

## Draft for Article to Amend Section VII

ARTICLE \_\_\_\_\_. To see if the Town will vote to amend SECTION VII.2 NON-CONFORMING USES of the Princeton Zoning By-Laws by deleting current Section 2 through and including subsection (D), replacing those provisions with the following provisions, and re-lettering the remaining subsections sequentially; or take any other action relative thereto:

### 2. Non-conforming Structures, Building Lots, and Uses.

The intent of this section of the by-laws is to permit the continuance of prior lawfully-existing non-conforming structures, building lots, and uses, while requiring that any new construction or change of use complies with the current provisions of the by-laws.

(A) These by-laws shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing required by G.L. c.40A, s.5 at which these zoning by-laws, or any relevant part thereof, were adopted. Such prior, lawfully existing non-conforming structures and uses may continue, provided that there shall be no modification of the structure or use except as provided in this Section VII.

(B) Prior lawfully existing, non-conforming structures.

- (1) A proposed addition, expansion, or reconstruction that meets currently-applicable setback requirements requires only a building permit.
- (2) A proposed reconstruction on the footprint of a prior lawfully existing, non-conforming structure requires only a building permit.
- (3) A proposed addition or expansion that does not meet currently-applicable setback requirements requires a special permit from the Zoning Board of Appeals on a finding that the proposed addition or expansion is not substantially more detrimental to the neighborhood than the existing non-conforming structure.
- (4) No proposed addition, expansion, or reconstruction shall be permitted to exceed the currently-applicable height regulations.

(C) New structures in a prior lawfully existing, non-conforming building lot.

- (1) A proposed new structure that meets currently-applicable setback requirements and height regulations requires only a building permit.

(2) A proposed new structure that does not meet currently-applicable setback requirements or height regulations requires a variance from the Zoning Board of Appeals.

(D) Addition, expansion, or change of prior lawfully existing, non-conforming uses.

Any addition, expansion, or change of a prior lawfully existing, non-conforming use requires a special permit from the Zoning Board of Appeals on a finding that the proposed addition, expansion, or change is not substantially more detrimental to the neighborhood than the prior lawfully existing non-conforming use.

(E) Construction or use under a building permit or special permit shall conform to any subsequent amendment of these by-laws unless the construction or use is commenced within a period of not more than six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

(F) Wherever a prior lawfully existing non-conforming use or structure has been abandoned or not used for a period of two (2) years or more it shall not be re-established and any future use shall conform to these by-laws, unless otherwise authorized by a special permit from the Zoning Board of Appeals on a finding that the re-establishment of the prior non-conforming use or structure is not detrimental to the neighborhood.

[then existing sections (E) and (F) are re-lettered as (G) and (H)]