

CHAPTER XIII

NONCONFORMING USES, BUILDINGS OR STRUCTURES

SECTION 13.01 CONTINUANCE OF NONCONFORMING USES, BUILDINGS OR STRUCTURES. *Except where specifically provided to the contrary, and subject to the provisions of this Chapter, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this Chapter, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendments, may be maintained and continued although such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.*

SECTION 13.02 EXPANSION. *Structure, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided (1) there is compliance with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization; and (2) the Zoning Administrator shall determine that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.*

If the nonconforming use of any land or structure shall terminate for a continuous period of any time exceeding one year, such use shall not be re-established and any future use of the land and structure shall be in conformity with this ordinance. If a nonconforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a nonconforming less restrictive use. Nothing in this ordinance shall require any change in the erection or intended legal use of any building, the construction of which shall have been diligently prosecuted with 30 days preceding the passage of this ordinance and which is complete within three months following passage; provided, a written

declaration of such use is filed with the township clerk or zoning administrator thirty days from the effective date of this ordinance.

SECTION 13.03 RESTORATION AND REPAIR. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made, but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any nonconforming building or structure is damaged by fire, wind, act of God, or public enemy, it may be rebuilt or restored if the cost thereof does not exceed one half of the value of the nonconforming building or structure after the rebuilding or restoration is completed.