

To: Boothbay Planning Board
From: Mark Eyerman
Subject: Section 6 – Nonconforming Situations
Date: July 2, 2019

Attached is a draft of Section 6. This pulls all of the nonconformance provisions into a single section of the ordinance. Currently the nonconformance provisions are sprinkled throughout the ordinance including in 3.4.3, 3.7.6, 3.10.20, 3.11.12.2 (but numbered as 3.11.9.2) and 3.11.23.3. Here is an overview of the section:

1. The section address nonconforming uses, lots and structures.
2. For areas subject to Shoreland Zoning, the provisions have to meet the state guidelines as updated in 2015.
3. The draft creates separate standards for situations that are located in the Shoreland Overlay District or Resource Protection District and for the balance of the Town since the nonconformance provisions in the SO and RP are subject to the state Shoreland Zoning Guidelines. This allows for more flexible requirements in the non-shoreland areas.
4. The provisions that apply in the SO and RP are taken almost verbatim from the state guidelines and change some things especially with respect to nonconforming structures. The current ordinance uses the 30/30 percent limit on expansions of nonconforming floor area and volume. In the 2015 rewrite of the state guidelines this approach was replaced by a 30% limit on the expansion of the building footprint plus a height limit.
5. The draft allows for a 25% expansion of nonconforming uses outside of the RP District along the lines of the current ordinance and provides for an expansion of up to 50% for commercial and industrial uses outside of the SO and RP made nonconforming by the new ordinance if buffering is provided. This addresses the policy from the Comp Plan.

So take a look the draft and see if there are other things from the current ordinance provisions that should be incorporated into Section 6.