

Chapter 250: Zoning
Article VI - Nonconforming Uses and Structures

§ 250-80. General provisions.

- A. The lawful use of any land, ~~buildings~~**BBuildings** or ~~structures~~**SStructures**, or a part thereof existing at the time that this chapter or any subsequent amendment becomes effective, may be continued, although such use does not conform with the provisions of this chapter, except as provided ~~herein within this C~~**chapter 250**. The right to continue a ~~nonconforming use~~**NNonconforming UUse** is ~~based on pecuniary and economic loss and is inapplicable~~**applicable** to an incidental use of property for recreational, amusement or hobby purposes, ~~provided it follows all the provisions of this Article VI~~**[SE1]**.
- B. The intent of this ~~A~~**A**article is to limit, by not increasing, ~~nonconforming uses~~**NNonconforming UUses** and to eliminate such uses as speedily as possible, but at the same time to alleviate economic hardship to an existing ~~nonconforming use~~**NNonconforming UUse** by allowing it to continue at its existing level of intensity ~~and quantity~~, **[SE2]**in accordance with all other provisions of applicable laws and regulations.

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§ 250-81. Nonconforming uses.

Any lawful ~~nonconforming use~~Nonconforming Use of buildings or land in existence on the effective date of this ~~Chapter~~or a subsequent amendment^[SE3]^[NM4], except as disallowed by § 250-80, may be continued indefinitely if maintained in accordance with all other applicable codes, laws, regulations, and other requirements, but ~~such~~Nonconforming Use:

- A. Shall not be enlarged, ~~or extended~~, or placed on a different portion of the ~~lot or parcel of land~~Lot occupied by such use on the effective date of this ~~Chapter~~or a subsequent amendment, except as provided in this ~~Article~~Article. For the purpose of this section:
 - (1) Any additional commercial ~~accessory uses~~Accessory Uses shall constitute such extension, and are prohibited.
 - (2) Where no ~~building~~Building is involved, the ~~nonconforming use~~Nonconforming Use of the land may not be extended to occupy a greater area of land, or to include more intensive use of the same area of land, than occupied on the effective date of this chapter ~~or a subsequent amendment~~.
- B. Shall not be moved to another location where such use would be ~~nonconforming~~Nonconforming-Use.
- C. Shall not be changed to another ~~nonconforming use without prior approval~~Nonconforming Use except to the extent approved by the Zoning Board of Appeals, and then only to a ~~use~~Use which, as determined by the Zoning Board of Appeals ~~as provided in Section~~as provided in Section § 250-98, maintains or reduces the ~~nonconformity~~Nonconformity. Such change of ~~nonconforming use~~Nonconforming Use approval by the Zoning Board of Appeals ~~shall~~must be ~~received~~received prior to any other approvals required by the Planning Board.
- ~~D.~~ D. Shall not be reestablished if such ~~use~~Nonconforming Use has been discontinued for any reason, whether through vacancy or cessation of use, for a period of one year or longer, ~~reasonable hardships notwithstanding~~^[SE5], or has been changed to, or replaced by, a conforming ~~use~~Use for any period of time. The intent to resume a ~~nonconforming use~~Nonconforming Use does not confer the right to do so.
- E. Shall be subject to all administration and enforcement provisions of this ~~Chapter~~Chapter, including but not limited to inspections, issuance of ~~Orders~~Orders to ~~Remedy~~Remedy, ~~Stop Orders~~Stop Orders and ~~Appearance Tickets~~Appearance Tickets.

§ 250-83. Nonconforming ~~buildings~~Buildings or ~~structures~~Structures.

~~A.~~ A. All ~~Alterations or extensions~~Alterations to a ~~nonconforming building or structure~~Nonconforming

BBuilding or SStructure shall comply with

- A. ~~the~~^{SE6} provisions of this ~~C~~chapter with respect to Article IV, Area and Bulk Regulations.
- B. Nothing contained herein, other than § 250-81, shall prohibit the extension of a permitted use to any portion of a ~~nonconforming~~^NNonconforming ~~B~~building or ~~S~~structure which existed prior to the effective date of this ~~C~~chapter or subsequent amendment.
- C. Nothing herein shall prohibit normal repair and maintenance or structural alteration of a ~~nonconforming building~~^NNonconforming ~~b~~Building or ~~s~~Structure, provided such action does not increase or create any new ~~N~~^Nnonconformity. Further, any ~~nonconforming building or structure~~^NNonconforming ~~B~~Building or ~~S~~Structure declared unsafe by the ~~B~~Building ~~I~~Inspector or other proper authority may be restored to a proper condition within the time period provided by such authority.
- D. For ~~nonconforming signs~~^NNonconforming ~~S~~Signs, see § 250-70, Signs.

§ 250-84. Alterations ^[SE7] permitted to ~~nonconforming buildings~~ Nonconforming Buildings.

- A. A ~~B~~building which is ~~nonconforming~~ Nonconforming under the previous zoning ordinance and ~~nonconforming~~ Nonconforming under this Cchapter shall be permitted to expand to an amount not exceeding 50% of the aggregate ~~B~~building area as it existed on the effective date of the 1974 Zoning Ordinance, established ~~as on~~ October 2, 1974, except that no ~~nonconforming building~~ Nonconforming BBuilding or SStructure shall be permitted to violate any other provisions of this ~~e~~Chapter relative to the Zoning Ddistrict in which it is located.
- B. A ~~building~~ BBuilding which became a ~~nonconforming building~~ Nonconforming BBuilding or SStructure as a result of this chapter ~~shall be permitted to~~ may expand to an amount not exceeding 50% of the aggregate ~~B~~building area as it existed on the effective date of this Cchapter; or subsequent amendment, except that no ~~nonconforming building~~ Nonconforming BBuilding shall be permitted to violate any other provisions of this Cchapter or subsequent amendment, relative to the Zoning Ddistrict in which it is located.

§ 250-85. Restoration after damage.

- A. Nothing contained in this article shall be deemed to prevent the restoration of a lawful ~~nonconforming use~~Nonconforming Use after damage by any ~~non-intentional~~ ^[SE8] cause, provided that the bulk, height, and area shall not be in excess of that which existed prior to the damage, except as provided for in § 250-84, and that all applicable New York State Uniform Fire Prevention and Building Code provisions are fully complied with, and that the restoration is commenced within one year of the damage ~~and is fully completed within 18 months of such damage.~~
- B. Nothing herein shall prohibit the restoration of a ~~dwelling unit~~Dwelling Unit or ~~Structure~~ which is ~~nonconforming~~Nonconforming only with respect to bulk and area regulations for the district in which it is located, except no ~~dwelling unit~~Dwelling Unit shall be altered, added to, or reconstructed to extend further into an already deficient yard or to reduce an already deficient amount of land area per ~~dwelling unit~~Dwelling Unit.

§ 250-86. Completion of nonconforming building construction.

Any ~~building~~~~B~~Building or ~~S~~Structure, the construction of which has been started pursuant to a validly issued ~~building permit~~~~B~~Building ~~P~~Permit before the effective date of this ~~C~~chapter or any amendment thereto, may be completed in accordance with approved plans on file with the ~~B~~Building ~~I~~Inspector, provided that all other required ~~permits~~~~P~~Permits and approvals have been issued prior to the effective date and such construction is diligently pursued and the ~~building~~~~B~~Building or ~~S~~Structure is completed within two years of the effective date of this ~~e~~Chapter or subsequent amendment.

Article V Supplementary Regulations**§ 250-87: Appeal jurisdiction.**

All appeals for relief under this article shall be heard by the Zoning Board of Appeals, in accordance with the provisions of § **250-98** of this chapter, except where another local law specifically requires permit application or renewal by the Town Board or the Planning Board for a particular use, whether permitted or Nonconforming, in which case all questions shall be decided by the board so designated in such local law.