

ZONING AMENDMENTS FOR THE EXPANSION OF NON CONFORMING USES AND/OR NON CONFORMING ADDITIONS CONTAINING EXPANSIONS OF NON CONFORMING USES.

There are four cases in which properties may be added onto for accessibility or other public safety reasons. The four cases and the proposed regulation change that would address those are listed below:

Conforming use, conforming addition: No new regulation required, application to P&ZC for site plan approval

Non-conforming use, conforming addition: Application to P&ZC for site plan approval under 2.9.1.2 and/or 2.9.1.3 below

Non-conforming use, non-conforming addition: Variance from ZBA required for addition, then Application to P&ZC for site plan approval under 2.9.1.2 or 2.9.1.3 below

Conforming use, non-conforming addition: Variance from ZBA required for addition

These should probably apply to only buildings open to the public, whether they are institutional uses or commercial uses (restaurants, shops etc.) The ADA does not apply to single family residential.

PROPOSED AMENDMENTS:

2.9.1 Non-Conforming Uses

(ADD) 2.9.1.2. a.

The Commission may, by Special Permit, allow the expansion of a non conforming use into new construction, attached to an existing building or structure open to the public, for the purposes of making the existing building or structure comply with public health and safety standards, including, but not limited to, the Americans with Disabilities Act. Such new construction shall be the minimum required to comply with the purpose and intent of the applicable code or law as determined by the Commission. In no case shall such expansion involve the reduction of a dimensional setback requirement, or an increase in the allowable floor area or lot coverage.

(ADD) 2.9.1.3. a.

The Commission may, by Special Permit, allow a non conforming use to be located on an additional portion of a lot, and/or into a new addition to an existing structure on the lot, for the purposes of complying with public health and safety standards, including, but not limited to, the Americans with Disabilities Act. Such relocation of the non conforming use shall be the minimum required to comply with the purpose and intent of the applicable code or law as determined by the Commission. In no case shall such relocation involve the reduction of a dimensional setback requirement, or an increase in the allowable floor area or lot coverage.