

APPROVED NEW REGULATIONS

Public Hearing October 17, 2020, Special Meeting October 30, 2020

NONCONFORMING STRUCTURES AND LOTS

DELETIONS IN [BRACKETS AND UNDERLINED] / ADDITIONS IN *ITALICS AND BOLD*

EXISTING SECTION VII – NONCONFORMING USES, BUILDINGS AND LOTS

Any lawful use of a building lot existing as of September 1, 2010 may be continued subject to the following conditions:

1. Except as hereinafter provided in this Section, a nonconforming use shall not be enlarged or extended.
2. A nonconforming use may not be changed to another nonconforming use.
3. If any nonconforming building or structure is destroyed by fire, flood or other casualty, or is intentionally razed or demolished, it may be restored or replaced by a building or structure having the same nonconforming features as the building or structure destroyed or razed. [provided such restoration or replacement is started within one year of such razing, demolition or destruction and diligently pursued to completion.]
4. [A nonconforming use which ceases for any reason for a continuous period of more than one (1) year, or is changed to a conforming use, shall not thereafter resume.]
5. Any permitted use may be made of, and any permitted building may be constructed on, a nonconforming lot provided that as of August 2, 1980 and continuously thereafter the legal owners of record of the nonconforming lot did not, at any time during the ownership of the nonconforming lot, own any adjoining or contiguous lot. When lots are joined, for the purposes of complying with the Zoning Regulations, the lots *shall* [not] be combined into one lot on the land records. [The interior lot lines, where the lots abut, have no zoning significance relative to setback requirements for any building located on the so joined property.]
6. The owner of two (2) or more adjoining or contiguous lots may, upon approval by the Board of Governors of the Association, re-subdivide those nonconforming lots to create one (1) or more conforming lots.
7. Except as set forth in paragraph 8, a nonconforming building shall not be enlarged or extended, vertically or horizontally, unless:

Nov 5 20 20 AT 8 AM PM
Bridgette Brown
FILED
EAST LYME TOWN CLERK

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8. Such extension or enlargement complies with the setback requirements of these regulations regardless of the existing setback lines of the nonconforming building *except as noted below*, and
9. Such extension or enlargement complies with all other provisions of these regulations pertaining to the type of building being extended or enlarged as relates to height, dimensions and number of floors.
10. Any open portion of a nonconforming dwelling having a roof and existing as of February 5, 1991 may be enclosed so to form a portion of the interior of the dwelling.
11. The roofline immediately over actual occupied area above grade, not including accessory unoccupied areas, in a nonconforming dwelling may be changed, providing the overall height of the structure is not increased *except as noted below*.
12. *Nonconforming structures exceptions.*
 - a. *No nonconforming dwelling shall be enlarged or extended unless the enlargement or extension conforms to the requirements of the district in which it is situated.*
 - b. **EXCLUDED FROM THIS PROHIBITION ARE:**
 1. *Additions of a second story to one-story single family dwellings.*
 2. *Conversions of single-family one-and-one-half story dwellings to two-story dwellings, either by means of dormers or upward extensions of existing sidewalls.*
 3. *Conversions to two stories of one-story appendages to two-story single-family dwellings.*
 4. *Construction of an addition that fills in a section of the house when two adjacent exterior walls are already non-conforming.*
 5. *Construction of an addition that extends the existing nonconformity as long as the extension does not exceed twenty percent of the existing*