



City of Westbrook

DEPARTMENT OF PLANNING & CODE ENFORCEMENT

2 York Street

Westbrook, Maine 04092

(207) 854-0638

Fax: 1-866-559-0642

**WESTBROOK PLANNING BOARD
TUESDAY, JULY 2, 2019, 7:00 P.M.
WESTBROOK HIGH SCHOOL, ROOM 114**

AGENDA

PUBLIC HEARING

1. **2019.12 - 380 Main Street – Zoning Map Amendment – H.A. Mapes, Inc:** The applicant is requesting an amendment to the Zoning Map to rezone the parcel located at the corner of Main Street and Lamb Street from Residential Growth Area 1 to City Center District. Tax Map: 040 Lot: 089 Zone: Residential Growth Area 1
2. **2018.48 – Site Plan, Subdivision & Conditional Use - Cumberland Woods – Graiver Family Holdings, LLC -** The applicant is proposing to develop a 72-unit multifamily subdivision on an existing vacant lot located at 425 Cumberland Street. Tax Map: 010 Lot: 028B Zone: Residential Growth Area 1

REGULAR MEETING

3. **Call to Order.**
4. **Approval of Minutes.**

NEW BUSINESS

5. **2018.27 – Site Plan - 36 Patrick Drive – Bethel Christian Center –** The applicant is requesting a one-year extension on the August 7, 2018 approval for a 3,136 sf expansion to an existing building. Tax Map 042B Lot: 004D Zone: Gateway Commercial
6. **2019.12 - 380 Main Street – Zoning Map Amendment – H.A. Mapes, Inc:** The applicant is requesting an amendment to the Zoning Map to rezone the parcel located at the corner of Main Street and Lamb Street from Residential Growth Area 1 to City Center District. Tax Map: 040 Lot: 089 Zone: Residential Growth Area 1
7. **2018.48 – Site Plan, Subdivision & Conditional Use - Cumberland Woods – Graiver Family Holdings, LLC -** The applicant is proposing to develop a 72-unit multifamily subdivision on an
Deliberation of agenda items, including workshops, that have not been commenced by the Planning Board as of 10:00 p.m. may be rescheduled to the next regularly scheduled meeting.

existing vacant lot located at 425 Cumberland Street. Tax Map: 010 Lot: 028B Zone: Residential Growth Area 1

WORKSHOP

- 8. 2019.19 – Site Plan, Subdivision, Village Review - 660 Main Street – MTR Development, LLC** – The applicant is proposing the demolition of an existing residential building and construction of a two-story multi-use building with first floor commercial space and three residential units on the second floor. Tax Map: 033 Lot: 028 Zone: City Center District, Village Review Overlay Zone
- 9. 2019.20 – Site Plan - 959 Spring Street – A and C Builders, LLC** – The applicant is requesting to construct a car wash, coffee shop and associated parking and site improvements. Tax Map: 002 Lot: 015 Zone: Highway Services
- 10. 2019.21 – Ordinance Amendment – Chapter II Section 203 Nonconforming Use Provisions:** The proposed amendment establishes and clarifies standards for the alteration, reconstruction and expansion of existing nonconforming uses, structures and lots.

Deliberation of agenda items, including workshops, that have not been commenced by the Planning Board as of 10:00 p.m. may be rescheduled to the next regularly scheduled meeting.



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2 York Street

Westbrook, Maine 04092 (207) 854-0638

Fax: 1-866-559-0642

DATE: June 28, 2019

TO: Planning Board

FROM: Jennie P. Franceschi, City Planner & Rebecca Spitella, Asst. City Planner

Cc: Plan Review Team

RE: July 2, 2019 Planning Board Meeting

1. **2019.12 - 380 Main Street – Zoning Map Amendment – H.A. Mapes, Inc**
 2. **2018.48 – Site Plan, Subdivision & Conditional Use - Cumberland Woods – Graiver Family Holdings, LLC**
 3. **2018.27 – Site Plan - 36 Patrick Drive – Bethel Christian Center – Extension request**
 4. **2019.19 – Site Plan, Subdivision, Village Review - 660 Main Street – MTR Development, LLC**
 5. **2019.20 – Site Plan - 959 Spring Street – A and C Builders, LLC – Car wash/Coffee/Dog Wash**
 6. **2019.21 – Ordinance Amendment – Chapter II Section 203 Nonconforming Use Provisions**
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1. **2019.12 - 380 Main Street – Zoning Map Amendment – H.A. Mapes, Inc**

PUBLIC HEARING

Tax Map: 040 Lot: 089

Zone: Residential Growth Area 1

Ordinance Description

The applicant is requesting an amendment to the Zoning Map to rezone the parcel located at the corner of Main Street and Lamb Street from Residential Growth Area 1 to City Center District

Ordinance History

June 4, 2019 – Planning Board Workshop

July 2, 2019 – Public Hearing

Staff Comments

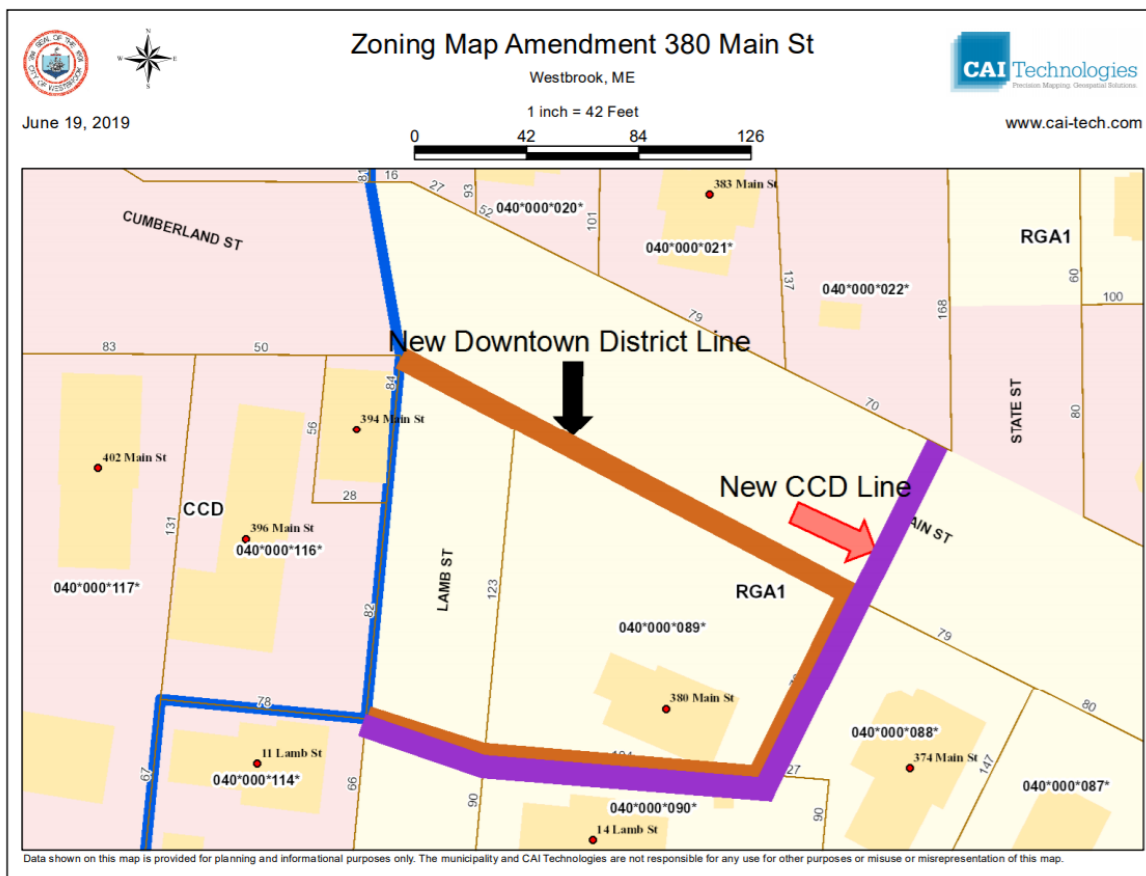
At the meeting on December 4th, 2018 the Planning Board approved a site plan for a self-service gas station and neighborhood grocery store located at 380 Main Street. Following the approval the development was determined to be too costly and the applicant has informed Staff of a decision not to proceed in the direction of the approved plan. After reviewing the list of permitted and conditional uses within the current RGA1 Zone, the applicant is requesting an amendment to the zoning map to extend the City Center Zone to cover the 380 Main Street parcel. This amendment would allow the property additional uses which would make the property more marketable.

Attached to the applicant's letter and application are two maps of the subject area. The first map shows the area with the current zoning showing the limits of the Residential Growth Area 1 and the City Center District. The second map shows the surrounding 2 or more unit-multifamily commercial units within the vicinity of the subject parcel.

Staff find the proposed zoning map amendment to be consistent with the comprehensive plan, the area and the historical use of the parcel. (Purple Lines below show change of new CCD line.) As part of the map amendment process, the Village Review "Downtown District" line (Blue Line below) would also be amended to include the 380 Main St parcel in the Downtown District line, as the 396 Main Street parcel (opposite side of Lamb St) is the current eastern boundary of the CCD shown by the Blue Line below. With the expansion of the CCD across Lamb Street, Staff feel it would be consistent to amend the Downtown District Line to include this parcel (which is shown in orange below) where if the 380 Main St parcel had been previously included in the CCD this Downtown District line would have included this parcel.

Motion:

Motion to recommend the proposed Zoning Map amendment for adoption by the City Council.



2. 2018.48 – Site Plan, Subdivision & Conditional Use - Cumberland Woods – Graiver Family Holdings, LLC

Tax Map 010 Lots 028B
Zone: Residential Growth Area 1

Public Hearing

Project Description

The applicant is proposing to develop a 72-unit multifamily subdivision on an existing vacant lot located at 425 Cumberland Street.

Project History

November 1, 2018 – Neighborhood Meeting
November 6, 2018 – Planning Board Workshop
December 1, 2018 – Site Walk
May 7, 2019 – Public Hearing
June 6, 2019 – Workshop
July 2, 2019 – Public Hearing

Staff Comments:

Lighting – Updated photometrics is needed addressing this following:

1. Plan shows areas of no lighting along driveway - additional lighting needed along driveway into site after entering from Cumberland Street.
2. Last building – no lighting proposed on side and rear of the building where there is a walkway proposed.
3. Lighting of all building entrances and along all pedestrian walkways required. (Including walkways to the side and rear of buildings C, E and F)
4. Rear of parking areas that abut City Forest land is too dim, additional wall mounts may be required to extend lighting.
5. Staff is in support of the basketball area being a day use only court

Utilities

6. Stormwater – Replace cover with grate for DMH-3 per
7. Stormwater – Change CB-10 to field inlet and reduce size of outlet pipe to main per direction from Staff meeting.
8. City reserves the right to request the addition of check dams in riprap swales along driveway if erosion should occur.
9. Provide CB analysis for CB's along driveway for the 25 year storm.
10. Additional CB at entrance to Cumberland St may be required depending on final sidewalk design for CB-1.
11. CB-2 – to SD-6 – no forebay for this discharge is shown. At a minimum, a small forebay should be installed to keep sediment out of filter bed.

Construction within the Cumberland Street ROW

12. If a lane closure is required, work hours are limited to 9a – 3p
13. Night work is required in the event work requires the closure of both lanes
14. Coordination with PD required regarding other project within the Cumberland Street ROW
15. Replace with full pavement depth

Miscellaneous

16. Survey-Subdivision plan – Final plan must be stamped by a licensed surveyor. Final plan needs to show final project boundaries as amended, clean up lines around Wilson Parcel 43/115A.
17. What is the easement area to abutter? – please be more specific.
18. Update the public access easement in accordance with the changes proposed by legal review.
19. Retaining wall will need barrier guardrail and potentially safety railings for fall protections along the top of wall.
20. Offsite sidewalk plan provided was a conceptual level. Final sidewalk plan to be reviewed and approved of by City prior to issuance of first building permit.
21. Provide Landscaping plan with Stamp from a Landscape architect.
22. Provide Cost Estimate
23. One Knox box on each building to be located next to the mechanical room
24. Provide 3 names to the E911 coordinator for review for driveway
25. Provide updated plan set in mylar and paper form, with an additional mylar and paper of the subdivision signature sheet by noon on Tuesday July 2, 2019.

Motion

The Site Plan / Subdivision Plan and Conditional Use application for Graiver Family Holdings, LLC for a 72-unit multifamily subdivision on an existing vacant lot located at 425 Cumberland Street, Tax Map: 010 Lot: 028B Zone: Residential Growth Area 1 is **(approved with conditions/ denied)** and the following findings of fact, conclusions and conditions as stated on pages **X through X** of this Staff Memo dated June 28, 2019 are adopted in support of that approval.

Site Plan – Finding of Fact:

Utilization of the Site – *Adequate.*

Adequacy of Road System - *Adequate.*

Access to the Site – *Adequate.*

Internal Vehicular Circulation - *Adequate.*

Pedestrian and Other Modes of Transportation - *Adequate.*

Stormwater Management – *Adequate.*

Erosion Control - *Adequate.*

Utilities – *Adequate.*

Hazardous, Special and Radioactive Materials – *N/A*

Financial and Technical Capacity – *Adequate. The applicant has provided a letter of financial capacity from Ion Bank dated March 26, 2019. Applicant has retained the services of DM Roma Consulting Engineers which demonstrates technical capacity.*

Solid Waste – *Adequate.*

Historic, Archaeological and Botanical Resources – *Adequate*

Landscape Plan – *Adequate.*

Subdivision – Finding of Fact:

Pollution and Sewer Disposal – *Adequate. Disposal of the Sewage from the project will be via the City Public Sewer system, and therefore will not cause a pollution issue.*

Water - *Adequate.*

Soil Erosion - *Adequate.*

Traffic – *Adequate.*

Sewage - *Adequate. The applicant has received an ability to serve from the Westbrook Sewer Department.*

Solid Waste – *Adequate. The applicant will be responsible for all solid waste generated by the project for trash disposal.*

Aesthetics

1. *Project to Site – Adequate.*

2. *Project to Surrounding Property – Adequate.*
3. *Landscape Design – Adequate.*
4. *Lighting – Adequate.*
5. *Signs – Adequate.*

Conformity with Local Plans and Ordinances – *Adequate.*

1. *The proposal is in conformance with the Comprehensive Plan.*
2. *Subdivision Plan meets requirements of the Land Use Ordinance*

Financial and Technical Capacity – *Adequate.* *The applicant has provided a letter of financial capacity from Ion Bank dated March 26, 2019. Applicant has retained the services of DM Roma Consulting Engineers which demonstrates technical capacity.*

River, Stream or Brook Impacts – *Adequate.*

Conditional Use – Findings of Fact:

- A. Certain Requirements Met. That the use requested meets the dimension, parking, loading, and sign requirements of this Ordinance. - *Adequate*
- B. Value. That the use requested will not significantly devalue abutting property or property across public or private way. - *Adequate*
- C. Effects of Land Use. That the use granted will:
 - (1) Maintain safe and healthful conditions,
 - (2) Not cause water pollution, erosion, or sedimentation
 - (3) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat,
 - (4) Conserve shared tree cover and visual, as well as actual, access to water bodies,
 - (5) Not burden on-site septic or off-site waste disposal,
 - (6) Not burden existing public ways.

Adequate as to C) (1) through (6)

- D. Performance Standards. That the use granted is compatible with adjacent land uses and that it meets the following performance standards:

- (1) Landscape Environment and Enhancement. The landscape must be preserved in its natural state insofar as practicable. It must be designed so as to stabilize the slopes and buffer the site, where necessary,
- (2) Surface Water Drainage. Surface water drainage must not have an adverse effect on surrounding properties, downstream water quality, soil stability, or the storm drainage system,
- (3) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution,
- (4) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
- (5) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,
- (6) Nuisance Factor. The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions,
- (7) Special Features. Exposed storage areas, machinery installation, service and loading areas, and similar facilities must be set back, screened, or buffered so as to minimize any possible adverse effect on the surrounding uses,
- (8) Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles,
- (9) Parking and Circulation. The layout of vehicular and pedestrian traffic patterns must provide for safe interior circulation, separation of pedestrian and vehicular traffic, and storage of plowed snow and the parking shall comply with the parking requirements set forth in Section 505.1 A-D, regardless of whether the conditional use requires site plan review, and

- (10) Public Services. The development must not impose an unreasonable burden on the water supply and sewage disposal systems, fire or police services, public ways, schools, recreational facilities, and other public services or facilities.
- Adequate as to D) (1) through (10)

Conclusions:

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** to the duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated October 15, 2018 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Consistent with Section 504.3, the Code Enforcement Officer shall not issue any permits until a site plan has been approved by the Planning Board and a Mylar signed by the Planning Board. Mylars must be submitted to the City within 90 days of Planning Board approval or the approval shall be null and void.
3. Prior to any site disturbance or building permits being issued for the project:
 - a. All Staff comments must be addressed.
 - b. Review of building elevations to be consistent with submitted documentation or testimony.
 - c. Copy of the recorded subdivision plan provided to Planning Office.
 - d. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate.

- e. The applicant shall provide the digital data as required by Section 504.5.B.12 and 13. – verification with GIS coordinator.
 - f. An inspection fee shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. This fee is required per Section 500.8 of the Land Use Ordinances in order to cover the costs of inspection of site improvements -
 - g. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project.
 - h. Coordinate with the E911 Coordinator on addressing of the Units.
 - i. Best management practices shall be adhered to during all ground disturbance operations. All Street Catch basins in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work.
4. Final design of the sidewalk system along Cumberland St shall be reviewed and approved of by the Engineering Department prior to any building permits being issued.
5. Prior to the first Occupancy Permit issuance:
- a. A site inspection for the required site improvements by the City to ensure public health & safety is addressed and compliance with the approval. These include all improvements needed for the safe access of those accessing the structure.
 - b. A performance guarantee amount must be held in the amount of the remaining improvements.
 - c. Provide documentation of maintenance contractor for Stormwater Best Management Practices.
 - d. Sign design and E911 requirements shall be addressed to the satisfaction of the Codes Department.
6. Prior to release of the performance guarantee:
- a. The sites will be in compliance with the approved plan and as-built plan provided in City approved format for the GIS system
7. The applicant shall comply with the requirements of local and state authorities for life and safety requirements. (Hydrant maintenance is the responsibility of the property owner.)
8. The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance. On January 15th every year, a copy of the maintenance log for the previous year for the stormwater treatment features associated with this project needs to be provided to the Planning Office.

3. 2018.27 – Site Plan - 36 Patrick Drive – Bethel Christian Center

Tax Map: 042B Lot: 004D

Zone: Gateway Commercial

Project Description:

The applicant is requesting a one-year extension on the August 7, 2018 approval for a 3.136 sf expansion to an existing building.

Project History:

June 22, 2018 – Neighborhood meeting

July 3, 2018 – Planning Board Workshop

July 21, 2018 – Site Walk (Building location was staked following the site walk for independent review by the Planning Board)

August 7, 2018 - Public Hearing

July 2, 2019 – Extension Request

Staff Comments (from previous approval – for reference):

1. The egress path from Southwest corner door of expansion needs to have a paved surface to the sidewalk and plowed in winter.
2. Knox box to be obtained from the Fire Department
3. The final location of the relocated shed must conform with setbacks
4. Building elevations for the expansion will match the materials and colors of what is existing. A photo of the existing building is included with the 7/27/2018 submission.

Staff takes no issues with the one-year extension of this project to allow the applicant additional time for completion

Motion:

- 1) Motion to grant an extension of one-year for the Site Plan application for the 3,136sf expansion to an existing building located at 36 Patrick Drive, Tax Map: 042B Lot: 004D Zone: Gateway Commercial is **(approved with conditions/ denied)**. All previously approved findings of fact and conclusions and conditions are still applicable.

4. 2019.19 – Site Plan, Subdivision, Village Review - 660 Main Street – MTR Development, LLC

Tax Map: 033 Lot: 028

Zone: City Center District, Village Review Overlay Zone

WORKSHOP

Project Description:

The applicant is proposing the demolition of an existing residential building and construction of a two-story multi-use building with first floor commercial space and three residential units on the second floor.

Project History:

July 2, 2019 – Planning Board Workshop

July 10, 2019 – Village Review Overlay Committee (scheduled)

Staff Comments:

Site Plan

1. Building must be sprinkled with full fire alarm system
2. Provide documentation of neighborhood meeting (sign in sheet and minutes) to planning office.
3. Parking layout – need to address how to ensure one-way circulation is achieved. Possibility of different layout (angled parking; parallel parking; etc.) Location of proposed directional arrows and/or signage must be shown on the final plan. Sign renderings must be included with final application
4. Narrow/define entrance to discourage vehicular exit to Main Street
5. Standard boundary survey required
6. ADA space required
7. Show dumpster location on final plan or provide how trash disposal will be addressed. Screening required for all dumpsters/trash receptacles.
8. Stormwater treatment required prior to utilization of city storm system
9. Show all new utilities on final plan – Storm/Sewer/Gas
10. Underground electrical service required
11. Show Snow storage on final plan.

Elevations

12. Appreciating the mixed-use nature of the building and added density in the down town – Staff does not feel the proposed design captures the desired façade of a “Main Street”. Barring the first floor picture windows, the building has an entirely residential appearance. Staff recommends a commercial front to the building. The building entrance should be defined with a recessed door and have other features (awning (canvas material – dark based colors), lighting, signs, larger first floor window scale etc.) to indicate a commercial entity rather than residential. Remove the second floor deck.
13. Windows appear small in proportion to the building scale
14. What are the proposed materials for the siding? Note – vinyl siding is not permitted in the Downtown District.
15. 70% of the building façade facing Main and Giles Street must be articulated with windows, signs, cornices and other coordinated architectural features – Please be prepared to verify this standard is met
16. Applicant is scheduled to meet with the Village Review Overlay Committee on July 10, 2019

Board Action:

1. Site Walk
2. Public Hearing

5. 2019.20 – Site Plan - 959 Spring Street – A and C Builders, LLC

Tax Map: 002 Lot: 015

Zone: Highway Services

WORKSHOP

Project Description:

The applicant is requesting to construct a car wash, coffee shop and associated parking and site improvements

Project History:

June 27, 2019 – Neighborhood Meeting

July 2, 2019 – Planning Board Workshop

Staff Comments:

1. Spring Street is under moratorium until August 2022. No pavement disturbance within the public right-of-way is permitted.
 - a. Applicant will need to verify peak flow rate of the car wash and existing capacity of service. May need to supplement if not sufficient.
 - b. Possible private connection with abutters? Easements from abutters would be necessary and must be shown on final plan. Draft easement language must be included with final submission for legal review.
 - c. Existing conditions show two curb cuts. Only one curb cut is permitted. Verify with public works this is possible under moratorium
2. Site is located within the Long Creek Watershed and will have to meet the applicable standards
3. Final plan should include buffering from residential abutters
4. Landscaping plan required with final submission
5. Provide documentation of the neighborhood meeting (sign-in sheet and minutes) to the Planning Department
6. Determination of industrial pretreatment plan required
7. O/W separator required – include as a plan note on final plan (maintenance plan?).
8. Fire safety measures to be determined based on final building design and building separation
9. Vacuums are not permitted within setbacks
10. Traffic study required with final application
11. Indicate type and location of all signage on final plan
12. Dumpster enclosed – staff recommends vinyl wrapped chain link with privacy slats
13. Show lighting on final plan – photometric plan may be required
14. Building elevations required with final submissions

Board Action:

1. Site Walk
2. Public Hearing

6. 2019.21 – Ordinance Amendment – Chapter II Section 203 Nonconforming Use Provisions

WORKSHOP

Ordinance Description:

The proposed amendment establishes and clarifies standards for the alteration, reconstruction and expansion of existing nonconforming uses, structures and lots.

Ordinance History:

July 2, 2019 – Planning Board Workshop

Staff Comments:

The existing Ordinance for nonconformance within the City is limited and unclear in nature and can be overly restrictive in terms of the maintenance and repair of nonconforming structures. Upon review of the existing Ordinance, neighboring municipalities and discussions with the Code Enforcement Officer, Staff has provided the Board with a draft Ordinance that clearly addresses nonconforming uses, structures and lots within the City. The intent of the Ordinance is to encourage those in nonconformance within the City to comply with existing standards while still affording the flexibility of property and business owners to maintain existing structures and uses.

Nonconforming Uses

- The draft Ordinance allows for the expansion of existing residential nonconforming uses, including the addition of accessory structures, such as an unattached garage or shed. While the intent of the Ordinance is to discourage nonconforming uses within the City, Staff did not want to overburden a residential home which became non-conforming due to an amendment to the zoning map or district.
- The draft language for nonconforming extractive industry is consistent with the existing Ordinance
- All other expansions of nonconforming uses are prohibited.

Nonconforming Structures

- The existing Ordinance does not permit for the replacement of a nonconforming structure within the same footprint. Through conversations with the Code Enforcement Officer, it became apparent that this was creating a safety concern due to property owners who would not be able to obtain the size or density that their existing nonconforming structures provide if that structure were required to meet current standards and therefore are unable to provide necessary building upkeep if that maintenance involves the removal of any part of the building. The proposed Ordinance would allow the restoration or replacement of a nonconforming structure, provided the new structure does not increase the nonconformance, the restoration or replacement is necessary as a result of a cause other than the willful act of an owner or their agent and the restoration or replacement occurs within a specified time frame from the date of damage.

Nonconforming Lots

- Although the proposed amendment is a repeal and replace, the draft language for nonconforming lots is consistent with the existing Ordinance with the following exceptions:
 - Staff revised the language from “substandard lots” to “nonconforming lots” to remain consistent throughout the Ordinance
 - Slight reorganization within the Design Standards subsection for clarity.

Board Action:

1. Consider public comment and provide feedback to Staff
2. Public Hearing