

2019 Zoning Amendments
Full Text for Public Hearing – December 13, 2018

Amendment #1

Amend Article III, Section 3.50 (f) by clarifying that the exception allows lateral expansions only (i.e. no closer to the road) and that any expansion must be at least 10' from the Right-of-Way.

The full text of Section 3.50(f) as amended will be as follows:

If a pre-existing primary structure is non-conforming due to inadequate front setback, the ZBA may allow additions *within the front setback provided that the following conditions are met:*

- 1) *the addition does not further decrease the front setback*
- 2) *the addition is at least 10' from the right-of-way at all points*
- 3) *the addition is no higher than the predominant ridge line of the existing building.*

Amendment #2

Amend Article III, Section 3.50 (i) by deleting provision (1) of the section to remove reference to horizontal expansion.

The full text of Section 3.50 (i) as amended will be as follows:

The ZBA may allow a pre-existing non-conforming structure to undergo vertical expansion or be replaced with a higher structure provided that:

- 1) deleted
- 2) the existing structure is a house (living *space* only), garage or commercial building;
- 3) the existing structure is less than 24' in height;
- 4) the vertical expansion will be no more than 10' higher than the pre-existing structure,
- 5) any roof changes are within the height requirements set forth in this Ordinance;
- 6) in the judgment of the ZBA, no abutter will be adversely affected by the enlargement (loss of view will not be considered an adverse impact);
- 7) all state and local permits are acquired to insure compliance with Article VII of the Ordinance;
- 8) such enlargement or replacement, in the judgment of the ZBA, is consistent with the intent of the Ordinance.

Amendment #3

Amend Article VI, Section 6.12 to indicate that non-conforming structures may be replaced in a smaller envelope.

The full text of Section 6.12 as amended will be as follows:

A Pre-Existing, Non-Conforming Structure existing at the time of the passage of this Ordinance (March 18, 1987) may be replaced in the same *or smaller* envelope by a new structure having the same purpose and use provided that the non-conformity to this Ordinance is not increased thereby. The reconstruction of any other non-conforming structure requires a variance or special exception of the Zoning Board of Adjustment.

The replacement of a non-conforming structure with a structure that increases the non-conformity to this Ordinance, either vertically or horizontally, shall only be permitted by variance or, if permitted hereby, by Special Exception.

Amendment #4

Amend Article VIII, Section 8.21 to better define which construction activities require a Certificate of Zoning Compliance.

The full text of Section 8.21 as amended will be as follows:

8.21 Certificate Required if:

- (a) a new structure is to be constructed or installed;
- (b) an existing structure is to *undergo expansion*;
- (c) additional dwelling units are to be added to the existing structure;
- (d) any municipal structure is to be constructed or *undergo expansion*;
- (e) *a bedroom or kitchen is to be added to an existing structure*;
- (f) a structure is to be demolished;
- (g) a Site Plan Review Approval has been granted by the Planning Board
- (h) *interior renovations in excess of \$25,000 not included in (a)-(g) above (no fee will be required for a permit under this subsection)*

Amendment #5

Amend Article XI by adding a definition of Land Clearing which will include activities associated with forestry operations.

The full text of the definition of Land Clearing will be as follows:

Land Clearing – The removal of vegetation associated with forestry or agricultural operations. This includes only the removal of trees and vegetation but not stumping or other activities included in the definition of Land Disturbance.

Amendment #6

Amend Article XI by adding a definition of Land Disturbance which will include activities related to excavation and earth moving.

The full text of the definition of Land Disturbance will be as follows:

Land Disturbance – Any activity which disturbs the ground surface. This includes but is not limited to excavation, grading, cuts/fills, grubbing, and other earth moving activities.

Amendment #7

Amend Article XI by adding a definition of Living Space that includes areas of a house used for gathering, eating, sleeping or hygiene.

The full text of the definition of Living Space will be as follows:

Living Space – The area of a structure that is used primarily for gathering, eating, sleeping, or hygiene. It includes enclosed porches but does not include decks.

Amendment #8

Amend Article XI by adding a definition of Primary Structure which will include structures such as homes, garages, commercial buildings, and institutional buildings.

The full text of the definition of Primary Structure will be as follows:

Primary Structure – A primary structure includes homes, garages, commercial buildings, and institutional buildings. It does not include sheds, decks, or similar structures.