

**111.400**

**NON-CONFORMING USES**

**111.401**

**Contiuance of non-conforming uses.** The lawful use of any building or structure and of any land or premises existing prior to the effective date of this Ordinance may be continued or expanded for like use on the same lot, providing it does not adversely affect property values, constitute a public nuisance or endanger the public health, safety or welfare. A change in the ownership, tenancy or occupancy of a building or structure then being used for a non-conforming use shall not restrict the continuance of its non-conforming use. Building or uses non-conforming by reason of height, yard area or parking provisions may be extended, altered or modernized provided that no additional encroachment of the height or parking provisions are occasioned thereby, and as provided in Section 2.

**111.402**

**Enlargements, moving, extensions.** No non-conforming use of any land or structure shall be enlarged or extended, provided that the Zoning Administrator may permit a non-conforming building to be expanded by not more than 50 percent of its area at the time of the passage of this Ordinance; said expansion shall be subject to site plan review for landscaping, screening and traffic access. No non-conforming building or structure shall be moved in whole or in part to another location unless such structure or use conforms to all of the regulations of this Ordinance Buildings or uses non-conforming by reason of height, yard area or parking provisions may be extended, altered or modernized provided that no additional encroachment of the height, area or parking provisions are occasioned thereby. All agricultural land under Non-Conforming use shall have the right to be used for all farming purposes covered under ARTICLE VI. Such property shall be covered under this provision indefinitely, as long as five acre parcels are retained, and any land sold under five acres shall conform to the zoned district. (Amended: No. 5-A, 8-11-87 and 11-12-07)

**111.403**

**Unlawful use not authorized.** Nothing in this Ordinance shall be interpreted as authorization of, or approval of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

**111.404**

**Change of use.** The use of a non-conforming building may be changed to another non-conforming use if the Zoning Administrator finds that such new use would markedly decrease the degree of non-conformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to waive the other provisions of this Article.

**111.405**

**Restoration and repairs.** Such repairs and maintenance work as are required to keep a non-conforming building or structure in a sound condition may be made. A non-conforming building or structure damaged or destroyed by fire, flood, wind or other calamity may be restored to its size at the time prior to such damage and its use resumed. Any such building or structure not completely

restored shall be removed from the premises. Restoration or removal shall be started within 12 months and completed within 18 months of the time of such damage.(Amended: 7-12-94)

**111.406**      **Non-conforming due to reclassification.** The foregoing provisions of this Article shall also apply to buildings, land or uses which hereafter become non-conforming due to any reclassification of districts or any subsequent in the regulations of this Ordinance.(Amended 11-13-07)

**111.407**      **Non conforming use discontinued**

**111.408**      Whenever the non-conforming use of any building or structure, lot or parcel of land, has been changed to a conforming or more conforming use, the use shall not thereafter be reverted to any non-conforming use.

If the non-conforming use of any building, structure, land or premises or part thereof, is abandoned or discontinued for a continuous period of one (1) year, then any future use of said building, structure, land or premises shall conform in its entirety to the zoning regulations.

Any change of usage of a piece of improved property from the current “grandfathered” zoning for that parcel would be required to have the requested usage conform with the zoning shown in the Porter Township Master Plan. (Addition September 5, 2003)

**111.409**      **Existing junkyards.** Existing junkyards must meet the following requirements, the street frontage shall be enclosed by a solid opaque fence behind the road right-of-way, not less than six (6) feet high and junk kept behind the fence.