

**ARTICLE XX**  
**Nonconforming Uses, Lots, Buildings and Structures**  
**[Amended 12-13-2001 by Ord. No. 01-22R]**

**§ 184-186. Nonconforming lots.**

- A. Any lot as defined herein at the time of the adoption of this chapter may be used for any use not otherwise prohibited in the district in which it lies, provided said lot is in single ownership as defined in this chapter.
- B. No lot, yard, parking area or other open space which is already less than the minimum required under this chapter shall be further reduced in area or dimension.

**§ 184-187. Continuance of nonconforming uses, buildings or structures.**

Any nonconforming use, building or structure which lawfully existed at the time of the passage of this chapter may be continued and any such existing nonconforming building or structure may be reconstructed or structurally altered provided it shall meet the requirements of this article.

**§ 184-188. Alteration, extension or enlargement of nonconforming uses, buildings or structures.**

Nonconforming uses, buildings or structures in all zone districts shall conform to the following requirements.

- A. Any building, structure or use of land which is nonconforming because of use shall not be enlarged, extended or changed to another nonconforming use in any manner whatsoever.
- B. There shall be no structural alterations made to any nonconforming building or structure that is nonconforming because of use. Structural alterations may be made in a building or structure which is nonconforming because it fails to comply with height, area, yard, off-street parking or other like requirements of this chapter, so long as the structural alteration does not extend or enlarge the nonconformance.
- C. In the event that there shall be a cessation of operation of any nonconforming use for a period of 12 consecutive calendar months, the same shall be presumed an abandonment of such nonconforming use. Any subsequent attempt to rely upon, exercise or reinstate such abandoned nonconforming use, notwithstanding anything contained in this chapter, shall be a violation of the terms of this chapter.
- D. Nothing in this chapter shall require any change in plans, construction or designated use of a structure or building for which a building permit has been heretofore validly issued if construction has been started and diligently prosecuted at the time of the adoption of this chapter.
- E. Nothing in this chapter shall be construed as authorization for or approval of the continuance of the use of a building, structure or lot in violation of this chapter and/or, rules or regulations in effect immediately preceding the time of the effective date of this chapter.

- F. A nonconforming use changed or altered to a conforming use may not thereafter be changed back to a nonconforming use. Nothing hereinbefore stated shall prevent the strengthening or restoring to a safe and lawful condition part of any building or structure declared unsafe by the Construction Official or the Borough Engineer.

**§ 184-189. Restoration of existing buildings or structures which are nonconforming because of use.**

Nothing in this chapter shall prevent the restoration or continuance of a nonconforming building or structure which is nonconforming because of its use and which is partially destroyed by fire, explosion, act of God, or of any public enemy, or the like, if the extent of the destruction be not more than 50% of either the true value or cubical contents of the whole building or structure at the time of the partial destruction, provided that all required repairs or restoration shall be commenced within two years after the damages occur and shall be completed within four years of such date of the damage occurring. Failure to comply within these time limits shall require the rebuilding and use to be conforming in all respects. If, however, any such building or structure shall be destroyed in the manner aforesaid to an extent exceeding 50% of either the true value or cubical contents of the whole building or structure at the time of such destruction, then the same may only be reconstructed and thereafter used in such a manner as to conform to all the requirements, terms and conditions of this chapter.

**§ 184-190. Restoration of existing buildings or structures which are nonconforming because of reasons other than use.**

Nothing in this chapter shall prevent the restoration or continuance of a nonconforming building or structure which is nonconforming because it fails to comply with any height, area, yard, off-street parking or other like requirements of this chapter, and which is partially destroyed by fire, explosion, act of God, or of any public enemy, or the like (less than 50% of total structure); provided, however, that any restoration of any such building or structure shall not enlarge the previously existing nonconformance.

**§ 184-191. Certificate that a nonconforming use, building or structure may be certified.**

The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply in writing for the issuance of a certificate certifying that the use or structure existing before the adoption of the chapter or any portion thereof which rendered the use or structure nonconforming. The applicant shall have the burden of proof. Application pursuant hereto may be made to the Zoning Official within one year of the adoption of the chapter or any portion thereof which rendered the use or structure nonconforming or at any time to the Board of Adjustment. The Zoning Official shall be entitled to demand and receive for such certificate issued by him a reasonable fee not in excess of that provided in N.J.S.A. 54:5-14 and 54:5-15. The fees collected by the Zoning Official shall be paid to the Borough. Denial by the Zoning Official shall be appealable to the Board. N.J.S.A. 40:55D-72 to N.J.S.A. 40:55D-75 shall apply to applications or appeals.