



**Memorandum**

**To: Planning Commission**

**From: Niall Connolly, Principal Planner**

**Date: 2.27.26**

**Re: Renovation of Noncomplying Buildings in the Commercial Zones**

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**Introduction**

On February 4th, the Planning Commission discussed recommendations from Town Staff addressing the redevelopment of noncomplying buildings in the commercial zones. The Commission expressed support for these recommendations, and instructed the staff to prepare ordinance language reflecting this. One change requested by the Commission was that the additional 2 ft height allowance should only be one off, and not allowed repeatedly. This has been incorporated into the proposed language, which is appended to this report.

Staff requests that the Commission review this, and provide staff with feedback.

## **10-21-11: - RENOVATION OF NONCOMPLYING BUILDINGS IN THE COMMERCIAL ZONES**

A building in the Central Commercial zone or Village Commercial zone that does not comply with the minimum required setbacks, or exceeds the maximum building size, or both, may be completely reconstructed (including removal and replacement of the foundation), provided that all of the following conditions are met:

- A. The reconstructed building must be located entirely within the footprint of the existing noncompliant building. No extensions outside of the existing footprint are permitted, even if such an extension would be compliant with minimum setback or maximum building size requirements.
- B. All other aspects of development on the property must be compliant with current land use standards, or be brought into compliance coincident with the reconstruction of the noncomplying building. If compliance with any other land use regulation makes it impossible to reconstruct the building within its original footprint, the noncomplying building must be altered (in a way that does not increase the noncompliant setback or size) to allow compliance with all other applicable land use regulations.
- C. The height of the reconstructed building must not exceed the height of the existing building plus an additional two feet. In all cases, building height must comply with the current maximum building height allowed in that zone..
- D. All other aspects of the reconstructed building must comply with current land use regulations.
- E. All noncompliant aspects of a property in the Central Commercial or Village Commercial zones, other than building size and setback, must be brought into compliance when a property is redeveloped.
- F. A noncompliant building reconstructed pursuant to the standards above retains its noncomplying building status and will continue to be regulated as a noncompliant building.
- G. After April 9, 2026, a noncompliant building may only be reconstructed once pursuant to the standards above. After one reconstruction of a noncompliant building, all future reconstruction or redevelopment must conform with all applicable land use standards.
- H. A noncompliant building reconstructed pursuant to the standards above that also houses a nonconforming use retains the nonconforming use status. The use shall not be found to be abandoned if the reconstruction takes longer than one year.
- I. If a building in the Central Commercial or Village Commercial zones that does not comply with the minimum required setbacks and/ or exceeds the maximum building size is proposed to be reconstructed in a manner which does not follow the standards listed above, it must be constructed to meet all current land use regulations.