

ORDINANCE AMENDMENT

2004-05

WHEREAS, the Town Board has noted a discrepancy in it's Zoning Ordinance, it therefore corrects the ordinance related to nonconforming uses, structures and lots to hereby give power to the Board of Adjustment to review requests associated with nonconfirming uses, structures or lots. This correction aligns the request with an entity better suited for this type of variance decision making.

NOW THEREFORE; the Town Board amends the Zoning Ordinance as follows:

10.0 NONCONFORMING USES, STRUCTURES, AND LOTS

10.2 Abolishment or Replacement

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its fair market value, ~~it shall not be restored except so as to comply with the use provisions of this Ordinance. It may be restored with the approval of the Planning & Zoning Committee~~ Board of Adjustment.

10.3 Existing Nonconforming Structures

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance; however, ~~it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or as to comply with the provisions of this Ordinance. It may be extended, enlarged, reconstructed, moved, or structurally altered with the approval of the Planning & Zoning Committee~~ Board of Adjustment.

10.4 Changes and Substitutions

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the ~~Planning and Zoning Committee~~ Board of Adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Planning and Zoning Committee.

EFFECTIVE DATE. This ordinance amendment shall take effect immediately upon passage and posting (or publication) as provided by law. Passed on the 5th day of August, 2004, by the Town Board of the Town of Union. Posted on August 9, 2004.


Town Chairperson, Kendall Schneider

Attested by


Town Clerk, Linda O'Leary