

ARTICLE IV

NONCONFORMING USES AND NONCOMPLYING BUILDINGS

Section 400 Nonconforming Uses

- A. A Nonconforming Use is any use, whether of a building 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 buildings and uses existing on the effective date of This Ordinance which do not conform to the requirements set forth in This Ordinance and to all buildings and uses that become nonconforming by reason of any subsequent amendment to This Ordinance. Additionally, any expansion or alteration to any nonconforming use shall comply with all other applicable Township Regulations.
- C. Any nonconforming use, buildings or open land, except those specified in Section 404 below, may be continued indefinitely, provided that any such use:
 - 1. Shall not be enlarged, altered, or extended to any degree greater than twenty-five (25%) percent of its original size existing as of the effective date of This Ordinance, or at such time as the nonconformity became effective following the enactment of This Ordinance, without approval by the Zoning Hearing Board.
 - 2. Shall not be moved to another location where such use would be nonconforming.
 - 3. Shall not be changed to another Nonconforming 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 same or of a restricted nature.
 - 4. Shall not be re-established if such use has been discontinued for any reason for a period of one year or more, or has been changed to, or replaced by, a conforming use. Intent to resume a Nonconforming 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 without approval by the Zoning Hearing Board, unless the Nonconforming Use is reinstated within one year of such damage; if the restoration of such building is not completed within the said one year period, the nonconforming use of such building shall be deemed to have been discontinued, unless such nonconforming use is carried on without interruption in the undamaged portion of such building;

Section 401 Noncomplying Buildings

- A. A Noncomplying Building is any building 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.
- B. Nothing in this Article shall be deemed to prevent normal maintenance and repair, structural alteration in moving, reconstruction, or enlargement of a Noncomplying Building provided that such action does not increase the degree of or create any new nonconformity with regards to the regulations.

Section 402 Repairs and Maintenance

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

Section 403 Registration of Nonconforming Uses

- A. The Township Zoning Officer shall identify and register 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.

Section 404 Mineral Extraction

- A. Property acquired for the purpose of extracting sand, gravel, or other minerals therefrom and held for such purpose on the effective date of This Ordinance shall be considered in use for such extraction, including erection of any necessary buildings or structures incidental to the extraction or processing of the deposits, will be allowed to commence and continue. In order for property to qualify hereunder, the following conditions will be considered as evidence that the property was acquired and held for the purpose of later mineral extraction.
 - 1. The land was acquired prior to the effective date of This Ordinance.
 - 2. The land was acquired and is owned by an individual, corporation, or otherwise, engaged at the time of the acquisition in the business of mineral extraction; or such an entity has an acceptable form of equitable interest in the land including, but not limited to, lease agreements, purchase of mineral rights, options, and/or royalties.
 - 3. The property has not been permanently developed, in whole or in part, for any purpose other than mineral extraction or processing.

4. The land contains mineral deposits of a demonstrable economic value.
5. The land is within the permit boundaries of an existing Pennsylvania Department of Environmental Protection surface mining permit issued prior to the effective date of this Ordinance as per Chapter 77 of Title 25 of the Commonwealth of Pennsylvania Code, or is within the proposed permit boundaries of a pending surface mining permit application filed with the Pennsylvania Department of Environmental Protection prior to the effective date of this Ordinance. Proposed surface mining facilities permitted by the Pennsylvania Department of Environmental Protection following the date of adoption of this Ordinance, but with a pending application filed prior to said adoption, shall conform in all respects with the requirements of Section 1202.1.
6. Any proposed mineral extraction operation on land that does not meet all of the specifications of Section 404.A.1 through 404.A.5 above shall be considered a new facility and must comply with the requirements of Section 1202.1, and must be located within the Industrial (I) district.