

Part 21 | Nonconforming Buildings, Uses, and Lots

§ 27-2101 Nonconforming Buildings, Structures, and Uses.

1. Continuation. Any lawful building or other structure, any lawful use of a building or other structure or land, existing on the effective date of this chapter, which does not conform with the provisions of this chapter, shall be considered a lawful nonconforming building, structure, or use, and may be continued except as otherwise herein provided.
2. Extension.
 - A. Any lawful nonconforming use of a portion of a building may be extended throughout the building.
 - B. Any lawful nonconforming building may be altered or extended, provided the alteration or extension does not result in a new violation of this chapter or increase the extent of the existing nonconformity.
 - C. Any building of which a lawful nonconforming use is made may be extended up to 25% upon the lot occupied by such building, provided the alteration or extension does not result in a new violation of this chapter or increase the extent of the existing nonconformity.
3. Restoration. Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, flooding, windstorm, or other similar cause, to the extent of not more than 75% of its fair market value may be reconstructed in the same location, provided that (A) the reconstructed building or structure shall not exceed the height, floor area, width, yard and building coverage of the damaged or destroyed building or structure, except as provided in Subsection 2 of this section, and (B) reconstruction shall begin within one year from the date of damage or destruction and shall be carried on without interruption.
4. Cost Determination. In determining the fair market value of any building or structure devoted to a nonconforming use or of a nonconforming building or structure, there shall not be included in such value the fair market value of land or any factors other than the fair market value of the building or structure itself.
5. Abandonment or Discontinuance. If a lawful nonconforming use of a building or structure is abandoned or discontinued for a continuous period of one year or more, or if a lawful nonconforming use of land is abandoned or discontinued for a continuous period of one year or more, subsequent use of such building or structure or land shall be in conformity with the provisions of this chapter.
6. Building Condemned. A nonconforming building or structure which has been legally condemned shall not be rebuilt or used unless it is brought into conformance with this chapter.
7. Nonconforming Signs. Every lawful nonconforming sign shall be discontinued or removed or changed to a conforming sign within a period of two years from the effective date of this chapter, provided that nonconforming signs at the effective date of this chapter which are properly maintained and repaired replaced with signs similar in size and character may remain in use.

§ 27-2102 Certain Lots Nonconforming as to Area and Width.

Where two or more contiguous undeveloped lots held in single ownership within a subdivision which has been duly recorded prior to the effective date of this chapter, which lots are individually not of the required minimum area or width for the district in which they are situated, no variance shall be required for the issuance of building permits, provided that such lots shall be developed in groups or fractions thereof as single lots so as to provide the minimum lot frontage required for each building or structure.

§ 27-2103 Subdivision Plan Previously Approved.

In the case of a plot of land, a plan for the subdivision of which into two or more parcels or lots for the purpose of development and sale has, prior to the effective date of this chapter, been duly approved and recorded as required by law, which plan does not make provision for full adherence to the regulations of this chapter governing minimum lot areas or widths, front, side, or rear yards, or building coverage, but was in conformity with such regulations as were effective at the time such plan was approved and recorded, the development and sale contemplated by the plan may be proceeded with when authorized as a variance, or the subdivision approval was secured within five years of the effective date of this chapter. The Zoning Hearing Board shall have power to grant such variance with respect to the whole of such plan only.

§ 27-2104 Temporary Nonconforming Use.

A temporary nonconforming use which will benefit the public health or welfare or promote proper development of a district in conformity with the intent of this chapter may be permitted for a period of not more than three months, on the approval of the Zoning Officer, but any such use to be permitted for a longer period shall require a public hearing thereon, after which a Zoning Officer certificate may be issued for a period not exceeding one year.

§ 27-2105 Mapping and Recording of Nonconforming Uses.

The Zoning Officer shall perform a survey of the Borough and record and map all uses nonconforming to the district requirements set forth in this chapter. Such record and map shall be available for inspection at the Borough Officer.