

### Section 35-12.3

#### Nonconforming buildings on conforming lots

An existing nonconforming building on a conforming lot may be repaired, altered, enlarged or extended provided that there is compliance with the following requirements.

- a. The building is used exclusively for residential purposes
- b. The use of the building is permitted in the zone.
- c. The conforming lot is separately designated on the current municipal tax map or has been established by a subdivision approved by a Municipal Land Use Board.
- d. The proposed new building addition complies with Subsection 35-9.4 (Schedule of Area Yard and Building Requirements) for the zone in which it is located.
- e. **If the new building addition does not comply with paragraph d above, then the following shall apply:**
  1. The proposed building height does not exceed thirty (30) feet as measured from: the top of the existing curb; or in the absence of a curb, from the crown of the road; or in case of beachfront lots, from the elevation of the monumented beachfront line.
  2. The individual front, side and rear yard setback distances of the existing nonconforming building must be equal to or greater than ninety (90%) percent of the required setback distances in the zone.
  3. The existing building and lot coverage cannot exceed one hundred ten (110%) percent of the maximum building and lot coverage permitted in the zone.
- f. This provision may be invoked only once during and five (5) year period. Any subsequent application to repair, alter, enlarge or extend a building shall be based upon the size and location of the building at the time of the first repair, alteration, enlargement or extension.