

# Planning and Zoning Board

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# Nonconforming and Procedurally Conforming Text Amendments

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# Text Amendment Overview

- Repealing Chapter 36 - Nonconforming Uses, Structures, and Lots
- Replacing it with a new Chapter 36 - Nonconforming and Procedurally Conforming
- To modernize, simplify, and clarify regulations related to legal nonconforming uses, lots or parcels, structures, and sites
- Add regulations for legal procedurally conforming uses and structures

# Proposed Text Amendments

- Chapter restructured based on nonconformities for easier administration
- Add new definitions:
  - Legal Nonconforming Uses
  - Legal Nonconforming Lots or Parcels
  - Legal Nonconforming Structures
  - Legal Nonconforming Sites
- Existing definitions do not specify the conditions (e.g., setbacks, density, lack of required approvals etc.) that make each (i.e., use, lot, structure) nonconforming
- Do not distinguish between legal and illegal nonconformities



A modern, multi-story building with large windows and a flat roof is visible in the background. In the foreground, there is a well-maintained green lawn and a concrete sidewalk. The sky is clear and blue.

# Proposed Text Amendments

- MZO does not address nonconformities resulting from a Zoning Administrator Interpretation
- Add definitions and regulations for Legal Procedurally Conforming Uses and Legal Procedurally Conforming Structures
  - I.e. Project that received zoning entitlements and buildings permits but the use was later determined by the Zoning Administrator to not be within any land use classification and therefore prohibited
- Regulations mirror those for Legal Nonconforming Uses and structures except they can be completely rebuilt if destroyed

# Proposed Text Amendments

- Clarify regulations for partially destroyed Legal Nonconforming Structures
- Cannot be reconstructed or restored if cost exceeds 75% of the cost to rebuild the entire structure
- Add provisions for Legal Nonconforming Sites
  - Previously no addressed
  - Mirror Current practices and other provisions of the MZO
  - Allow modifications through a Substantial Conformance Improvement Permit (SCIP) that conform with development standards and bring the site into further conformance



# Questions

