

Text Amendment #762

Submitted: 11/20/18

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Public Hearing: 4/25/19

Adopted: _____

Effective date: _____

Deleted language is [~~struck out and in brackets~~]; New language is underlined.

6-2 Non-Conforming Buildings and Structures

6-2.1 Expansion, Extension or Alteration

A non-conforming building or structure may not be expanded, extended, relocated or altered if such expansion, extension, relocation or alteration would increase the degree of any non-conformity. Specifically as listed below:

- 6-2.1.1 No non-conforming building or structure shall be relocated on the lot.
- 6-2.1.2 No portion of any non-conforming building coverage on a lot shall be transferred from one location to another location on the lot.
- 6-2.1.3 No portion of any non-conforming building coverage that is attributable to an open structure without a roof, such as a deck, roof garden, balcony, open entry, handicapped ramp, swimming pool, tennis court, paddle tennis court, etc., shall be roofed over, enclosed or otherwise expanded, extended or altered in any vertical or horizontal direction from a structure into a building. (See definitions).
- 6-2.1.4 A building or structure which is prohibited by these regulations but which is permitted by variance shall **not** be deemed to be a non-conforming building or structure.
- 6-2.1.5 The replacement of entry steps or platforms projecting into the setbacks or in excess of coverage and no larger in area than the existing entry steps and/or platform are not considered an expansion, extension, or alteration.
- 6-2.1.6 All new construction shall be in accordance with these regulations.
- 6-2.1.7 If an existing building or structure is nonconforming as to setback, the portion of the building or structure within the setback shall not be roofed over, enclosed, extended, expanded or altered in any vertical or horizontal direction. The vertical or horizontal alteration of a structure located within the Special Flood Hazard Area which is proposed to have its first finished floor elevated to at least the Base Flood Elevation, have no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings) shall be permitted. Structures in the VE zone shall comply with all the requirements in §31-11.3.5. See §6-3.1, §13-4 and §14-4.
- 6-2.1.8 Except for entry stairs, platforms and open porches necessary for ingress and egress which shall be permitted to be added to a structure within the Special Flood Hazard Area provided that the first finished floor is elevated to at least the Base Flood Elevation and has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings) which would not represent an increase in non-conformity. Structures in the VE zone shall comply with all the requirements in §31-11.3.5.

6-2.2 Coverage

~~[If an existing building or structure does not conform to the building coverage requirement in a residential zone A, B or any non-residential zone or the total coverage requirements in a residential zone AA or AAA it shall not be expanded or extended.]~~

Expansion or extension of an existing structure located within the Special Flood Hazard Area which is proposed to have its first finished floor elevated to at least the Base Flood Elevation, has no basement or cellar below the BFE and if in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings) shall be permitted. Structures in the VE zone shall comply with all the requirements in §31-11.3.5.

Entry stairs, platforms and open porches necessary for ingress and egress which are proposed to be added to an existing structure within the Special Flood Hazard Area shall be permitted provided that the first finished floor is elevated to at least the Base Flood Elevation and has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings) which would not represent an increase in non-conformity. Structures in VE zone shall comply with all the requirements in §31-11.3.5. The maximum allowable additional coverage shall be 15 square feet per entrance per foot that the building is to be elevated above average grade to at least the BFE up to a maximum of 225 square feet.

6-2.3 Restoration

Any non-conforming building or structure or non-conforming portion of a building or structure which has been destroyed or damaged by fire, explosion, act of God, or by other casualty may be restored or reconstructed to the same non-conforming building or structure as existed before such damage; provided that

- (a) such restoration or reconstruction shall be limited to the damaged portion of the building or structure;
- (b) such restoration or reconstruction shall begin within one (1) year and shall be completed within two (2) years of such damage; and
- (c) such restoration or reconstruction shall adhere to all procedures necessary to obtain a proper Zoning Permit. The owner of such damaged building or structure may replace and reorganize the same amount of gross interior floor space in a manner to more nearly conform to these regulations.
- (d) such restoration or reconstruction of any structure within the Special Flood hazard Area as defined herein shall comply with all of the requirements of §31-11, "Floodplain Regulations".

6-2.4 Unsafe Conditions

Nothing herein shall prevent the strengthening or restoring to a safe condition of any existing non-conforming building, structure or *any* part thereof which shall have become unsafe as determined by the Building Inspector or Fire Marshal.