

Proposed amendments for Sec. 3.8.B., Nonconforming Structures LL v1 - 7.14.2023

(B) A nonconforming structure:

1) may undergo routine maintenance and repair, provided that such action does not increase the degree of ~~noncompliance~~ nonconformity;

2) may be demolished and re-built on the same parcel, provided that the new structure is no more nonconforming than the original structure. A nonconforming structure may be moved on the site, provided that the new location is no more nonconforming than the original location.

3) may only be structurally modified or moved in a manner that will not increase the degree of non-conformity, unless approved by the Development Review Board through conditional use review under Section 5.4. Any structural alteration which extends the building footprint or increases the height of a structure further into a setback than the existing structure shall be considered to increase the degree of non-conformity. Conditional use approval of the Development Review Board for such projects shall meet the following standards:

(a) The expansion is planned and constructed in such a way that the applicable setback standards are modified to the minimum needed & based upon physical or lot constraints, and building orientation;

(b) The expansion shall not have an undue adverse impact on adjoining properties, or any public interest that would be protected by maintaining the existing setbacks to adjoining properties and bodies of water.

(c) The resulting structure's character, footprint and height shall be compatible with the character and scale of surrounding structures.

(d) In the event that no reasonable siting alternative exists due to physical site or lot line constraints, the Development Review Board may reduce a required setback distance by no more than 50% as necessary to allow a nonconforming structure to be structurally enlarged, expanded, extended, modified or relocated in a manner that increases the degree of nonconformance. In granting a waiver, a minimum setback distance of ten (10) feet shall be maintained; any further reduction in the minimum setback distance beyond 50% or ten feet shall require variance approval under Section 9.7.

4) Any structural alteration of a nonconforming structure which does not encroach further into the setback, or increase the height of the non-conforming part of a structure, or extends the structure's footprint outside of any setback, shall not be considered to increase the degree of non-conformity, and may be permitted if the project otherwise meets dimensional standards, as determined by the Zoning Administrator.