

**§ 148-12. Nonconforming uses, structures and lots.** [Amended 7-24-2007 by L.L. No. 13-2007]

The rules that follow apply to nonconforming uses, structures, and lots. It should be noted that, in any given circumstance, a nonconformity may exist as to any one or any combination of these three categories. Nonconforming structures (including nonconformities as to impermeable surface coverage) and uses are governed by Subsections A through G and I below. Nonconforming lots are governed by Subsections G and H. These sections operate independently, i.e., more than one set of rules may apply if a structure or use is nonconforming and the lot is also nonconforming. In case of any conflict among the requirements of these subsections, the more restrictive shall apply.

- A. Continuation of nonconforming uses and structures. Any lawful structure or use existing at the time of enactment or amendment of this chapter which becomes nonconforming as a result of such enactment or amendment may be continued, except that:
  - (1) Any sign which was nonconforming under this chapter or under any previous ordinance or local law shall be subject to the provisions of Chapter 123 of the Town Code.
  - (2) Any junk storage area shall be required to comply with § 148-35E of this chapter and Chapter 86 of the Town Code.
- B. Abandonment. A nonconforming use of land or structure(s) which is abandoned for a period of 18 consecutive months shall not be reestablished, and any subsequent use of the same property shall conform to the requirements of this chapter.
- C. Alteration and restoration. A nonconforming use or structure shall not be extended, expanded or structurally altered except upon site plan approval for structures located within 1000500 feet of Skaneateles Lake, and as provided below. (The extension of a lawful use to any portion of a nonconforming structure shall not be deemed the extension of a nonconforming structure or use.)
  - (1) A nonconforming structure or use may be rebuilt in the event of its total or partial destruction by fire, casualty, or other natural causes, to occupy the same or a lesser amount of footprint, but may not exceed the height or interior volume of the totally or partially destroyed structure. The rebuilt structure may also be enlarged as provided in Subsections C(2), (3), and (4) below. This subsection shall not apply to voluntary demolition of a structure. [See Subsection C(5) below.]
  - (2) A nonconforming structure that is nonconforming only as to lot line setbacks may be expanded without a variance or special permit, provided that such expansion does not increase the nonconformity of the structure.
  - (3) Notwithstanding the provisions of § 148-12G(1)(a)[7], a nonconforming structure or use may be altered and/or renovated, which for purposes of this section must result in the re-use of at least fifty percent (50%) of the structural component materials of the existing structure, and expanded by up to a total of 500 square feet of floor space and 5,000 cubic feet of interior volume without a variance or special permit, provided that: (i) such expansion does not increase the nonconformity of the structure or

expand the nonconforming use; (ii) the alteration and/or renovation results in the re-use of at least fifty percent (50%) of the component materials of the existing structure; (iii) the alteration and/or renovation may not disturb the land, and (iv) the alteration and/or renovation may not include a structural change to the nonconforming structure. The 500 square feet of permitted expansion shall be cumulative and shall include all prior expansions since January 1, 1996. For purposes of this Subsection C(3), the floor space and interior volume of a garage and the floor space of decks and patios shall be counted toward the total floor space and interior volume. The increased floor space or volume may result in an increase in the height of the structure consistent with the height limits of this chapter, provided that no part of the structure is located within 50 feet of the lake line.

- (4) The Planning Board may issue a special permit allowing the expansion of a nonconforming use or structure by more than 500 square feet of floor space and/or 5,000 cubic feet of interior volume [including garage, deck, or patio as in Subsection C(3) above]. Such expansion may not exceed 25% of total floor space or volume of the structure or use as it existed on January 1, 1996, provided that all other requirements of this Zoning Law can be met, including the limitation on impermeable surface coverage, and that the expansion does not reduce the size of any nonconforming yards by more than 10%. No nonconforming lake yard may be reduced by such an expansion. The permitted expansion referenced above shall be cumulative. The Planning Board shall consider and include all prior expansions since January 1, 1996. The Planning Board may also issue a special permit allowing the expansion of a nonconforming use or structure by 500 square feet or less of floor space and/or 5,000 cubic feet or less of interior volume where the structure and/or the lot on which it is situated do not comply with applicable maximum impermeable surface requirements. For any case in which the structure and/or the lot on which it is situated do not comply with applicable maximum impermeable surface requirements, the Planning Board shall require the applicant to reduce impermeable surface coverage on the property to the maximum extent feasible as a condition of the special permit. The Planning Board may also require mitigation as provided in § 148-12G(6). In no event may the special permit allow an applicant to increase the nonconforming impermeable surface coverage.
- (5) A nonconforming structure may be demolished and a new structure built to the same or lesser height and floor space and on the same or lesser footprint without a variance or special permit, provided that the structure and the lot on which it is situated comply with applicable maximum impermeable surface requirements. Increases in height, footprint, floor space, or interior volume are permitted in compliance with all of the limits in Subsection C(2), (3), and (4) above. Any change in location of the footprint shall require a special permit unless the structure in the new location complies with all of the dimensional requirements of this Zoning Law, including impermeable surface coverage requirements. If the structure and/or the lot on which it is situated do not comply with applicable maximum impermeable surface coverage requirements, the Planning Board shall require the applicant to reduce impermeable surface coverage on the property to the maximum extent feasible as a condition of the special permit. The Planning Board may also require mitigation as provided in § 148-12G(6).

In no event may the special permit allow an applicant to increase the nonconforming impermeable surface coverage.

- (6) Nonconforming boathouses shall not be expanded under any circumstances, and no expansion of nonconforming residential uses within boathouses shall be permitted. No kitchen or bathroom facilities shall be installed in such boathouses.