

Proposed amendments for Sec. 3.8.B., Nonconforming Structures

LL v2a - 11.13.2023

(B) A nonconforming structure:

- 1) may undergo routine maintenance and repair within the existing footprint, or restored or reconstructed after damage or destruction from any cause, provided that the repair or reconstruction does not increase the degree of ~~noncompliance~~ nonconformity; these projects do not require a permit.
- 2) A nonconforming structure may be moved on the site, provided that the new location fully meets dimensional standards; these projects require a zoning permit.
- 3) may be demolished and re-built on the same parcel, provided that the location of the new structure is less nonconforming than the original structure; these projects may be allowed as a conditional use if approved by the Development Review Board per standards as outlined in Sec. 3.8.B.4 (below).
- 4) may only be structurally ~~modified~~ altered 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 alteration is planned and constructed in such a way that encroachment into the applicable setbacks is to the least extent possible, based upon physical or lot constraints, and building orientation;

(b) The alteration 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 no case shall this alteration result in any upper floor's area exceeding that of the ground floor.

(5) In the event there is no reasonable siting alternative for a proposed alteration or relocation of a nonconforming structure due to physical site constraints, the Development Review Board may waive 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.

(6) Any structural alteration of a nonconforming structure which does not encroach further into the setback, does not 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 meets all dimensional standards, as determined by the Zoning Administrator.

~~(3) may be repaired, restored or reconstructed after damage from any cause provided that the repair or reconstruction does not increase the degree of noncompliance which existed prior to the damage, is commenced within one year of the date of the event that led to the damage, and is substantially completed within two (2) years of the damage or destruction, in accordance with Section 3.1. The Development Review Board may, on appeal, grant a one (1)-year extension to this deadline upon a determination that the delay was unavoidable and that the owner had acted to substantially complete the repair, restoration or reconstruction within the initial one (1)-year period. Any non-conforming structure in the Flood Hazard Overlay Area District must meet the standards of Section 5.6.~~

(C) [as is]