

# Milford Township Zoning Ordinance

## ARTICLE V - NON-CONFORMING USES AND STRUCTURES

It is the purpose of this section to limit the injurious impact of non-conforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that alterations, continuations and extensions of non-conforming uses and/or structures may not be contrary to the public interest of the general purpose of this zoning ordinance, and when failure to allow such alteration, continuation or extension would itself lead to neighborhood or district deterioration. It is further the purpose of this Section to prescribe those standards which are to be applied by the Township in determining the reasonableness of a proposal to alter, continue or extend a non-conforming use. The following are regulations which shall apply to the alteration, continuation or extension of nonconforming uses:

### 501 Definition

A non-conforming use or building shall be a building, structure, or use legally existing at the effective date of this Ordinance, or any amendment thereto; or a building structure or use, planned and under construction in compliance with existing laws prior to the effective date of this Ordinance, or any amendment thereto, and completed within a one-year period after the effective date of this Ordinance or Amendment thereto; and which does not conform with the use regulations of the district in which located. A building, structure or use allowed by variance in a district where it is non-conforming with any regulations of this Ordinance shall also be considered a non-conforming use.

### 502 Normal Maintenance and Repair Activities

Normal maintenance and repair activities, such as painting, replacing a roof, etc., are permitted, as well as alterations and interior renovations that do not structurally alter the building or area or result in increased use of the building or area, or a different nature of use than that existing at the present time, or otherwise create more incompatibility with the surrounding permitted uses.

### 503 Changes and Additions

All changes and additions to non-conforming uses and structures, excepting those identified in Section 502 above, shall be considered conditional uses, and permits for alterations, changes in use or additions shall be granted only after a determination by the Township that the following conditions have been, or will be, satisfied.

#### 503.1 Storage of Materials

There shall be no increase in the amount of materials, supplies and/or products that are stored outside a non-conforming facility, as on a lot in a nonconforming use, excepting those types of uses outlined in Section 502.

#### 503.2 Screening

Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (e.g. sawmill, equipment dealer, etc.), the use may only be expanded if a landscaped buffer meeting the requirements of Section 410 can be established.

#### 503.3 Yards and Setbacks

No addition, change or expansion of a non-conforming use or structure shall further violate setback and/or height regulations of the district in which it is located.

#### 503.4 Stormwater

There shall be no increase in the amount of storm water runoff from the site over what was existing as of the date of the enactment of this Ordinance. The U.S.D.A. Soil Conservation Service may be relied on to recommend appropriate measures to control storm water runoff which may be attached as conditions of approval by the Township.

#### 503.5 Parking and Traffic

In no case will a change, addition, or expansion of a non-conforming use or structure be allowed that would

## Milford Township Zoning Ordinance

result in the diversion of traffic, or relocation of a driveway on the site to any point nearer a residential property, or result in violation of any of the parking and unloading requirements of this Ordinance. If the total number of parking spaces for the site is to be increased more than twenty-five (25) percent over those available as of the date of this Ordinance, the Township may require vegetative screening of the parking area from nearby residential areas.

### 503.6 Extension Onto Other Properties

The non-conforming use or structure may only be expanded or extended onto another property of record, if that property is immediately adjacent to the lot on which the original structure or use was located as of the effective date of this Ordinance or amendments hereto; the owner has clearly exhausted the alternatives available for expansion on the existing property.

### 503.7 Prohibited Expansions

Should the non-conforming use or structure proposed for expansion or extension be one which is specifically prohibited as a new use in the Township or is a use judged by the Board of Supervisors with the advice of the Planning Commission to be one similar to such a use or of such nature as to impose health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this Ordinance, the requested expansion or extension shall be denied.

### 504 Establishment

A non-conforming use or structure may be re-established within a period of eighteen (18) months after it has been discontinued or vacated, with an extension in time allowable where proven necessary.

### 505 Restoration or Reconstruction

If less than seventy-five (75) percent of the floor area of any non-conforming structure or seventy-five (75) percent of any non-conforming use is damaged, it may be restored or reconstructed within eighteen (18) months of the date of the damage. The Township may also, by Conditional Use, allow such restoration or reconstruction in cases where these amounts are exceeded.

### 506 Non-Conforming Lots of Record

#### 506.1 A single family dwelling and customary accessory structures may be erected on a non-conforming lot of record provided:

- A. A sewage permit meeting the requirements of the Pennsylvania Department of Environmental Resources can be properly issued.
- B. Setbacks for side and rear yards shall be maintained as near as possible to the required District setbacks; but, in no case shall said setbacks be less than fifty (50) percent of the setback normally required in the District.
- C. No front yards shall be reduced to less than twenty-five (25) feet.
- D. Buffers set forth in Section 422 shall be maintained.
- E. No unattached accessory building shall be located closer to any property line than the height of the accessory building but in no case less than the setbacks required by Subsections B and C above.

#### 506.2 In cases where two or more contiguous lots must be combined to meet the setbacks and buffers required in Subsection 506.1 above, or where the on-site sewage system is not wholly contained on the lot with the dwelling; said non-conforming lots shall be combined by "lot improvement" pursuant to the Township Subdivision and Land Development Ordinance.

### 507 Certification of Non-Conformance

## Milford Township Zoning Ordinance

In order to administer this Ordinance, the Zoning Officer shall prepare a complete list of all non-conforming uses, signs, buildings, and lots in existence as of the effective date of this Ordinance or amendments thereto. The Zoning Officer shall also issue, upon request, a Certificate of Non-Conformance to any property owner who so requests.