

Nonconforming Uses

February 11, 2021

Article ____ Nonconforming Structures: To see if the Town will vote to amend the Zoning Bylaws, Section 5.5.C and Section 5.5.H, as follows, (deleted language shown in ~~strike through~~ , added language shown in **bold**):

C. Nonconforming One-Family and Two-Family Dwellings

1. No Increase in Nonconforming Nature. Lawfully existing nonconforming one-family and two-family structures may be reconstructed, extended, structurally changed or altered where the Zoning Board of Appeals finds that the reconstruction, extension, structural change or alteration does not increase the nonconforming nature of the structure. **For purposes of this subsection C, lawfully existing nonconforming one-family and two-family structures shall include lawfully existing nonconforming structures that are accessory to, and on the same lot as, a one-family or two-family structure. Such accessory structures shall be afforded the same protections under this subsection C as lawfully existing, nonconforming single-family and two-family structures.**
2. Increase in Nonconforming Nature. In the event that the Zoning Board of Appeals determines the nonconforming nature of the structure is increased, the Zoning Board of appeals may grant a special permit to allow such reconstruction, extension, alteration, or structural change upon finding that the proposed reconstruction, extension, alteration or structural change does not create a new nonconformity and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.
3. The provisions of sub-section C.1 and C.2 above shall not apply to the alteration, enlargement, structural change or reconstruction (collectively referred to herein as “alterations”) of a legally existing, nonconforming single or two family structure in the following circumstances:
 - a. The proposed alterations do not increase the maximum height of the pre-existing structure; and
 - b. The proposed alterations comply with setback requirements, or, if they do not comply, **the those** proposed alterations **that do not comply with setback requirements** do not result in a decrease in the distance between any lot line and the nearest point of the structure.

For the purpose of this Zoning Bylaw, alterations meeting the criteria set forth in this sub-section C.3 shall not be deemed to increase the nonconforming nature of the structure, and are allowable as a matter of right. Upon determination of the Building Commissioner that this sub-section C.3 is complied with, the Building Commissioner may issue a building permit for the alterations. This provision does not preclude the Zoning Board of Appeals from determining that other alterations, extensions or reconstruction to a legally existing, nonconforming single or two family home do not increase the nonconforming nature of the structure.

H. Special Permits. Special permits ~~granted~~ **applications** under Section 5.5.C. **and Section 5.5.E** are not subject to the special permit criteria under Section 3.4.

or act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD