

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

**RPC
Representatives**

Bethany:
Michael Calhoun
(Secretary)

Branford:
Charles Andres

East Haven:
Vacant

Guilford:
Walter Corbiere

Hamden:
Ryszard Szczepk

Madison:
Christopher Traugh

Meriden:
David White
(Vice-Chair)

Milford:
Anthony D. Sutton

New Haven:
Kevin DiAdamo

North Branford:
Frances Lescovich

North Haven:
James Giulietti
(Chair)

Orange:
Vacant

Wallingford:
Vacant

West Haven:
Al Posey

Woodbridge:
Vacant

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Thursday, June 9, 2016 RPC Meeting at 5:15pm in the SCRCOG Offices:
127 Washington Avenue, North Haven, CT 06473

AGENDA

1. Administration

1.1. Minutes of the May 12, 2016 RPC Meeting **1**

2. Action Items

2.1. City of Milford: Proposed Zoning Regulation Amendments to Article XI - Definitions. **3**
Submitted by: Private Applicant. Received: May 23, 2016. Public Hearing: TBD

2.2. City of Milford: Proposed Zoning Regulation Amendments to Section 3.1.4.1, Figure 2. **7**
Submitted by: Private Applicant. Received: May 23, 2016. Public Hearing: TBD

2.3. Town of North Branford: Proposed Zoning Regulation Amendments to Section 5 - **11**
Nonconformity. Submitted by: Town of North Branford. Received: May 24, 2016. Public
Hearing: June 16, 2016.

3. Other Business

The agenda and attachments for this meeting are available on our website at www.scrkog.org. Please contact SCRCOG at (203) 234-7555 for a copy of agenda in a language other than English. Auxiliary aids/services and limited English proficiency translators will be provided with two week's notice.

La Agenda y Adjuntos para esta reunión están disponibles en nuestro sitio web en www.scrkog.org. Favor en contactar con SCRCOG al (203) 234-7555 para obtener una copia de la Agenda en un idioma distinto al Inglés. Ayudas/servicios auxiliares e intérpretes para personas de Dominio Limitado del Inglés serán proporcionados con dos semanas de aviso.

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, May 12, 2016 Meeting

Present: James Giulietti, David White, Michael Calhoun, Charles Andres, Fran Lescovich, Eugene Livshits

1 Administration

1.1 Minutes of the April 14, 2016 RPC meeting.

Motion to accept the minutes as presented: Michael Calhoun. Second: Fran Lescovich.
Vote: Unanimous. Abstain: Charles Andres

2 Statutory Referrals

The Staff Recommendations for the referral were presented during the meeting.

2.1 Town of Wallingford: Plan of Conservation and Development Update

By resolution, the RPC has determined that the Wallingford Plan of Conservation and Development Update appears to be consistent with the policies and goals identified in both the State and Regional Plans of Conservation and Development.

Motion: Michael Calhoun. Second: David White. Vote: Unanimous.

2.2 Town of Orange: Proposed Zoning Regulation Amendments pertaining to Farm Winery

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: David White. Second: Michael Calhoun. Vote: Unanimous.

2.3 City of West Haven: Proposed Zoning Regulation Amendments to Sections 2.2 – Definitions, Table 36.1 – Area and Bulk Requirements, Section 36.2 – Description and Intent (WD) District, Section 60.13 – Number of Parking Spaces

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: Michael Calhoun. Second: David White. Vote: Unanimous.

2.4 City of New Haven: Proposed Zoning Regulation Amendments pertaining to uses in the Light Industry District and certain other Business and Industrial Districts

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: Charles Andres. Second: David White. Vote: Unanimous.

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

2.5 Town of Clinton: Proposed Zoning Regulation Amendments pertaining to Dog Grooming Facilities

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: Charles Andres. Second: David White. Vote: Unanimous.

2.6 Town of Clinton: Proposed Zoning Regulation Amendments pertaining to Contractor's Businesses and Storage Yards

The proposed amendments did not define the term “natural barrier composed of native species” or describe the characteristics of a natural barrier.

By resolution, the RPC has determined that the Planning and Zoning Commission should consider further defining the term “natural barrier composed of native species”, which is part of the proposed Zoning Regulation Amendment in Section 10.52.2 (C)(2).

Motion: David White. Second: Fran Lescovich. Vote: Unanimous.

2.7 Town of Clinton: Proposed Zoning Regulation Amendments pertaining to Common Interest Community Development

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: David White. Second: Michael Calhoun. Vote: Unanimous.

3 Other Business

Motion to Adjourn: Michael Calhoun. Second: Fran Lescovich. Vote: Unanimous.

Referral 2.1: City of Milford

Subject:

Proposed Zoning Regulation Amendments to Article XI - Definitions

Staff Recommendation:

The Proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Background:

A private applicant has submitted proposed zoning regulation amendments to Article XI – Definitions. The definitions to Base Flood, Base Flood Elevation (BFE), and Building Height Within a Flood Hazard Area have been revised. Definitions to Design Flood Elevation, Freeboard and Highest Measuring Point have been added. The definition of Base Flood has been revised to state that it is a regulatory standard referred to as the “100-year flood” and is the national standard used by the National Flood Insurance Program. The standard is used for the purposes of requiring the purchase of Flood Insurance and regulating new development. Base Flood Elevations are typically depicted on Flood Insurance Rate Maps and are a regulatory requirement for the elevation or flood proofing structures. Building Height within a Flood Hazard Area has been completely revised and now includes provisions on how the building height is calculated in Special Flood Hazard Area Zones AE or VE.

The new and revised definitions can be reviewed in the Agenda Packet.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.



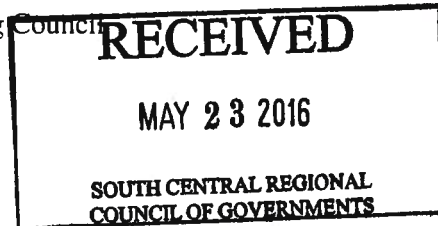
City of Milford, Connecticut

Founded 1639
70 West River Street ♦ Milford, Connecticut ♦ 06460-3317
www.ci.milford.ct.us

Department of Permitting
and Land Use

David B. Sulkis,
City Planner

TO: ☒ South Central Regional Council of Governments
☒ Greater Bridgeport Regional Planning Council
☒ City Attorney, City of Milford
☒ State of CT DEEP
☒ City of West Haven, City Clerk
☒ Town of Stratford, City Clerk
☒ Town of Orange, City Clerk



FROM : David B. Sulkis, City Planner /DBS

DATE: May 23, 2016

RE: **Proposed Changes to the City of Milford Zoning Regulations;
Article XI - Definitions**

We are submitting a zoning text regulation change proposed by Kevin Curseaden, Esq. for your review prior to it going before the Planning and Zoning Board for a public hearing. Please provide this office with your comments or approval.

EXISTING TEXT: ARTICLE XI - DEFINITIONS

BASE FLOOD - The flood having a one percent chance of being equaled or exceeded in any given year. (Currently on Page XI-3)

BASE FLOOD ELEVATION (BFE) – The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. (Currently on Page XI-3)

BUILDING HEIGHT WITHIN A FLOOD HAZARD AREA - The building height as defined above, but including all portions of a building situated below the regulatory flood protection elevation and all portions of basements or cellars that extend above the finished grade adjacent to the building. (Currently on Page XI-5)

PROPOSED TEXT: ARTICLE XI - DEFINITIONS

BASE FLOOD. The flood having a one percent (1%) chance of being equaled or exceeded in any given year. *This is the regulatory standard also referred to as the "100-year flood." The Base Flood is the national standard used by the National Flood Insurance Program (NFIP) and all Federal agencies for the purposes of requiring the purchase of flood insurance and regulating new development. Base Flood Elevations (BFEs), as defined herein, are typically shown on Flood Insurance Rate Maps (FIRMs).*

Milford Department of Permitting and Land Use

Building: 203-783-3234
Planning and Zoning: 203-783-3245
Wetlands: 203-783-3256

Fax (Building): 203-783-3690
Fax (Planning and Zoning/Wetlands): 203-783-3303
Director: 203-783-3374

**RE: Proposed Changes to the City of Milford Zoning Regulations;
Article XI - Definitions**

BASE FLOOD ELEVATION. *The Base Flood Elevation (BFE) is the regulatory requirement for the elevation or flood proofing of structures. The computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the Flood Profiles as prepared for each detailed flooding source in the community for inclusion in FEMA Flood Insurance Study Reports (New)*

BUILDING HEIGHT WITHIN A FLOOD HAZARD AREA. *For any property located in a Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) designated Special Flood Hazard Area (SFHA) Zones AE or VE, building height shall be determined as follows:*

- **BUILDING HEIGHT IN SFHA Zones AE or VE.** *The vertical distance measured from Design Flood Elevation (DFE) or Height Measuring Point (HMP), both as defined in Article XI of the Regulations, to the mid-point of highest pitched roof, or up to the level of the highest main ridge or peak of any other type of structure. The provisions with respect to Building Height Within a Flood Hazard Area shall apply to solar panels and roof-top mechanical equipment but shall not apply to the following:*
 - *Roof parapets and turrets of less than 3 feet;*
 - *Cupolas and domes not used for human habitation, clock towers, bell towers and roof ventilators; provided however that the total area covered by such features shall not exceed 15 percent of the roof area, and that such features shall extend not more than 5 feet above the highest main ridge or flat roof lines of a structure; and*
 - *Church spires and belfries, pole-type television antennas and chimneys.**(New)*
- **DESIGN FLOOD ELEVATION.** *The Design Flood Elevation (DFE) is the Base Flood Elevation (BFE) as defined in Article XI of these Regulations plus the Freeboard also as defined herein. In SFHAs AE and VE where BFEs have been established, the Design Flood Elevation shall be the BFE plus the number of feet of Freeboard required by the City of Milford at the time an application for a zoning permit is filed. (New)*
- **FREEBOARD.** *Freeboard is a factor of safety usually expressed in feet above a BFE for purposes of floodplain management. Freeboard is intended to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, including but not limited to, wave action, bridge openings, and the hydrological effect of urbanization of the watershed. Freeboard required by City of Milford as of March 1, 2016 is two (2) feet, but is subject to change. (New)*

**Re:: Proposed Changes to the City of Milford Zoning Regulations;
Article XI - Definitions**

- ***HEIGHT MEASURING POINT. The Height Measuring Point (HMP) is defined as:***
 - A. The Design Flood Elevation (DFE); or***
 - B. The BFE plus Freeboard (Freeboard required as of March 1, 2016 is two feet).***
(new)

REASON FOR CHANGE:

Current regulations and definitions cause existing residential structures on the shoreline in certain Flood Hazard Area Zones to be non-conforming if damaged or destroyed by storm or other event; current regulations treat properties in the same zone differently; current regulations do not take into account elevations required of structures in SFHA zones.

A petition for substantially the same change in regulations has previously been filed:

Yes _____ No X if Yes, date of hearing:

This regulation change is proposed by: ☒ Kevin Curseaden, Esq. or ☐ Planning and Zoning Board Subcommittee

Cc: Anthony Sutton, Chairman, P & Z
John L. Grant, P & Z
Joseph D. Griffith, Director, DPLU

Referral 2.2: City of Milford

Subject:

Proposed Zoning Regulation Amendments to Section 3.1.4.1, Figure 2

Staff Recommendation:

The Proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Background:

A private applicant has submitted proposed zoning regulation amendments to Section 3.1.4.1, Figure 2 – Lot and Building Requirements for One Family Residential Districts. The amendment adds a footnote to the maximum height requirement provision. The proposed footnote states the following: “Building Height in Feet within Special Flood Hazard Area Zones AE or VE. Notwithstanding any section of these Regulations to the contrary, maximum allowable Building Height in Feet in SFHA Zones AE or VE, shall be determined as stated in Article XI herein.”

The amendments in Article XI – Definitions applicable to the described amendments have been submitted as a separate referral.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.



City of Milford, Connecticut

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70 West River Street ♦ Milford, Connecticut ♦ 06460-3317
www.ci.milford.ct.us

Department of Permitting
and Land Use

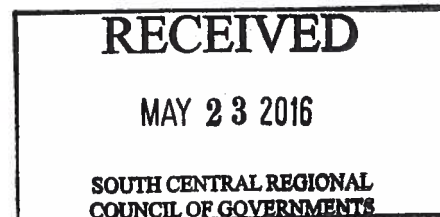
David B. Sulkis,
City Planner

TO: ☒ South Central Regional Council of Governments
☒ METROCOG – CT Metropolitan Council of Governments
☒ City Attorney, City of Milford
☒ State of CT DEEP
☒ City of West Haven, City Clerk
☒ Town of Stratford, City Clerk
☒ Town of Orange, City Clerk

FROM : David B. Sulkis, City Planner /DBS

DATE: May 23, 2016

RE: **Proposed Changes to the City of Milford Zoning Regulations:
Section 3.1.4.1 Figure 2**



In accordance with Milford Zoning Regulations 10.3 and CT General Statutes 8-3b and 22a-104, the distribution of the attached proposed regulation change is being submitted for your agency's review and comment.

Please provide this office with acknowledgment of your receipt of this memorandum and comments or approval within 35 days of the above date.

REASON FOR CHANGE:

Current regulations and definitions cause existing residential structures on the shoreline in certain flood hazard area zones to be non-conforming if damaged or destroyed by storm or other event; current regulations treat properties in the same zone differently; current regulations do not take into account elevations required of structures in the SFHA zones.

A petition for substantially the same change in regulations has previously been filed:

Yes _____ No X if Yes, date of hearing:

This regulation change is proposed by: ☒ Kevin J. Curseaden, Esq. or ☐ Planning and Zoning Board Subcommittee

C: Kevin Curseaden, Esq.
Anthony Sutton, Chairman, P & Z Board
John L. Grant, Chairman, Regulation Subcommittee
Joseph D. Griffith, Director, DPLU

Section 3.1.4.1 Proposed Regulation Change to Figure 1

EXISTING TEXT: ARTICLE III DISTRICT USE REGULATIONS

Sec. 3.1.4.1 Schedule of Lot and Building Requirements for One Family Residential Districts

Figure 2: Lot and Building Requirements for One Family Residential Districts

	Categories						
	R-A	R-30	R-18	R-12.5	R-10	R-7.5	R-5
Minimum Requirements							
Lot Area (Square Feet)	43,560	30,000	18,000	12,500	10,000	7,500	5,000
Lot Width (Feet)	150	125	100	80	70	60	50
Lot Depth (Feet)	150	135	125	100	100	85	70
Principal Uses							
Front Yard (Feet)	50	50	40	30	25	20	*
Each Side Yard (Feet)	25	20	15	10	10	**	**
Rear Yard (Feet)	50	40	30	25	25	25	20
*Ten feet or the actual front yard setback, whichever is greater; except that the minimum required front yard shall not be required to exceed 20 feet.							
**One side ten (10) feet; other side five (5) feet							
Accessory Structures:							
Side Yard (Feet)	15	15	10	4	4	4	4
Rear Yard (Feet)	10	10	10	5	5	5	5
Distance from dwelling unit = 8 ft. – all residential zones (Sec.4.1.1.4 – No accessory building shall be less than 8 feet from the dwelling unit)							
Maximum Height = 15 ft. – all residential districts (Sec. 4.1.1.3. – No accessory building shall exceed 15 feet in height)							
Maximum Permitted							
Feet (in height)	35	35	35	35	35	35	35
Bldg. Area as % of Lot	15%	20%	25%	30%	35%	40%	45%
Lot Coverage	25%	30%	40%	45%	50%	60%	65%

Section 3.1.4.1 Proposed Regulation Change to Figure 2

PROPOSED TEXT: ARTICLE III

Sec. 3.1.4.1 Schedule of Lot and Building Requirements for One Family Residential Districts

Figure 2: Lot and Building Requirements for One Family Residential Districts

	Categories						
	R-A	R-30	R-18	R-12.5	R-10	R-7.5	R-5
Minimum Requirements							
Lot Area (Square Feet)	43,560	30,000	18,000	12,500	10,000	7,500	5,000
Lot Width (Feet)	150	125	100	80	70	60	50
Lot Depth (Feet)	150	135	125	100	100	85	70
Principal Uses							
Front Yard (Feet)	50	50	40	30	25	20	*
Each Side Yard (Feet)	25	20	15	10	10	**	**
Rear Yard (Feet)	50	40	30	25	25	25	20
*Ten feet or the actual front yard setback, whichever is greater; except that the minimum required front yard shall not be required to exceed 20 feet. **One side ten (10) feet; other side five (5) feet							
Accessory Structures:							
Side Yard (Feet)	15	15	10	4	4	4	4
Rear Yard (Feet)	10	10	10	5	5	5	5
Distance from dwelling unit = 8 ft. – all residential zones (Sec.4.1.1.4 – No accessory building shall be less than 8 feet from the dwelling unit) Maximum Height = 15 ft. – all residential districts (Sec. 4.1.1.3. – No accessory building shall exceed 15 feet in height)							
Maximum Permitted							
Feet (in height)*	35	35	35	35	35	35	35
Bldg. Area as % of Lot	15%	20%	25%	30%	35%	40%	45%
Lot Coverage	25%	30%	40%	45%	50%	60%	65%

****Building Height in Feet within Special Flood Hazard Area Zones AE or VE. Notwithstanding any section of these Regulations to the contrary, maximum allowable Building Height in Feet in SFHA Zones AE or VE, shall be determined as stated in Article XI herein. (New)***

Referral 2.3: Town of North Branford

Subject:

Proposed Zoning Regulation Amendments to Section 5 – Nonconformity

Staff Recommendation:

The Proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Background:

The Town of North Branford has submitted proposed Zoning Regulation Amendments to Sections 5.5 – Casualty and 5.6.4 – Discontinuance. In Section 5.5, the following provision has been deleted “...provided that such restoration is started within a period of one (1) year from such casualty and is diligently prosecuted to completion. In the event of failure to start such restoration within one (1) year period and to complete the same within 24 months thereafter, or within additional periods, not exceeding six (6) months, as the Commission may grant upon written application made to it, the right under this Paragraph to restoration of such building or other structure the right to resume any such nonconforming use shall be lost and terminated.”

In section 5.6.4, the following provision has been deleted “No nonconforming use of buildings or other structures which shall have been discontinued for a continuous period of one (1) year shall thereafter be resumed or replaced by any other nonconforming use.”

Communication:

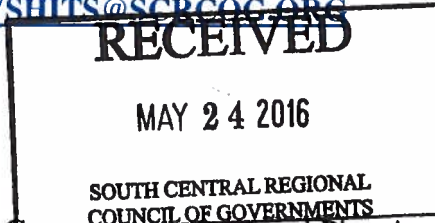
In researching this proposal, I notified the adjacent municipalities in the South Central Region.



TOWN OF NORTH BRANFORD

TOWN HALL 909 FOXON ROAD NORTH BRANFORD, CONNECTICUT 06471-1290
Building Department (203) 484-6008 Engineering Department (203) 484-6009
Planning & Zoning (203) 484-6010
Department Fax (203) 484-6018

SENT VIA EMAIL TO: Eugene Livshits ELIVSHITS@SCRCOG.ORG
FAX: (203) 234-9850



DATE: May 24, 2016

TO: South Central Regional Council of Governments (Regional Planning Agency)

FROM: North Branford Planning and Zoning Commission

Pursuant to the provisions of Section 8-3b of the General Statutes of Connecticut, as amended, the following proposed application is referred to the Regional Agency to review and report on:

- () Proposed subdivision located within 500 feet of another South Central municipality
- (X) Adoption or Amendment of ZONING REGULATIONS affecting the use of a zone within 500 feet of another South Central municipality

The change was originally requested:

- () by municipal agency
- (X) by petition **PZ Application #2016-9, North Branford Planning and Zoning Commission**

Proposed Zoning Regulation Amendment: PZ Application #2016-9, Petition of the Planning and Zoning Commission to amend the Zoning Regulations regarding Nonconformities:

- Specifically under Section 5 delete the following sentences under 5.5 Casualty "...provided that such restoration is started within a period of one (1) year from such casualty and is diligently prosecuted to completion. In the event of failure to start such restoration within the one (1) year period and to complete the same within 24 months thereafter, or within such additional periods, not exceeding six (6) months, as the Commission may grant upon written application made to it, the right under this Paragraph to restoration of such building or other structure and the right to resume any such nonconforming use shall be lost and terminated."
- And deletion of the following from Section 5.6.4 Discontinuance "No nonconforming use of buildings or other structures which shall have been discontinued for a continuous period of one (1) year shall thereafter be resumed or replaced by any other nonconforming use."

See attached application and proposed text amendment.
Public hearing is scheduled for June 16, 2016.

Material submitted herein:

- | | |
|--|--|
| <input type="checkbox"/> Legal Notice | <input type="checkbox"/> Supporting statements, site map |
| <input type="checkbox"/> Map of proposed subdivision | <input checked="" type="checkbox"/> Text of proposed amendment |

Other: See Current Zoning Regulations and Zoning Map on Town Web Site under Planning Department. www.townofnorthbranfordct.com

_____(Authorizing Signature)

Carey Duques, Town Planner/Planning & Zoning Administrator
North Branford Town Hall
909 Foxon Road
North Branford, CT 06471-0287
Phone: (203) 484-6010 Fax: (203) 484-6018

PROPOSED CHANGES TO TOWN OF NORTH BRANFORD ZONING REGULATIONS
PZ Application #2016-9
SECTION 5 – NONCONFORMITY

- 5.1 Intent: It is the intent of these Regulations that nonconformities are not to be expanded contrary to the comprehensive plan of zoning, that the nonconforming use of land, buildings and other structures should be changed to conformity as quickly as the fair interest of the owners permit and that the existence of any nonconformity shall not of itself be considered grounds for the approval of a variance for any other property.
- 5.2 Definitions: A nonconforming use, building or other structure, or lot, is one which existed lawfully, whether by a variance or otherwise, on the date of these Regulations or any amendment hereto became effective, and which fails to conform to one or more of the provisions of these Regulations or such amendment hereto. No nonconforming use, building or other structure, or lot shall be deemed to have existed on the effective date of these Regulations unless 1) it was actually in being on a continuous basis on such date and, 2) if such nonconformity is a use, such use had not been discontinued within the meaning of Par. 5.6.4.
- 5.3 Approved Applications and Certificates: Unless otherwise specifically provided in these Regulations, nothing in these Regulations shall require any change in the use of any land, building or other structure, or part thereof, or in the area, location, bulk or construction of any building or other structure for which an APPLICATION for a ZONING PERMIT shall have been lawfully approved and any required CERTIFICATE OF ZONING COMPLIANCE shall have been lawfully issued even though such use, building or structure does not conform to one or more provisions of these Regulations or any amendment hereto.
- 5.4 Change in Plans: Subject to the time limitations of Par. 62.8.2, nothing in these Regulations shall be deemed to require any change in the proposed use of any land, building or other structure or the area, location, bulk or construction of any building or other structure for which an APPLICATION for a ZONING PERMIT has been lawfully approved and any required Building Permit and Sanitation Permit shall have been lawfully issued even though such proposed use, building or other structure does not conform to one or more provisions of these Regulations or any amendment hereto.
- 5.5 Casualty: If any nonconforming building or structure or any building or structure containing a nonconforming use shall be damaged or destroyed by fire or other casualty, such building or structure may be restored and any such nonconforming use resumed to the extent that such building, structure or use existed at the time of the casualty, provided that such restoration is started within a period of one (1) year from such casualty and is diligently prosecuted to completion. In the event of failure to start such restoration within the one (1) year period and to complete the same within 24 months thereafter, or within such additional periods, not exceeding six (6) months, as the Commission may grant upon written application made to it, the right under this Paragraph to restoration of such building or other structure and the right to resume any such nonconforming use shall be lost and terminated.

5.6 Nonconformity – Use: The following provisions and limitations shall apply to a nonconforming use of land, building or other structure:

5.6.1 Enlargement: No nonconforming use of land shall be enlarged, extended or altered, and no building or other structure or part thereof devoted to a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, except where the result of such changes is to reduce or eliminate the nonconformity. No nonconforming use of a building or other structure shall be extended to occupy land outside such building or other structure or space in another building or other structure.

5.6.2 Change: No nonconforming use of land, buildings or other structure shall be changed to any use which is substantially different in nature and purpose from the former nonconforming use except to such uses that are permitted uses in the district in which the use is located. No nonconforming use of land, buildings or other structure if once changed to conform or to more nearly conform to these Regulations shall thereafter be changed so as to be less conforming again.

5.6.3 Moving: No nonconforming use of land shall be moved to another part of a lot or outside the lot, and no nonconforming use of a building or other structure shall be moved or extended to any part of the building or other structure not manifestly arranged and designed for such use at the time the use became nonconforming, and no building or other structure containing a nonconforming use shall be moved, unless the result of any such move is to end the nonconformity.

5.6.4 Discontinuance: No nonconforming use of land, buildings or other structures which shall have been discontinued with intent to abandon said use shall thereafter be resumed or replaced by any other nonconforming use. ~~No nonconforming use of buildings or other structures which shall have been discontinued for a continuous period of one (1) year shall thereafter be resumed or replace by any other nonconforming use.~~

5.6.5 Performance Standards: Any use of land, buildings or other structure which does not conform to one or more of the performance standards of Section 51 shall not be changed to increase such nonconformity but may be changed to decrease or eliminate such nonconformity. Any such nonconformity so reduced or eliminated shall not be resumed.