential District which is nonconforming solely because it is located partially or entirely within the required front, rear or side yard(s), and the current side yard setback is no closer than ten (10) feet, may be enlarged, altered, or relocated under the following regulations:
 1. The proposed extension, alteration, or relocation does not extend a further distance away from the required yard setback line(s) than the existing nonconforming section of the single family dwelling, and meets the following regulations:
 - a. The proposed extension, alteration or relocation shall be limited in size to no more than 40 percent of the first floor living area of the existing single family dwelling.
 - b. If the proposed extension, alteration or relocation extends into the rear yard of the existing single family dwelling there shall be no restrictions in floor area, provided the required rear yard is not encroached upon.

Section 14.06 *Substitution of Nonconforming Uses*

A lawful nonconforming use may be substituted for another lawful nonconforming use provided that such use is of the same kind and character as the prior lawful nonconforming use and does not result in an increase in noise, pollution, traffic, or in the number of persons using the property.

Section 14.07 *Nonconforming Lot of Record*

In any zoning district, a building, structure, or use, as permitted herein, shall be allowed on any lot of record with a lot area and/or lot width less than the minimum prescribed herein, which meets all of the following:

- A. It was a lot of record prior to enactment of the zoning resolution or amendment thereto which resulted in its nonconformity.
- B. It is in conformity with all of the regulations of the zoning resolution or amendment thereto which were in effect at the time it became a lot of record.
- C. The amount of nonconformity has not been increased since it became nonconforming.
- D. The building, structure, or use complies with all other regulations set forth herein, except minimum lot area and/or minimum lot width. Provided, however, the minimum lot area and/or minimum lot width for "lots within the preexisting nonconforming Lake Communities" shall be as specified in Section 5.05.

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