

COUNCIL OF THE BOROUGH OF YOE

Introduced By:

Session 1974  
Ordinance No. 74-002

Charles Guss

Date: March 5, 1974

ORDINANCE

An Ordinance amending the Yoe Borough Zoning Ordinance by giving the right of owners of non-conforming buildings by special permit to extend, enlarge, alter or reconstruct existing buildings.

BE IT ENACTED AND ORDAINED by the Board of Yoe Borough Council, York County, Pennsylvania, and it hereby is enacted and ordained as follows:

WHEREAS the Yoe Borough Zoning Ordinance was enacted June 1, 1963.

WHEREAS the Yoe Borough Zoning Ordinance, Part IIC, Sections 150 and 151 referred to non-conforming uses and Yoe Borough Council desires to amend and modify said sections to read as follows:

C. NON-CONFORMITIES:

S. 150. Non-conforming uses. All non-conforming uses existing on the effective date of the original ordinance, June 1, 1963, and all uses that become non-conforming in this respect because of an amendment, may be continued.

a. Extensions or Enlargement. The Board may authorize as a special exception the following types of extensions and enlargement for nonconforming uses and buildings existing on the effective date of this Ordinance:

1. The extension or enlargement of a conforming building occupied by a nonconforming use.
2. The extension or enlargement of a nonconforming building occupied by a nonconforming use.
3. The extension or enlargement of a nonconforming building occupied by a conforming use.

The foregoing extensions or enlargement shall be subject to the following conditions:

4. The extension or enlargement shall conform to the height, and yard regulations of the district in which it is located.

5. The extension or enlargement of the building or use shall be provided with sufficient off-street parking, loading spaces, and other improvements.

6. The extension or enlargement does not replace a conforming use.

b. Change of Use. A nonconforming use may be changed to another nonconforming use of the same or more restricted classification.

Whenever a nonconforming use has been changed to a more restricted classification, or to a conforming use, such use shall not hereafter be changed to a use of less restricted classification.

c. Alterations and Reconstruction.

1. A nonconforming building or a building occupied by a nonconforming use may be demolished and reconstructed provided that it shall be replaced with a unit of not less than the original existing floor space; and reconstruction of the building is commenced within one (1) year. Said alterations and reconstructions shall comply with a. 4, 5 and 6 above.

2. Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use.

3. A nonconforming building which is damaged by fire, explosion, or Act of God, may be rebuilt and used for the same purposes, provided that:

(a) The reconstruction or replacement of the building is commenced within one (1) year from the date of the destroying of the building and is carried to completion without undue delay.

(b) The reconstructed or replaced building shall not have less than the original floor space and shall comply with a. 4, 5 and 6 above.

S. 151. Abandonment and discontinuance of nonconforming use.

1. If a nonconforming use of a building or land is abandoned for any period of time, the subsequent use of such building or land shall be in conformity with the provisions of this Ordinance.

2. If a nonconforming use of a building or land ceases or is discontinued for a continuous period of one (1) year or more, subsequent use of such building or

land shall be in conformity with the provisions of this Ordinance, except when the discontinuance is due to a death and the settling of the estate. In such cases, the discontinuance shall not be presumed to start until the estate is settled or a court order concerning the disposition of the estate has been entered.

PASSED FINALLY: BY THE FOLLOWING VOTE: Approved this 5th day of March, 1974.

YEAS: Charles G. Ford Ray F. Ebel Tom P. Bingham  
Bobby L. Goff Ronald C. Cook Charles H. Landis Jr.

NAYS: \_\_\_\_\_

ATTEST: YOE BOROUGH COUNCIL

Kay E. Wise By Charles H. Landis Jr.  
President

Approved this 5th day of March, 1974.

Thomas H. Smith  
Mayor