

## ARTICLE VIII. NONCONFORMITIES

### Section 800 Definitions

- a. Nonconforming lot means a lot, the area or dimensions of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. Such nonconformities may include buffers, environmental protection standards, parking and other requirements of this Ordinance.
- b. Nonconforming structure means a structure, or part of a structure, which does not comply with the applicable use or extent of use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include but are not limited to, nonconforming signs.
- c. Nonconforming use means a use, whether of land or of structure, which does not comply with the applicable use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

### Section 801 Registration of Nonconforming Uses, Structures and Lots

The zoning officer shall have the discretion to identify and register all nonconforming uses, structures and lots. Upon identifying the nonconformity, the zoning officer shall mail registration forms to the owner of record.

### Section 802 Continuation

The lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of the enactment of this Ordinance, or in the case of an amendment to this Ordinance, then at the time of such amendment, may be continued except as hereinafter provided, although such use or structure does not conform to the provisions of this Ordinance or subsequent amendments.

### Section 803 Nonconforming Lots

- a. The provisions of Section 502 and Article IV shall not prevent the construction of a single-family dwelling in a residential district on any lot that was lawful when created and which, prior to the effective date of this Ordinance, was in separate ownership duly recorded by plan or deed; and provided that:
  - (1) Such lot is not less than fifteen thousand (15,000) square feet in RP, RA, RD, FC, SRC, SRL and VC-1 Districts; ten thousand (10,000) square feet in the VC-2 and SRM Districts; eight thousand (8,000) square feet in the SRH District; and five thousand (5,000) square feet in the URL District.
  - (2) The width of such lot is not less than one hundred (100) feet in the RP, RA, RD, FC, SRC and SRL Districts; eighty (80) feet in the SRM and SRH Districts; 60 feet in the VC-1 and VC-2 Districts; and (50) feet in the URL District.
  - (3) Those lots not served by public water and public sewer shall meet all requirements of the Bucks County Department of Health.

- (4) The maximum building coverage shall not exceed fifteen percent (15%) in the RP, RA, RD, FC, SRC, SRL and VC-1 Districts; twenty percent (20%) in the VC-2, SRM and SRH Districts and thirty percent (30%) in the URL District.
  - (5) The front and rear yards shall aggregate at least sixty percent (60%) of the total lot depth or meet the minimum requirements of the district in which the lot is located; but only in the VC-1, VC-2 and URL Districts shall either the front yard or the rear yard be less than thirty (30) feet.
  - (6) The side yards shall aggregate at least forty percent (40%) of the total lot width or meet the minimum requirements of the district in which the lot is located; the side yard shall not be less than fifteen (15) feet in any district except in the VC-1, VC-2 and URL Districts where it shall not be less than ten (10) feet.
- b. This exception shall not apply to any two (2) or more contiguous lots in single ownership as of or subsequent to the effective date of this Ordinance, in any case where a re-parceling or replatting could create one or more lots which would conform to the Ordinance or which could be consolidated to minimize the nonconformity.

Section 804 Extension of Nonconforming Uses and Structures

- a. A nonconforming structure may be extended along the existing building lines or existing building plane of the existing nonconformity, provided that such expansion shall not extend within any street line. All other applicable requirements, including setbacks, yards and building height, shall be met. A zoning permit shall be obtained.
- b. A nonconforming use may be extended by special exception provided that:
  - (1) The proposed extension shall take place only upon the lot or contiguous lots held in the same ownership as that existing at the time the use became nonconforming. Permission to extend a nonconforming use as described in this Article shall not be construed to mean that a new use or uses may be established.
  - (2) The proposed extension shall conform with the area and dimensional requirements in Section 503 for the district in which said extension is located and with the parking, sign, buffer and environmental standards and all other applicable requirements of this Ordinance.
  - (3) Any increase in floor area or land area shall not exceed an aggregate of more than fifty (50) percent of the floor area or land area existing at the date the use became nonconforming.

Section 805 Restoration

A nonconforming structure or any structure containing a nonconforming use wholly or partially destroyed by fire, explosion, flood or other phenomenon, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that reconstruction of the structure shall be commenced within one (1) year from the date the structure was destroyed or condemned and shall be carried on without interruption. The restoration shall not exceed the building footprint of the structure which was destroyed or condemned.

Section 806 Ownership

Whenever a lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner. A change in nonconformity is governed by Section 808.

Section 807 Abandonment

If a nonconforming use of a structure or land is abandoned for a continuous period of one (1) year, subsequent use of such structure or land shall be in conformity with the provisions of this Ordinance. For the purposes of this Ordinance, abandonment shall commence when the nonconforming use ceases.

Section 808 Changes

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under all of the following conditions:

- a. Such change shall be permitted only as a Special Exception by the Zoning Hearing Board.
- b. The applicant shall show that a nonconforming use cannot reasonably be changed to a conforming use.
- c. The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use, with respect to:
  - (1) Traffic generation and congestion including truck, passenger car, and pedestrian traffic.
  - (2) Noise, smoke, ash, dust, fumes, vapors, gases, heat, odor, glare, or vibration.
  - (3) Storage and waste disposal.
  - (4) Appearance.

