

PROPOSED AMENDMENT TO ZONING ORDINANCE

SECTION 650 - NON-CONFORMING USES, LOTS AND STRUCTURES

A. **Non Conforming Uses** - It is the intent of this Zoning Ordinance to permit Non-Conforming uses to continue until they are removed but not to encourage their survival. **While a A** change of ownership of a NonConforming Use, Lot or Structure shall not affect its right to continue the use **it shall require a review, approval and re-issuance of the Certificate of Non-Conformance by the Town Board to the new owner.**

1. **Discontinuance** – **Whenever a non-conforming use has been discontinued for a period of one (1) year by the existing property owner of record of such non-conforming use it shall not thereafter be re-established and any future use shall be in conformity with the provisions set forth in this Zoning Ordinance.**

2. **Displacement** - **No non-conforming use shall be extended to displace a conforming use.**

3. **Reconstruction** - **Any structure containing a non-conforming use which has been wholly or partially destroyed by means other than intent or design may be reconstructed or repaired within one (1) year thereafter for the designated nonconforming use existing prior to the event.**

B. **Non Conforming lots, Structures** - Any use of land or structure, which use was lawful at the time of the effective date of this Ordinance, may be continued; provided, however, that such use shall have continued in operation, does not constitute a nuisance and shall not be enlarged, altered or changed in area, activity or content during its continuance subject to the following provisions:

1. **Enlargement** – **USE or STRUCTURE:** No use or structure on a No nonconforming lot of record shall be enlarged or increased, nor extended to occupy a greater area of land, than was occupied at the effective date of this Ordinance. **LOT:** Nothing shall prevent a Non-Conforming Lot of record from being enlarged or increased to occupy a greater area of land than was occupied at the effective date of this Ordinance. If the lot size increases sufficiently to comply with the required land area requirements, the Non-Conforming status will be discontinued. (Rev.09/18/2018)

2. **Alterations** - A non-conforming structure may not be reconstructed or structurally altered to an extent exceeding in aggregate cost fifty (50) percent of the full value of the structure, unless the structure is changed to a conforming use. Article VI – Adopted 08/23/2005; Rev 11/1/2021
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3. **Structures Under Construction** – Any building or structure for which construction was begun prior to the effective date of this Law, or any subsequent applicable amendment, may be completed and used in accordance with the plans and specifications submitted for the building or structure provided that their construction is completed within one (1) year after the effective date of this Ordinance.

4. Reconstruction - Any structure ~~containing a non-conforming use~~ which has been wholly or partially destroyed by means other than intent or design may be reconstructed or repaired within one (1) year thereafter for the designated nonconforming use existing prior to the event.

~~5. Discontinuance—Whenever a non-conforming use has been discontinued for a period of one (1) year by the existing property owner of record of such non-conforming use it shall not thereafter be re-established and any future use shall be in conformity with the provisions set forth in this Zoning Ordinance.~~ **RELOCATED**

6. **5.** Changes - Once changed to a conforming use, no structure or land so changed shall be permitted to revert to a non-conforming use.

~~7. Displacement—No non-conforming use shall be extended to displace a conforming use.~~
RELOCATED

8. **6.** Moving - Should any structure be moved for any reason for any distance, it shall thereafter conform to the requirements for the district in which it is located after it is moved. (Rev 11/16/2010)

C. Issuance of a Certificate of Non-Conformance for Existing Undersized Lots and Structures shall apply to the property of Record. Any non-conforming lot which was lawful at the time of the effective date of this Ordinance but does not comply with all the provisions of this Ordinance may be continued in use.

1. No building permit shall be issued for the construction of any structure upon any Non-Conforming lot within any zoning district, which structure cannot comply with the current dimensional setback standards and requirements of such district.

D. ~~2.~~ Issuance of a Certificate of Non-Conformance for a specific Use shall apply only to the property owner of Record. Any subsequent sale and transfer of ownership shall require a review, approval and re-issuance of the Certificate **of Non-Conformance** by the Town Board to the new owner.