

ARTICLE 7

NON-CONFORMING USES OR STRUCTURES AND PROHIBITED USES

- 7.0 **Abandonment:** A non-conforming use, existing on the effective date of the Resolution may be continued, provided, that should such use be discontinued for a period of two (2) years, or more, then such use shall be deemed abandoned, and any further use of such premises shall be in conformity with the uses permitted in the district of location.
- 7.1 **Reconstruction:** Any structure, existing and in use as a non-conforming use on the effective date of this resolution, which shall be destroyed by casualty or act of God, may be reconstructed and restored, provided, however, that such reconstruction is commenced within twelve (12) months of any such calamity and that the reconstruction is completed in a reasonably diligent manner.
- 7.2 **Alteration and Enlargement:** Any non-conforming structure, existing and in use, on the effective date of this Resolution may not be replaced, moved, added on to, altered, or enlarged in a manner and form resulting in the exaggeration or worsening of such non-conforming use.

However, the Board of Zoning Appeals shall have the power to grant a special permit and Zoning Certificate as provided for herein allowing such extension under conditions as follows, except for those situations addressed elsewhere in this Resolution:

- 7.2.1. The total alteration, enlargement or extension of existing structures; or the erection of additional structures shall not increase the non-conforming area of such original structure by a total of more than twenty-five (25) percent.
- 7.2.2. Such enlargement and/or extension shall not be detrimental in consideration of the surrounding neighborhood, but that the granting thereof shall remove any unnecessary hardship as to the owner thereof.
- 7.2.3 The extension of such non-conforming use shall not reduce the area of a contiguous or adjacent conforming use.
- 7.3 **Established Setbacks:** Any building or appurtenance, existing and in use, on the effective date of this Resolution with a non-conforming front, rear or side yard setback may be altered or enlarged so long as the front, rear or side of the structure is continued on or behind the same plane and not encroached any further toward any road right of way, alley or property line.
- 7.4 **Structures under Construction:** Any structure's construction commenced as of the effective date of this Resolution may be completed, although nonconforming, if completed within one (1) year of the effective date of this Resolution.
- 7.5 **Nuisance Prohibited:** No structure or use subject to the provisions of this Zoning

Resolution shall be located, arranged or operated in any fashion which will interfere with the development or enjoyment of adjacent property, nor shall any such structure or use be located, arranged or operated in such fashion as to constitute a nuisance.

7.6 **Unauthorized Use:** Any use which is not specifically provided for nor specifically authorized by this zoning resolution shall be expressly prohibited unless such use shall be otherwise authorized or permitted by the Board of Zoning Appeals, pursuant to the procedures contained herein.

7.7 **Mobile Homes:** Any mobile home not located in a MHP District, previously existing as a non-conforming use, shall not be added to or otherwise increased in square footage. Furthermore, any such non-conforming use mobile home may not be relocated to another parcel in the township except into a MHP District, nor may it be moved any amount at its present location.

Furthermore, any mobile home that has been moved from a non-conforming location may not be stored, parked or otherwise abandoned in any location in Bath Township and must be removed from the Township within seventy-two (72) hours of being moved from the original location.

All mobile homes in the Township must have all commonly accepted utilities and sanitary requirements hooked up and operational at all times. Any mobile home found to be in an uninhabitable condition, as defined or determined by the Allen County Board of Health, will be deemed abandoned and ordered to be removed from Bath Township within seventy-two (72) hours of notice.