

**ARTICLE XVIII**  
**NONCONFORMING USES**

*History: Amended by Ordinance No. 2022-06-04, June 8, 2022*

The provisions of this Article shall apply to buildings, structures, signs, lands and uses which were legal prior to the original adoption of this Chapter, but which would not be permitted as the result of the application of this Chapter to their location or use in the Township, or as a result of the reclassification of the property containing them, or of the adoption of other amendments to this Chapter after the initial passage. This Article is concerned with properties of inadequate area and/or frontage, uses of land where such land and/or structures are located and structures placed on a property too close to property boundary lines or too high for compliance with standards of the zoning district in which they are located.

A nonconforming building or structure existing at the time of original adoption of these zoning regulations may be continued and maintained, except as otherwise provided in this Article.

**§20-1801. Alteration or Enlargement of Nonconforming Buildings and Structures**

- A. A nonconforming building or structure shall not be added to or enlarged in any form unless said building or structures, including additions and enlargements, is made to conform to all of the regulations of the zoning district in which it is located; provided, however, that if a building or structure is conforming as to use but nonconforming as to yards, height or off-street parking spaces, said building or structure may be enlarged or added to, provided that the enlargement or addition complies with the yard and height requirements, and the existing building and the addition complies with the off-street parking requirements of the zoning district in which said building or structure is located.
- B. No nonconforming building or structure shall be moved, in whole or in part, to another location on the lot unless every portion of said building or structure is made to conform to all of the

regulations of the zoning district in which it is located.

- C. Replacement of existing manufactured homes on single lots (not a part of a park) may be permitted as long as the new home conforms to all of the regulations of the zoning district in which it is located.
- D. Any advertising sign, billboard, or commercial advertising structure, which was lawfully existing and maintained at the time these regulations originally became effective and which does not conform with the provisions hereof, shall not be structurally altered, unless to conform with this Chapter.

**§20-1802. Building Vacancy**

A nonconforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year, and the intent to abandon the use can be determined, shall not thereafter be occupied except by a use which conforms to the use regulations of the zoning district in which it is located.

**§20-1803. Nonconforming Uses of Structures**

- A. No structure housing a nonconforming use, but capable of being enlarged without violating other requirements of this Chapter, may be increased in volume by more than fifty percent (50%) over the volume occupied at the time of adoption of this Chapter, or subsequent amendments which would make the use nonconforming.
- B. A nonconforming use which occupies part of a structure may be extended throughout the structure it occupies, except a home occupation. Such expansion shall not be extended to occupy land outside the structure.
- C. A vacant or partially vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Chapter.
- D. Use Change to a More Restrictive District: The nonconforming use of a structure and/or premises may be superseded by a use permitted in the zoning district where the structure is located, and the use of the structure and/or

premises shall thereafter conform to the regulations of this Chapter.

**§20-1804. Reconstruction**

If a nonconforming use or structure is destroyed by fire, explosion or other cause to the extent of fifty (50) percent or more of its assessed valuation or its bulk, it may be rebuilt or reconstructed to the same or a comparable structure and use if same rebuilding or reconstruction is commenced and completed within eighteen (18) months from the date of destruction. Otherwise, any such subsequent use must be in conformity to the zoning district regulations that said nonconforming use is located.

**§20-1805. Nonconforming Use of Land**

- A. Any property in separate ownership legally recorded in the Butler County Recorder of Deeds Office prior to enactment of this Chapter and abutting properties in a different ownership may be developed for any use permitted in the zoning district where such property is located regardless of the property area, width or shape, except that if the proposed development includes a reduction of minimum yard widths or required parking or loading areas, a variance shall be obtained from the Zoning Hearing Board before development may commence.
- B. The Planning Commission may prepare, within one (1) year after adoption of this Ordinance, a map of the Township showing the location of each nonconforming use of land and/or structure present at the time of adoption. The Commission may keep the map current, with the help of the Zoning/Code Enforcement Officer, in whose charge the map shall be kept, by the addition of nonconforming uses as amendments to this Ordinance are adopted and by the deletion of nonconforming uses as they are eliminated.