

## SECTION VI. NON-CONFORMING BUILDINGS, USES AND LOTS

### A. Continuation of Existing Non-Conforming Lots, Buildings and Uses

Any lawful lot, building, structure or use of premises existing at the time of enactment of this Ordinance, or any subsequent amendment thereof applying to such lot, building, structure or use of premises may be continued although such lot, building, structure or use of premises does not conform to the provisions thereof, except as follows:

1. Any undeveloped lot in a subdivision which was not properly approved by the Planning Board and/or not filed in the office of the County Clerk and whose area and/ or width, and/or depth of this Ordinance shall be considered a violation of this Ordinance.
2. Non-conforming uses shall not be moved to another location where such use would be non-conforming.
3. A non-conforming use may be changed to a conforming use at any time, but shall not thereafter be changed back to a non-conforming use.
4. A non-conforming use may not be changed to another non-conforming use.

### B. Discontinuance of Non-conforming Use

1. Any building or land used for or occupied by a non-conforming use which is changed to or replaced by a conforming use shall not there-after be used for or occupied by a non-conforming use.
2. The discontinuance of any nonconforming use for a period of more than two years shall terminate the nonconforming status of that use. A nonconforming use so terminated shall thereafter only be replaced by a conforming, permitted use.

### C. Extension, Alteration, Restoration

1. A non-conforming use shall not be extended, enlarged or structurally altered, but the extension of a lawful use to any portion of a non-conforming building which existed prior to the date of adoption of this Ordinance shall not be deemed the extension of such non-conforming use.
2. A non-conforming use may be rebuilt in the event of partial destruction thereof to occupy the same space on the lot, or may be rebuilt to provide greater yard space and less lot coverage and to not exceed the height of the totally or partially destroyed building.

D. Necessary Maintenance and Repairs

Nothing in this Ordinance shall prevent the renovation, repair or maintenance of a nonconforming structure or lot made necessary by ordinary wear and tear. A building or structure of a non-conforming use may be repaired or restored to a safe condition.

E. Construction Started Prior to this Ordinance

Any building or structure for which construction was begun prior to the effective date of this Ordinance, or of any subsequent amendment to the Ordinance, may be completed and used in accordance with the plans and specifications approved for that building or structure. If upon completion, such building or use does not conform with this Ordinance, it shall thereafter be subject to all provisions of this section.

F. Existing Undersized Lots

1. Any separately deeded lot in existence prior to the effective date of this Ordinance or of any subsequent amendment to the Ordinance, and whose area and/or depth are less than the specified minimum density or lot requirements of this Ordinance for the district, may be considered as complying with such minimum lot requirements, shall be allowed to have one principal structure, and no variance shall be required, provided that:

a. The following minimum yard dimensions are maintained for residences:

front yards - 15% of lot depth but not less than 25 feet  
side yards - ea. 20% of lot width but not less than 8 feet.  
rear yards - 15% of lot depth but not less than 25 feet

In no case need the above yard dimensions exceed those for the district in which located.

b. All applicable laws and regulations related to potable water and sewage disposal facilities as required by the Town of Ancram, Columbia County Department of Health, New York State Department of Health, and/or the New York State Department of Environmental Conservation are satisfied.

2. In any district where residences are permitted, such under-sized non-conforming lots may be used for not more than one single family dwelling.

3. A lot of non-conforming size may be sub-divided 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 or owners' property or properties. However, lots existing prior to the establishment of the 3.5 acre average density requirement and that are between 3.5 and 7 acres in size shall be allowed to be subdivided once to create two lots. These newly created lots shall meet all other requirements of sub-section F, of Section VI of this Ordinance and shall be required to follow all other requirements of the Town of Ancram minor subdivision process

G. Reduction in Lot Area

No lot shall be reduced in area so that it creates a non-conforming bulk or use in violation of any regulations contained in this Ordinance.

H. Exemption of Lots Shown on Approved Subdivision Plats

In accordance with Town Law, Section 2b5-a any lot proposed for residential use in a subdivision whose plat delineates one or more new streets, roads or highways, and which said subdivision plat has been properly approved by the Planning Board, and filed in the office of the County Clerk, prior to the passage of this Ordinance, and whose area and/or width and/or depth are less than the specified minimum lot requirements of this Ordinance for that district shall be considered as complying with such minimum lot requirements for two years after the filing of the subdivision plat.

If at the time of the filing of the subdivision plat referred to above there was no planning board vested with authority to approve subdivision plats, then the exemption provided for in such subdivision shall apply for a period of one year after the filing of said subdivision plat in the office of the County Clerk.

J. Pending Planning Board and Building Permit Applications.

Any Site Plan, subdivision or building permit application which was submitted to the Town of Ancram prior to, the effective date of this Zoning Ordinance but has not yet been permitted may continue to be processed and considered by the Planning Board or Code Enforcement Officer provided the application is amended to fully comply with the requirements of this Zoning Ordinance. This provision shall not be interpreted as vesting any rights in the applicant to approval on any applications submitted prior to, and pending, on the effective date of this Ordinance or any subsequent amendments.

K. District Boundary Changes.

Whenever the boundaries of a district are changed by the Town of Ancram Town Board so that, under the regulations that apply in the changed area, a conforming use shall become a nonconforming use, all of the foregoing provisions of this section shall apply to such nonconforming use.