

SECTION 640 NON-CONFORMING USES, LOTS AND STRUCTURES

Lots, structures, uses of land, and characteristics of uses which lawfully existed at the time of the enactment of this Local Law and which would be prohibited or restricted under the terms of these regulations may be continued subject to the following provisions:

- A. Intent
It is the intent of this Local Law to permit non-conforming uses to continue until they are removed, but not to encourage their survival.
- B. Enlargement – No non-conforming uses shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of the adoption of this Local Law.
- C. Unsafe Structures – Any structure or portions thereto declared unsafe by a proper authority may be restored to a safe condition, subject to applicable state and local laws and regulations.
- D. Alterations – A non-conforming structure may not be reconstructed or structurally altered to an extent exceeding in aggregate cost 50% of the assessed value of the structure, as adjusted to full value, based upon the State Board of Equalization and Assessment rates of said structure, unless the structure shall be changed to a conforming use.
- E. Restoration – No non-conforming structure damaged by fire or other causes to the extent of more than 50% of its assessed value of the structure, as adjusted to full value based upon the State Board of Equalization and Assessment rates, shall be repaired or rebuilt, except in conformity with the requirements of these regulations.
- F. Discontinuance – Whenever a non-conforming use has been discontinued for a period of one year, use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this Local Law.
- G. Changes – Once changed to a conforming use, no structure or land so changed shall be permitted to revert to a non-conforming use.
- H. 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.
- I. Existing Undersized Lots of Record - Undeveloped
 - 1. Any record lot of at least 6,000 square feet held in single and separate ownership prior to the adoption of this Local Law and whose area /or width and/or depth are less than

minimum requirements specified herein for the district may be considered as complying with this Local Law and no variance therefore shall be required, provided that:

- a. Such lots do not adjoining any other lot or lots held by the same owner, the aggregate area of which lots is equal to or greater than the minimum lot area required for the district.
 - b. Provided that the minimum dimensions of such non-conforming lot is at least 50 feet wide by 120 feet.
 - c. In any district where residences are permitted, such undersized non-conforming lots may be used for not more than one single family dwelling.
 - d. A lot of non-conforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's property
2. Any developed lot with a dwelling in the (WR) district held in a single and separate ownership prior to the adoption of this Local Law and whose area or width and or depth are less than minimum requirements specified herein for the district may be considered as complying with this Local Law and no variance therefore shall be required, provided that:
- a. The minimum lot width is 40 feet and has a total area of at least 4000 square feet.
 - b. The side set backs for the dwelling are 10 feet and in the (WR) district the set back from the mean high water mark shall not be decreased on any new construction ,replacement of or remodeling of any existing dwelling if this distance is less than 75 feet..
 - c. The set back for all structures from a private lane is 20 feet.
 - d. The side set back for accessory structure or detached deck or dock of less than 2 feet high is 5 feet.

SECTION 641 CORNER AND THROUGH LOTS

On corner lots and through lots the sides facing both streets shall be considered front yards. The other (2) sides shall be considered side yards.