

## **ARTICLE 2400. Nonconforming Uses and Structures.**

### **§ 212-2401. Registration.**

Beginning on the effective date of this Chapter, the Borough Zoning Officer is authorized to identify and register all nonconforming uses and nonconforming structures in accordance with § 212-2519. Upon the Zoning Officer's identification of the existence of a nonconforming use or nonconforming structure, he shall so notify the landowner, in writing, who in turn shall, within sixty (60) days of receipt of such notice, apply for a certificate of occupancy with respect to such nonconforming use or nonconforming structure.

### **§ 212-2402. Continuation.**

A nonconforming use of a building, structure or land or use of a nonconforming building, structure or lot, existing and lawful at the time of enactment of this Chapter or at the time of any amendment hereto, may continue except as hereinafter provided.

### **§ 212-2403. Enlargement and movement of use.**

- A. A nonconforming use may be expanded, extended or enlarged within the boundaries of the zoning lot on which it is located within the setback lines as stated in this Chapter or as permitted by law.
- B. No nonconforming use shall be moved, in whole or in part, to another district. No nonconforming use shall be moved, in whole or in part, to another portion of the zoning lot on which it is located, unless such portion of the zoning lot was devoted to the nonconforming use upon the effective date of this Chapter or the applicable amendment thereto.

### **§ 212-2404. Reconstruction and restoration of destroyed structure.**

A nonconforming structure or building containing a nonconforming use wholly or partially destroyed by fire, explosion, flood or other natural phenomenon, or legally condemned, may be reconstructed, restored and used for the same nonconforming use or, in the case of a nonconforming building or structure, it may continue as a nonconforming building or structure, provided that reconstruction and restoration of the building or structure shall be commenced within one (1) year of the date of destruction or condemnation of the building or structure and shall be carried on to completion within two (2) years of the start of reconstruction.

### **§ 212-2405. Abandonment.**

If a nonconforming use of a building, structure or land is abandoned for a continuous period of one (1) year, thereafter use of such building, structure or land shall be in conformance with the provisions of the zoning district where the building or land is located. With regard to both mixed use and singular use of buildings, structures or land, abandonment shall commence upon cessation of the nonconforming use.

### **§ 212-2406. Change of use.**

A nonconforming use may be changed only to a conforming use as provided in the applicable zoning district regulations, and once changed to a conforming use, no structure, building or land shall be permitted to revert to a nonconforming use. For purposes of this section, a change is not

effected by either normal repairs and maintenance for upkeep purposes or the provision of modern instrumentalities, necessary and helpful to reasonable continuation of the nonconforming use, which instrumentalities, either by nature or extent, do not act to change the nonconforming use to a different nonconforming use.