

6.7 NONCONFORMING STRUCTURES AND USES

A. The Board may, after public notice and hearing, approve the repair, relocation, replacement or enlargement of a nonconforming structure within a flood hazard area, provided the applicant demonstrates, by a preponderance of the evidence, all of the following:

1. The proposed development is in compliance with all the development standards in Section 7 of this bylaw.
2. The nonconforming structure has not been abandoned. For the purpose of this bylaw, a nonconforming structure shall be deemed abandoned if, for any consecutive twelve-month (12-month) period, the structure lacked a complete roof, complete walls, or otherwise failed to meet the definition of “structure” under these bylaws.
3. The proposed use of the nonconforming structure is the same or substantially similar to the preexisting use of the nonconforming structure, and that preexisting use has not been abandoned. For the purpose of this bylaw, the preexisting use of the nonconforming structure shall be deemed abandoned if, for any consecutive twelve-month (12-month) period, the nonconforming structure was not put to the preexisting use or was not maintained for the purpose of the preexisting use.

B. Where a nonconforming structure is substantially damaged or destroyed, in addition to the foregoing, the applicant must demonstrate, by a preponderance of the evidence, that the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program.

C. Notwithstanding any provision to the contrary, an individual manufactured home lot in an existing manufactured home park that is vacated shall not be deemed an abandoned structure or an abandoned use. Replacement manufactured homes must be placed according to the development standards in Section 7 of this bylaw.