



# Text Amendment to Amend Article 3, Section 3.49 Reconstruction, Maintenance, Full or Partial Demolition and Renovation of Nonconforming Situations

Applicant: North Pier Holdings, LLC

# Background

Applicant: North Pier Holdings, LLC.

Reason for the proposed text amendment:

- To assist residents in the repair, renovation, and reconstruction of existing non-conforming uses in a manner that aligns with the Town's existing Comprehensive Plan.

# Proposed Text Amendment - Lot Coverage

Article 3. Section 3.49 Reconstruction, Maintenance, Full or Partial Demolition and Renovation of Nonconforming Situations

A. Intent: Nonconforming uses created by a change in regulations may continue to exist and shall be subject to all other provisions of this article. Nonconforming regulations pertaining to fences are found in the fence section within Division 2 of this article. The Town strongly values the improvement of non-conforming structures as long as those improvements are not associated with negative impacts to adjacent properties. To help manage the multitude of issues with improving nonconforming structures some latitude for design improvements can be utilized.

B. Any building or structure for which normal repair, renovation, demolition and reconstruction, or routine maintenance is proposed in an amount less than 100% of the current tax or certified appraised value of the building or structure, regardless of the reason for such repair or maintenance, shall meet the following:

- ~~1. be entitled to do so using the same building footprint and~~ No increase in the density with which the building or structure was originally constructed, ~~provided the number of living units or nonresidential spaces are not increased and~~
2. No increase in building height ~~or floor area shall be permitted~~ except when elevating a structure to meet Article 5: Flood Damage Prevention,
3. If the repairs exceed 50% of the current tax or certified appraisal value but not greater than 100%, then the structure must comply with setback provisions where abutting a non-street lot line in addition to complying with the minimum off-street parking requirements, and
4. No additional nonconformities are created, except for the following:
  - a. For buildings or structures that are nonconforming due to exceeding lot coverage, an additional 2% lot coverage may be added if the following are met:
    - i. No additional nonconformities result from the added lot coverage.
    - ii. Any additional lot coverage shall be associated with an on-site reduction in impervious area. The reduction shall be two times the size of the lot coverage area added (i.e. 100 sf added lot coverage requires an additional 200 sf pervious area to be added).
    - iii. Any pervious materials allowed by Town Code may be utilized for the reduction of impervious areas.
    - iv. Additional lot coverage shall only be added to the principal building(s).
    - v. Additional lot coverage shall not encroach any further toward a property line than the existing principal building(s).

# Put Into Perspective

<b>Lot Size sf</b>	<b>Extra 2% Lot Coverage sf</b>
5,000	100
7,000	140
12,000	240
25,000	500

# Real Example



No additional nonconformities are created, except for the following:

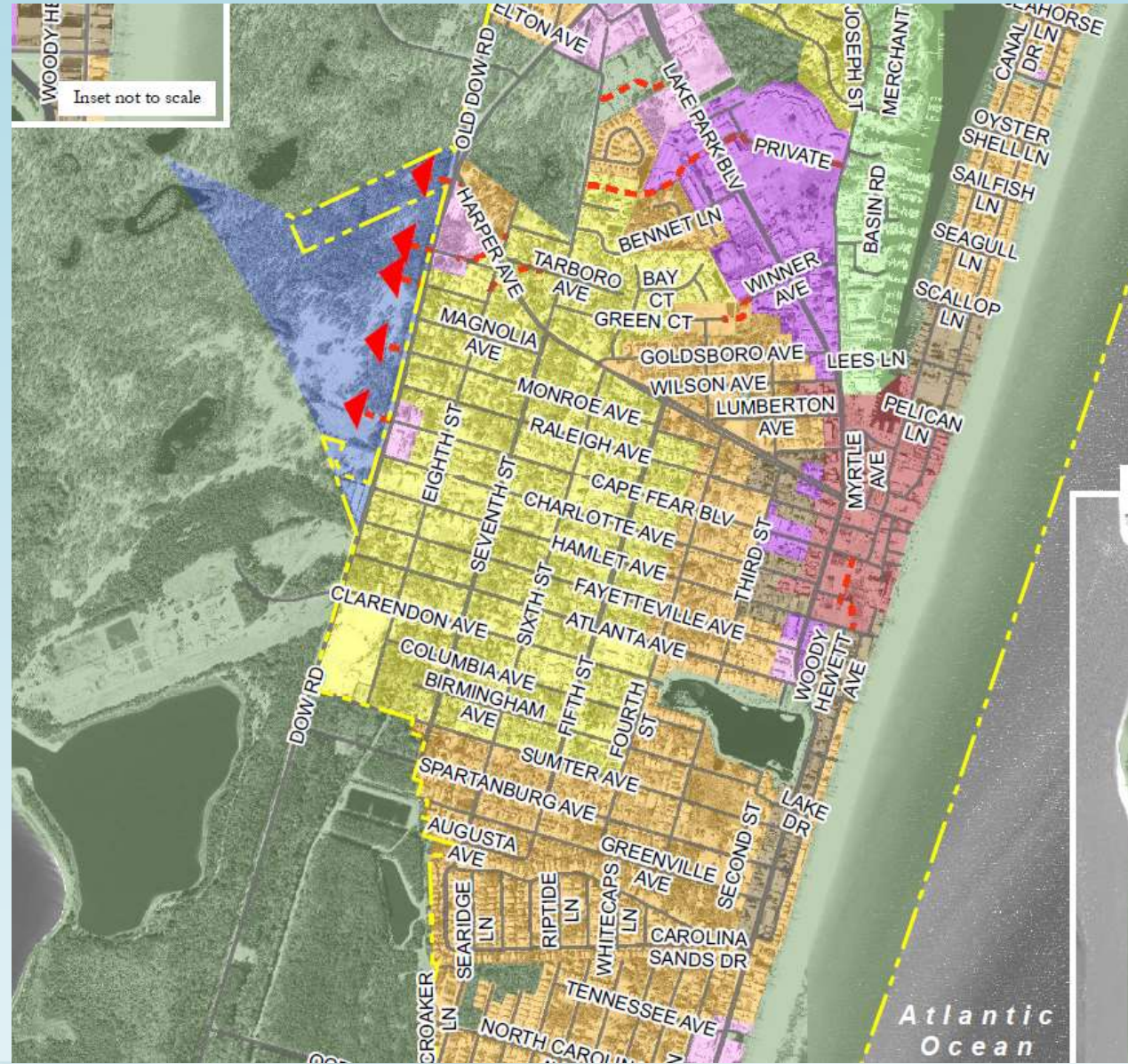
- a. For buildings or structures that are nonconforming due to exceeding lot coverage, an additional 2% lot coverage may be added if the following are met:
  - i. No additional nonconformities result from the added lot coverage.
  - ii. Any additional lot coverage shall be associated with an on-site reduction in impervious area. The reduction shall be two times the size of the lot coverage area added (i.e. 100 sf added lot coverage requires an additional 200 sf pervious area to be added).
  - iii. Any pervious materials allowed by Town Code may be utilized for the reduction of impervious areas.
  - iv. Additional lot coverage shall only be added to the principal building(s).
  - v. Additional lot coverage shall not encroach any further toward a property line than the existing principal building(s).



# Land Use Plan:

The proposed text amendment is in general conformity with the CAMA Land Use Plan through:

- Reduces stormwater runoff.
- Encourages the improvement/renovation of existing structures where a tear-down/rebuild is not the best possible outcome.



# Staff Comments

The proposed text amendment:

- Does not impact adjacent property owners.
- Improves stormwater retention onsite which reduces stormwater runoff.
- Links lot coverage requirements with impervious surface improvements.
- Adds flexibility when improving nonconforming buildings and reduces functional obsolescence.
- Will be limited to structures that meet the strict ordinance requirements for the exception.

Since the text amendment is in conformity with the CAMA Land Use Plan and provides a positive reduction in impervious surface, Town Staff support the amendment.



# P&Z Commission Comments

Voted 6/0 in support of the proposed text amendment.

Members were in agreement the amendment provided a reduction in impervious surface and flexibility for aged buildings to perform needed upgrades.

# Motion

## **Approval**

The Council, whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following text amendment to Article 3, Section 3.49 Reconstruction, Maintenance, Full or Partial Demolition and Renovation of Nonconforming Situations is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

## **Denial**

The Council, whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following text amendment to Article 3, Section 3.49 Reconstruction, Maintenance, Full or Partial Demolition and Renovation of Nonconforming Situations is inconsistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.