

CHAPTER IV

117.400 NONCONFORMING LOTS, USES OF LAND, STRUCTURES AND PREMISES

117.401 Intent

Section 401. It is the intent of this Ordinance to permit the legal nonconforming lots, structures, or uses to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same districts, except as provided as follows:

A. Extension of Nonconforming Use:

The Township Board of Appeals may grant the extension of any nonconforming use in any existing building or structure, or any addition to or alteration of any existing building or structure for the purpose of extending such nonconforming use throughout a given lot or parcel of land, provided such lot or parcel of land was in common ownership and of public record as of the effective date of this Ordinance. No hearing shall be held by the Board of Appeals until after notice of the time and place of such hearing and the proposed thereof has been published in a newspaper of general circulation in the Township at least eight (8) days prior to said hearing date. The Board shall require that notice thereof be given by certified mail to property owners within three hundred (300) feet of the subject property. The cost of giving such notice shall be paid by the applicant. If an alteration, or extension of such nonconforming use is contrary to the purpose of this Ordinance or injurious to the neighborhood where situated, the Board shall deny the application.

B. Changes in Nonconforming Use:

No nonconforming use shall be changed to any other nonconforming use, and any nonconforming use changed to a conforming use shall be thereafter revert to any nonconforming use.

C. Discontinuation of Nonconforming Uses:

If the nonconforming use is discontinued through vacancy or lack of operation or any other means for a continuous period of one (1) year, the right to resume such use shall terminate and no use shall be made of such building or land, except in conformity with this Ordinance, provided, however,

that the Township Board of Appeals may hear an application for the resumption of such former use if filed by the owner within six (6) months of the termination. Such application shall be processed in the same manner as provided for the extension of a nonconforming use in Section 401 A above.

D. Repair of Nonconforming Buildings:

Nothing contained in this Ordinance shall bar or prevent the owner from making such repairs and reinforcements in any nonconforming building or structure as may be necessary in the interest of public safety or to secure the continued advantageous use of such building, but the right to make repairs shall not constitute a right to alter, enlarge or extend the said use. However, a nonconforming building in a conforming use may be repaired, altered or enlarged provided such changes do not further the manner in which it fails to conform.

E. Destruction of Nonconforming Buildings:

If a nonconforming building, in either a nonconforming or conforming use is damaged by fire, collapse, explosion, Acts of God, or acts of the public enemy occurring after the effective date of this Ordinance, the owner shall make application to the Board of Appeals for such restoration as necessary, and any restoration must be completed within one (1) year following the granting of the appeal, unless otherwise authorized by the Board of Appeals. It shall be the duty of the Board of Appeals to consider the extent of the damages and the possibility of bringing the nonconforming status of the property more into conformance with the Ordinance in deliberating an application to restore a nonconforming use.