

ARTICLE VII - LEGAL NONCONFORMING USES, LEGAL NON-CONFORMING BUILDINGS AND STRUCTURES, AND LEGAL NON-CONFORMING LOTS

A. Legal Nonconforming Uses: Any Legal Nonconforming Use may be continued indefinitely subject to the following limitations:

1. Resumption after Discontinuance: When a Legal Nonconforming Use has been discontinued by intentional act for a period of two years, it shall be considered abandoned. No abandoned Nonconforming Use shall be resumed.
2. Change or Expansion: Any Legal Nonconforming Use shall not be changed to another Nonconforming Use. Any Legal Nonconforming Use shall not be substantially expanded.
3. Superseded by a Conforming Use: If a Legal Nonconforming Use is superseded by a conforming Use, then it shall thereafter conform to the Use regulations of this Ordinance, and the Nonconforming Use may not thereafter be resumed.
4. Restoration, Reconstruction and/or Replacement of Buildings containing a Legal Nonconforming Use: Nothing herein shall prevent the restoration, reconstruction and/or replacement within two years of a Building containing a Legal Nonconforming Use whether destroyed in whole or in part by fire or other natural disaster, or replaced by voluntary act so long as this Use does not result in a new or substantially expanded Nonconforming Use, and the restored structure is not greater in volume or floor space than the original structure.

B. Legal Nonconforming Buildings and Structures:

1. Any Legal Nonconforming Building or Structure may be continued indefinitely and may be altered, expanded, restored, reconstructed and/or replaced subject to the following limitations provided, however, that such alteration or expansion does not make any existing Legal Nonconforming Building a more Nonconforming Building within the terms of this Ordinance and provided that all other standards of this Ordinance are met.
2. Any structure that is Nonconforming with respect to setback requirements may be enlarged or extended if the enlargement or extension would be:
 - a. No higher than the existing structure;

- b. No closer than the existing structure to a lot or road line from which the existing structure's setback is Nonconforming, and
 - c. No closer than the closest point of the existing structure to a structure on an adjacent property
 - d. No more than a 20% increase in the gross footprint of the Nonconforming Building or Structure.
3. Restoration, Reconstruction and/or Replacement of Legal Nonconforming Buildings or structures.
 - a. If a Nonconforming Building or Structure is destroyed by fire, explosion or other catastrophic event, the Board of Selectmen may issue a Building Permit for the replacement or reconstruction of the structure, provided the new building or structure is no greater in volume or floor space and is a functionally equivalent use to the original building or structure. Any proposed increase in volume or floor space shall comply with all other dimensional requirements of this Ordinance, except as noted in 2 above.
 - b. If a Legal Nonconforming Building or Structure has become structurally deficient over time, the Board of Selectmen may issue a building permit to raze and reconstruct or replace the structure, provided it is in the same footprint, and no larger in volume, floor area or height than the original structure, except as noted in 2 above.

C. Legal Nonconforming Lots

1. Any Legal Nonconforming Lot with less area or frontage than required which was lawfully established, recorded and taxed as a Lot of Record before the enactment or amendment of this Ordinance shall be deemed a valid, non-conforming buildable Lot.
2. Legal Nonconforming Lots are considered buildable, provided that all new structures shall comply with the dimensional standards of this Ordinance.

Approved 2/4/20