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Pre-Existing, Non-Conforming Structures 8.2.18

To see if the Town will vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by removing the entire text of Section IV and replacing with the following amended text.

As amended Section IV shall read:

“Any building or use of a building or use of land or part thereof lawful and existing upon the adoption of this bylaw on February 10, 1938, or upon the effective date of any amendment of this bylaw may be continued unless and until abandoned, although such building or use does not conform to the provisions thereof; but in any event, non-use of such land or building for a period of two years shall constitute abandonment thereof.

A valid pre-existing, nonconforming single family or two family residential structure may be extended or altered as of right within the existing building envelope or within a height and setback which conform with the dimensional requirements of the Milton Zoning Bylaws and may be further extended or altered beyond the existing building envelope beyond the limits of the dimensional requirements, if authorized by a Special Permit from the Zoning Board of Appeals, and subject to appropriate conditions, limitations, and safeguards stated in writing by the Board of Appeals and made a part thereof.

A valid pre-existing nonconforming single family or two family residential structure which is destroyed by fire or other natural disaster may be rebuilt or replaced as a matter of right within the existing foot print and height of the prior residential structure, or within a height and setback which conform with the dimensional requirements of the Milton Zoning Bylaws, provided the construction is commenced within twelve (12) months of the fire or disaster and is completed within twenty-four (24) months after such fire or disaster except that such time may be extended by the Board of Appeals for good cause shown.

Otherwise, valid pre-existing nonconforming structures or uses, other than a one or two family home, may be extended, altered, reconstructed or replaced and such extension, alteration, reconstruction or replacement may be used for the purpose or for a purpose substantially similar to the purpose for which the original buildings may have been lawfully used, if authorized by a

special permit from the Board of Appeals and subject to appropriate conditions, limitations, and safeguards stated in writing by the Board of Appeals and made a part thereof.

Authorization by special permit of a subsequent use in a building in the business district shall not be required where the only nonconformity in the building and use is in the dimensions or setback of the building, where the prior use is a valid, preexisting use, where the subsequent use is the same or one that is normally permitted without a Special Permit or Variance in the Business District, excluding sales rooms and repair shops for motor vehicles, garages, filling stations, and/or storage warehouses, and where the parking requirements conform to Section VII of the Milton Zoning Bylaws.

As a basis for such any special permit provided for herein, the Board of Appeals must be satisfied that such extension, alteration, reconstruction or replacement and the extended or altered structure or use to be made thereof will not substantially increase any detrimental or injurious effect of the building or use on the neighborhood.”

and to act on anything related thereto.

Submitted by the Planning Board