

Section 6.3 Nonconforming Uses

A. Where, on the date of adoption or amendment of this Ordinance, a lawful use exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to all of the following provisions:

1. Enlargement or Increase: No nonconforming use shall be changed, enlarged or increased in intensity or in area or bulk or in the number of buildings and structures, or moved or extended to occupy a greater area of land, than as existed on the date of adoption or amendment of this Ordinance.
 - a. Subsection (1) above shall not prohibit the extension of a nonconforming use throughout any portion of a building in which it is located irrespective of whether such portion was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, provided there is compliance with all other requirements of this Ordinance including lot coverage and setback limitations and parking and loading/unloading regulations. No such building shall be enlarged or expanded.
2. Change of Tenancy/Ownership: A change or intensity of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use, except as may be authorized according to subsection (1).
3. Re-establishment of a Nonconforming Use: A lot occupied by a nonconforming use of land, building or structure, or combination thereof, that is subsequently occupied by a permitted use, shall thereafter conform to the regulations for the District in which such use is located and a nonconforming use may not thereafter be resumed or otherwise established.
4. Cessation/Destruction: If a nonconforming use of any building, structure, land or premises or part thereof ceases for any reason for a period of more than one (1) year, or where the use is destroyed to an extent of more than 50% of its replacement value, the subsequent use of the property shall thereafter conform to the regulations and provisions of this Ordinance for the respective District. Conditions that shall be considered in determining the cessation or abandonment of a nonconforming use shall include, but need not be limited to, disconnection of utilities, the property has fallen into a state of disrepair, the removal of signage associated with the use, and the removal of equipment necessary for such use.
5. Substitution: No nonconforming use may be changed to another nonconforming use except upon approval of the Township Board, after receiving a recommendation from the Planning Commission, upon finding that such change in use will be as or more conforming to the intent of the District in which it is located than the existing nonconforming use, and will be more compatible with surrounding conditions. In making such a determination, factors to be considered shall include the anticipated change in intensity of use including vehicular and pedestrian traffic, hours of operation, anticipated noise levels, and other aspects of the proposed use. Such change in use shall be subject to plot plan or site plan approval according to Section 14.2.
6. Nonconforming Use and Structure in Combination: In the case where nonconforming status applies to a structure and use in combination, removal or destruction of the structure to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, all subsequent uses and structures on the land shall conform to the respective District regulations.
7. Abandonment: Once a nonconforming use is abandoned, the uses of the lot shall conform to this Ordinance.