

ARTICLE XIII

NONCONFORMING BUILDINGS AND USES

Section 1301. **GENERAL**

All lawful or previously legally existing nonconforming uses of land or of a building, sign, or other structure existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, changed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, provided such nonconforming conditions shall comply with the following:

Section 1302. **CONTINUATION OF NONCONFORMING USES OF LAND**

In order to track the prior lawful existence of the nonconforming building or use in Wysox Township:

a. Within one (1) year of the enactment of this Ordinance, the owner of any premises occupied by a lawful nonconforming use or lawful nonconforming building existing at the effective date of this Ordinance shall register the same for the purpose of insuring the owner's the right to continue a nonconforming building or use. Upon confirming the prior lawful existence of the nonconforming building or use, registered by the owner thereof, the Zoning Officer shall issue a Certificate of Nonconformance which shall be for the purpose of insuring the owner's the right to continue a nonconforming building or use.

b. Upon confirming the prior lawful existence of the nonconforming building or use, the Zoning Officer may identify and register any premises occupied by a lawful nonconforming use or building existing at the effective date of this Ordinance, even if the owner fails to register the nonconforming building or use as required above, and issue a Certificate of Nonconformance which shall be for the purpose of insuring the owner's the right to continue a nonconforming building or use.

Section 1303. **ALTERATIONS**

Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use; providing such alterations and repairs are in conformance with the regulations as set forth in this Ordinance and other applicable codes and ordinances adopted by the Township.

Section 1304. **EXTENSIONS OR ENLARGEMENTS**

A. The types of extensions and enlargements listed below are permitted for nonconforming uses and buildings existing on the effective date of this Ordinance:

1. The extension of a nonconforming use of land upon a lot occupied by such use.
2. The extension or enlargement of a conforming building occupied by a nonconforming use.
3. The extension or enlargement of a nonconforming building occupied by a nonconforming use.
4. The extension or enlargement of a nonconforming building occupied by a conforming use.

B. The foregoing extensions or enlargements of such nonconforming buildings or uses shall be subject to the following conditions:

1. The extension or enlargement shall conform to the height, area, yard, and coverage

regulations of the district in which it is located. Where a structure is nonconforming as to a required side yard or rear yard setback, the established nonconforming setback may be continued, so long as the proposed extension or enlargement does not project further into any yard, whether front, side or rear yard, than the original building line extended. Extension or enlargement of the nonconforming use and/or building shall not exceed thirty-three and one-third (33 1/3%) percent of the existing floor area or use.

2. The entire building or use shall be provided with off-street parking and loading spaces as required by Article 1200 herein.

3. The extension or enlargement does not replace a conforming use.

4. The extension or enlargement of a building used for a nonconforming use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this Ordinance, where such vacant parcels have been recorded separately or acquired following the effective date of this Ordinance.

5. Any lawful nonconforming use of a building or land may be changed to another nonconforming use of substantially the same character upon approval by Special Exception by the Zoning Hearing Board. The applicant shall satisfactorily prove to the Zoning Hearing Board that the proposed change in nonconforming use will not increase the need for off-street parking, produce any noise, glare, heat, dust, traffic vibration, or illumination in excess of the existing nonconforming use.

Section 1305. **RECONSTRUCTION /RESTORATION**

A. A nonconforming building or use which is damaged by fire, explosion, windstorm or other natural or criminal acts, may be reconstructed and used for the same purposes, provided:

1. The reconstruction and/or restoration of the building is commenced within one

(1) year from the date of occurrence of the damage and is carried to completion without undue delay; and,

2. The reconstructed building or occupied area does not exceed the height, area, and volume of the original structure and occupied use.

B. In the event that any nonconforming building and/or use, as defined in Article II, is destroyed or partially destroyed and the owner of such has determined mreconstruction/restoration infeasible, the owner will be responsible for the complete removal of the structure and debris as well as the filling of any excavated areas.

Section 1306. **DISCONTINUANCE**

If a nonconforming use or building ceases operations for a continuous period of more than twelve (12) months, then such use and any subsequent use or building shall conform to the regulations of this Ordinance, with the exception of agricultural uses which shall be granted a seven (7) year period prior to such use conforming to the regulations of this Ordinance.

Section 1307. **NONCONFORMING LOTS**

Any lot held in single and separate ownership at the effective date of this Ordinance which does not conform to one or more of the applicable area regulations in the district in which it is located shall be considered nonconforming. A building may be erected upon any vacant nonconforming lot provided a Special Exception is authorized by the Zoning Hearing Board, and further provided that the applicant does not own or control other adjoining property sufficient to comply with the provisions of this Ordinance. Such development shall comply with the following provisions:

A. The proposed use is permitted within the district in which it is located.

B. Proposed building shall comply with all applicable district regulations, as well as, Area and Yard Requirements as set forth in Sections 1204 and 1205 herein, respectively.