

Topics:	Zoning; Natural Resource Protection & Conservation; Land Use Planning
Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	City of Utica
Year (adopted, written, etc.):	1994
Community Type – applicable to:	Urban
Title:	Uses and/or structures rendered nonconforming by the adoption.
Document Last Updated in Database:	April 27, 2017

Abstract

The City of Utica described the zoning procedures in place if any use or structure became nonconforming within the Land Conservation District. Even if the structure conforms in its district, it will be considered a nonconforming use or structure in the Land Conservation District. Existing nonconforming uses and/or structures shall not be expanded. Substantial improvements of nonconforming uses shall not be allowed, irrespective of the need for the improvements. Nonconforming structures within the one-hundred-year flood plain will be required to obtain flood hazard insurance from the federal insurance administration. If the owners do not obtain this insurance, the City shall secure such insurance and place the annual insurance premium costs as a lien against the title to the land and/or structure.

Resource

Sec. 2-29-255. Uses and/or structures rendered nonconforming by the adoption. [Ord. No. 313, § 9-501, 12-7-1994]

Following the adoption of these provisions, any use or structure which is situated within the boundaries of the Land Conservation District and which does not conform to the permitted uses specified in Subsection 2-29-252(a) herein, shall be a nonconforming use or structure, regardless of its conformance to the district in which it is located without consideration of these provisions. Therefore:

- (1) Existing nonconforming uses and/or structures shall not be expanded.
- (2) Substantial improvements of nonconforming uses and/or structures will be not be allowed, irrespective of the cause for the need of the substantial improvements.

- (3) Uses and/or structures which continue to operate and/or exist within the boundaries of the one-hundred-year flood plain after nonconformance has been established will be required to obtain flood hazard insurance from the federal insurance administration. The City will simultaneously request a submission to rate on the structure to the Federal Emergency Management Agency. In the event the owners of structures or operations subject to this requirement fail to obtain such insurance within a reasonable period of time, the City shall secure such insurance and place the annual insurance premium costs as a lien against the title to the land and/or structure within the tax records of the City.