

## **Amendment – Nonconforming Situations**

Purpose: Reiterate in both Section 1.4.020, Nonconforming Structures and Section 1.4.030 Nonconforming Uses that a nonconforming structure/use may be reestablished to the same size if damaged or destroyed.

**Recommended Motion:** Move to recommend the borough assembly amend the Chapter 1.4 Nonconforming Situations development code to:

**INSERT NEW SECTION I.4.020.G. Should a structure which is used for a non-conforming use (for example, a residential structure in an industrial zone) be damaged or destroyed, it may be reconstructed in the same size which existed prior to damage or destruction, under the provisions of Section I.4.020.B-E.**

AMEND I.4.030 B. 2. [Should a conforming development] **SHOULD A LEGALLY CONSTRUCTED STRUCTURE** utilized [in connection with] **OR FOR** a non-conforming use be damaged or destroyed, **IT MAY BE** [and] subsequently reconstructed, **AND** the non-conforming use may be reestablished, in the same size which existed prior to damage or destruction, under the provisions of Section I.4.020.B-E.

NOTE:

[Language in brackets is deleted.]

**LANGUAGE underlined is added.**