

Topic: Nonconforming Uses; Zoning
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State: New York
Jurisdiction Type: Municipal
Municipality: Town of Mendon
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Community Type – applicable to: Suburban; Rural
Title: Town of Mendon Nonconforming Uses & Structures Ordinance
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Abstract

This law creates regulations and prohibitions concerning nonconforming uses and structures in the Town of Mendon, NY.

Resource

Town of Mendon, NY
Nonconforming Uses and Structures
Code of the Town of Mendon, NY
Chapter 200, Zoning
Article VII: Nonconforming Uses and Structures
General Code: http://www.e-codes.generalcode.com/codebook_frameset.asp?t=tcfull

ARTICLE VII Nonconforming Uses and Structures

§ 200-33. Nonconforming uses.

Any use of land or of a structure which was lawful at the time this chapter became effective may be continued if the use shall have continued in operation and does not constitute a nuisance. A nonconforming use shall not be enlarged, altered or changed in area, activity or content during its continuance. Any nonconforming use which ceases operation for a period of six months or more shall be considered to have terminated and may not thereafter be conducted.

§ 200-33.1. Temporary use permit.

- A. The Zoning Board of Appeals, under such regulations and conditions as it may prescribe, may authorize a temporary and revocable permit for a period not exceeding two years for uses and structures that do not conform with the regulations of this chapter for the district in which located, provided that the following findings are made:

- (1) The proposed temporary use will be in harmony with the general purposes and intent of this chapter, taking into account the location and size of the proposed use, the nature and intensity of the operation involved in or connected with the proposed use and the size and location of the site in relation to adjacent sites and uses.
 - (2) The proposed temporary use will not tend to depreciate the value of adjacent properties.
 - (3) The proposed temporary use will not create a hazard to health, safety or general welfare.
- B. A temporary use permit shall be issued to a particular applicant and shall not be transferable to a second party.
- C. A temporary use permit may be renewed for a maximum renewal period of five years. Before a renewal is granted, the Zoning Board of Appeals shall determine that the applicant has complied with all of the above standards as well as all conditions and safeguards included in the previous permit.
- D. Upon the revocation or expiration of a temporary use permit or any renewals thereof, the temporary use permitted thereby shall immediately cease.

§ 200-34. Nonconforming structures.

The use or occupancy of a nonconforming structure which was a lawful structure at the time this chapter became effective may be continued. No enlargement, change or alteration shall be permitted except upon a finding by the Code Compliance Officer that such enlargement, change or alteration will result in greater compliance with this chapter and that the use within such structure conforms with the requirements of this chapter. No enlargement, change or alteration of a nonconforming structure housing a nonconforming use shall be permitted except upon a finding by the Zoning Board of Appeals that such enlargement, change or alteration will permit greater compliance with the provisions of this chapter. The Zoning Board of Appeals may require conditions to minimize any detrimental effects of the nonconforming use upon adjoining conforming uses.

§ 200-35. Unsafe structures.

A structure or any part thereof declared to be unsafe by the Code Compliance Officer may be strengthened or restored to a safe condition where such strengthening or restoration is ordered by the Code Compliance Officer.

§ 200-36. Setback nonconformity.

Where the nonconformity of a structure is due solely to the location of the structure being in violation of one or more setback restrictions in this chapter, the structure may be enlarged or added to only if a variance is granted by the Zoning Board of Appeals.

§ 200-37. Nonconforming lots.

Any lot which was lawful at the time this chapter became effective but does not comply with all of the provisions of this chapter may continue in use. The change in use of or the location, modification or construction of any structure on such lot shall not be permitted except upon the granting of a variance by the Zoning Board of Appeals and subject to such conditions as the Zoning Board of Appeals finds appropriate.

§ 200-38. Restoration.

A nonconforming structure or a structure housing a nonconforming use which has been damaged by fire or act of God after the effective date of this chapter may be restored, rebuilt or repaired, provided that such restoration, rebuilding or repair is commenced within six months after the damage and is completed within one year of the date of damage.

§ 200-39. Maintenance.

Renovation or repair of nonstructural members or maintenance of a nonconforming structure made necessary by ordinary wear and tear is permitted.