

ARTICLE XII
NON-CONFORMING USES, BUILDINGS, AND STRUCTURES

The following provisions shall apply to all non-conforming or non-complying uses, buildings, and structures existing on the effective date of this Ordinance, to all buildings and uses that may become non-conforming or non-complying by reason of any subsequent amendment to this Ordinance and the Zoning Map which is a part thereof, and to all complying buildings housing non-conforming uses:

A. Existing Non-Conforming Uses

Any lawful non-conforming use of buildings or open land in existence on the effective date of this Ordinance, may be continued indefinitely if maintained in accordance with all applicable codes, ordinances, regulations, and other requirements, but:

1. Shall not be enlarged, altered, extended, reconstructed or restored, except as provided in this Section, or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this Ordinance.
 - a. The owner of any already established and legal small business, light industry, or residence may expand or increase the size and area of such building(s) by no more than twenty five (25) percent of their size and area on the date of passage of this Ordinance or any amendment thereafter, only after receipt of a special use permit from the Planning Board in accordance with procedures outlined in Article IX. However any business or light industry made non-conforming by the Zoning Ordinance of the Town of Northumberland of December 12, 1977, or any amendment thereafter, may not increase the size and area of said building more than twenty five (25) percent of its size and area as of the time of passage of that Ordinance, or any amendment thereafter. This provision does not apply to owners of mobile home parks.
2. Shall not be moved to another location where such use would be non-conforming;
3. Shall not be changed to another non-conforming use; and
4. Shall not be re-established if such use has been discontinued for any reason, whether through vacancy or cessation of use, for a period of eighteen (18) months or longer, or has been changed to or replaced by a conforming use. The intent to resume a non-conforming use shall not be deemed as conferring the right to do so. If the owner of said use has been in the military service in excess of eighteen (18) consecutive months, said owner shall be exempted from this provision for said period of time served.

While a non-conforming use may not be extended, nothing contained herein shall prohibit the extension of a lawful use to any portion of a non-complying building or structure which existed prior to the effective date of this Ordinance. No non-conforming use shall, however, be extended to displace a presently conforming use.

B. Non-Complying Buildings

Normal repair and maintenance of a non-complying building, or structural alteration of, or expansion of a non-complying building or structure declared unsafe by the Zoning Administrator or other proper authority may be restored to a proper condition within the time period provided by such authority.

C. Restoration after Damage

Nothing contained in this Article shall be deemed to prevent the restoration of a lawful non-conforming use, after damage for any reason or by any cause, provided that the bulk, height and area shall not be in excess of that which existed prior to the damage, that all applicable New York State Uniform Fire Prevention and Building Code provisions be fully complied with, and that the restoration be commenced within one (1) calendar year of the damage and be fully completed within three (3) calendar years of such occurrence, or the use of such buildings or lands as a legal non-conforming use shall thereafter be terminated.

D. Completion

Nothing in this Article shall prohibit the completion of any lawful structure for which the excavation has been prepared and the foundation walls constructed at the date this Ordinance takes effect, provided however, that the construction must be completed within a period of one (1) year from that date.

E. Mobile Homes

No provision of this Ordinance shall prohibit or restrict in any way the right of a mobile home owner to replace his or her existing mobile home with one of equal or greater value. The replacement mobile home shall comply with all local and state requirements.