

Borough of Wildwood Crest
Office of Land Use and Fire Prevention
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INFO SHEET

Non-Conforming Uses, Structures and Lots

NON-CONFORMING BUILDING OR STRUCTURE -- shall mean a building or structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision, or amendment.

NON-CONFORMING LOT -- shall mean a lot the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NON-CONFORMING USE -- shall mean a use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

Section 85-65 of the Land Use Ordinance

Non-Conforming Uses.

B. Regulations. Any non-conforming use of buildings or land and any non-conforming buildings may be continued indefinitely, but such buildings or uses:

1. Shall not be enlarged, altered, extended, reconstructed or restored, except as provided in Section 85-66 herein, nor placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this ordinance, nor shall any external evidence of such use be increased by any means whatsoever.
2. Shall not be moved to another location where such use would be nonconforming.
3. Shall not be re-established if such use has been legally abandoned, or has been changed to, or replaced by, a conforming use.
4. Shall not be restored for other than a conforming use after substantial destruction thereof.

85-66 Additions and Alterations to Non-Conforming Buildings. Nothing in this Article shall be deemed to prevent normal maintenance and repair, structural alteration in, or the reconstruction of, a non-conforming structure, provided that such action does not increase or extend the degree of, or create any new, non-conformity with regard to the regulations pertaining to such buildings or the lot upon which they are constructed; * [*As an example, a dwelling which complies fully with all requirements except that it is closer to the street than the minimum required depth of a front yard may build an addition to the rear that does not encroach on the required rear yard.] except that, the floor area of a detached single family house that occupies a lot that is smaller than the minimum lot area required in the district in which such house is located may be increased by not more than ten percent (10%) of the floor area existing as of the date of adoption of this ordinance provided that the resulting structure complies with all other requirements of this ordinance.

85-67 Non-Conforming Lots of Record. No non-conforming vacant lot existing at the time or as a result of the adoption of this Ordinance shall be further reduced in size. Such lots in residential districts as well as those which are consolidated into a single lot but still are nonconforming in size may be improved for single family residence provided the following provisions are met:

A. Side and rear yard setback provisions may be reduced in direct proportion to the difference in lot areas, but in all cases shall not be less than four (4) feet for each side yard and four (4) feet for rear yards.

B. The minimum lot area may be reduced in direct proportion to the difference in lot areas, but in all cases shall not be less than the conditions imposed on a forty by eighty (40' x 80') foot plot.

C. The maximum lot coverage may be increased inversely in proportion to the difference in lot area.

D. The lot is in separate ownership and not contiguous to lots in the same ownership.

E. All necessary health approvals are given by the responsible municipal agency or its agent.

F. The height of the dwelling shall be reduced in direct proportion to the percentage of the shortfall of the required lot width. Example: If the minimum lot width in the zone is forty (40) feet, and the non-conforming lot has a lot width of only thirty (30) feet, the height of the building shall be reduced by $40 \text{ feet} - 30 \text{ feet} / 40 \text{ feet} = 25\%$.