

ARTICLE VI
NONCONFORMING USES AND STRUCTURES

SECTION 6.1 **NONCONFORMING USES AND STRUCTURES**

- A. A non-conforming use is any use, whether of a structure or tract of land or both, existing on the effective date of this Ordinance which does not conform to the Use Regulations of the District in which it is located.
- B. The following provisions shall apply to all structures and uses existing on the effective date of this Ordinance which do not conform to the requirements set forth in this Ordinance or its predecessor and to all structures and uses that become non-conforming by reason of any subsequent amendment to this Ordinance. Any non-conforming use of structures or land may be continued provided that any such use:
1. Shall not be enlarged, altered, extended, reconstructed, or restored, except as provided herein, or placed on a different portion of the lot or parcel of land occupied by such uses on the effective date of this Ordinance without approval by the Zoning Hearing Board.
 - a) Any modification shall take place only on the lot or contiguous lots held in the same ownership as that existing at the time the uses became non-conforming.
 - b) Any modification shall conform to the area, structure height, parking, sign and other requirements of the district in which said modification is located.
 - c) The proposed alteration shall not exceed 25 percent of the gross floor area occupied by the nonconforming use at the time of the enactment of this Ordinance.
 - d) The proposed alteration will not cause an increased detrimental effect on the surrounding neighborhood.
 2. Shall not be moved to another location where such use would be non-conforming.
 3. Shall not be changed to another non-conforming use without approval by the Zoning Hearing Board and then only to a use which, in the opinion of the Zoning Hearing Board is of the same or of a more restricted nature.
 4. Shall not be reestablished if such use has been discontinued for any reason for a period of one (1) year or more, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.

5. Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one (1) year of such damage; if the restoration of such structure is not completed within the said one (1) year period, the non-conforming use of such structure shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged portion of such structure.
- C. A non-conforming structure is any structure which does contain a use permitted in the District in which it is located, but does not conform to the District Regulations for: Lot area, width, or depth; front, side or rear yards; maximum height; lot coverage; or minimum livable floor area per dwelling unit.
 - D. Nothing in this Article shall be deemed to prevent normal maintenance and repair, structural alteration in moving, reconstruction, or enlargements of a non-complying structure provided that such action does not increase the degree of or create any new non-conformity with regards to the regulations pertaining to such structures.

SECTION 6.2 **REPAIRS AND MAINTENANCE**

Notwithstanding any of the above regulations, nothing in this Article shall be deemed to prevent normal maintenance and repair of any use or structure, or the carrying out upon the issuance of a land use permit or major structural alterations or demolitions necessary in the interest of public safety. In granting such a land use permit, the Borough shall state the precise reason such alterations were deemed necessary.

SECTION 6.3 **REGISTRATION OF NON-CONFORMING USES**

All lawful uses existing at the effective date of this Ordinance which do not conform to the requirements set forth in this Ordinance, or any amendments thereto, shall be identified by the owner and registered with the Borough.