

ARTICLE IV
NONCONFORMING USES, LOTS AND BUILDINGS

SECTION 4-1 CONTINUANCE

Except as otherwise provided in this Chapter, the lawful use of the land or a building existing at the date of the adoption of this Chapter may be continued although such use or building does not conform to the requirements specified by this Chapter for the zone in which such land or building is located; provided, however, that:

- A. No nonconforming lot shall be further reduced in size.
- B. No nonconforming use may be expanded.
- C. No nonconforming structure shall be enlarged, extended or increased.

SECTION 4-2 ABANDONMENT

A nonconforming use shall be presumed to be abandoned when there occurs a cessation of such use or activity by an apparent act or failure on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be reoccupied, except in conformance with this Chapter.

SECTION 4-3 RESTORATION

If any nonconforming building shall be destroyed by reason of windstorm, fire, explosion or other act of God or the public enemy to an extent of more than fifty (50%) percent of the equalized assessed value as recorded in the records of the Tax Assessor, then such destruction shall be deemed complete destruction, and the structure may not be rebuilt, restored or repaired, except in conformity with the regulations of this Chapter. Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any wall, floor or roof which has been declared unsafe by the Construction Official.

SECTION 4-4 REVERSION

No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.

SECTION 4-5. ALTERATIONS

A nonconforming building may be renovated, but not enlarged or extended, during its life. Said renovations shall not exceed in the aggregate fifty (50%) percent of the assessed value as recorded in the records of the Tax Assessor, unless said building is changed to a building conforming to the requirements of this Chapter.

SECTION 4-6 PRIOR APPROVED CONSTRUCTION

Nothing herein contained, shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued and substantial construction has taken place prior to the date of the adoption of this Chapter.

SECTION 4-7 DISTRICT CHANGES

Whenever the boundaries of a district shall be changed so as to transfer an- area from one district to another district of a different classification the provisions of this Chapter shall also apply to any nonconforming uses existing therein or created thereby.

SECTION 4-8 CONTIGUOUS LOT OWNERSHIP

Where two (2) or more lots created by the filing of a map pursuant to the Map Filing Law prior to the establishment of the Borough Planning Board have any contiguous lines and are in single ownership and one or more of the lots or structures thereon are nonconforming in any aspect, the lots involved shall be considered an undivided parcel for the purposes of this Chapter and no portion of said parcel shall be conveyed or divided except through the filing of an approved subdivision in accordance with the provisions of this Chapter.