

ZONING

235 Attachment 3

Table 12.5
Reconstruction, Extensions or Structural Changes to One- and Two-Family Nonconforming Structures and/or Structures on Nonconforming Lots
 [Added 10-21-2024 by Order No. 2025-1]

Nonconforming 1- and 2-family residential structures	Conforming addition and accessory structure	Altering existing structure within nonconforming yard/setback area		Altering existing structure's nonconforming: Height/Stories Coverage Open Space	Total demolition of structure and construction of new structure within the original building's nonconforming footprint	Total demolition of structure and construction of new conforming structure	New structure on vacant lot	Creating new nonconforming dimension
		Within existing dwelling's footprint	Addition (including porch and deck) outside existing dwelling's footprint					
		Note: The following are considered to be outside of the existing building's footprint and cannot be used to establish the nonconforming setback: an existing deck, porch or projections into required yards allowed in § 235-6.3.						
Lot with nonconforming area	<p>By-right if:</p> <ul style="list-style-type: none"> (1) Addition of a porch or sunroom or deck (2) Enclosed addition allowed up to a cumulative 500 sf footprint every 10 years (3) Addition of a one-story garage for no more than 2 vehicles (4) Conversion of a one-story garage for one vehicle to a one-story garage for 2 vehicles (5) Small-scale, proportional storage structure <p>Otherwise, special permit</p>	<p>By-right if:</p> <ul style="list-style-type: none"> (1) Rebuilt in-kind without any increase in height or gross floor area, except as reasonably necessary to comply with current Building Code and other regulatory requirements (2) Installation of compliant dormer(s) (3) Increase in height of structure or other alteration at a setback of or greater than 75% of the required setback (e.g. in URA increase in height of portion of the structure at or greater than 7.5 feet of side lot line) 	<p>By-right if:</p> <ul style="list-style-type: none"> (1) Addition is an extension of the existing setback of the dwelling or at a more conforming setback, and (2) is at or greater than 75% of the required setback, and (3) not exceeding a cumulative 500 sf footprint of enclosed area every 10 years. <p>Otherwise, special permit</p>	<p>By-right if:</p> <ul style="list-style-type: none"> (1) Reducing nonconformity <p>Otherwise, special permit</p>	<p>By-right if:</p> <ul style="list-style-type: none"> (1) Structure is no taller than the previous structure within the nonconforming setbacks (2) Compliant enclosed addition allowed outside of original footprint with a size up to 250 sf footprint (3) Construction commences within one year of demolition <p>Otherwise, special permit</p>	<p>By-right if:</p> <ul style="list-style-type: none"> (1) Footprint of enclosed area is no more than 250 sf bigger than the original structure's footprint, and (2) Construction commences within one year of demolition <p>Otherwise, special permit</p>	See residential lot of record in nonconformance section	Variance
Lot with nonconforming frontage/width or depth	By-right	Otherwise, special permit including:	See cell below			By-right		
Conforming lot (area, frontage/width and depth)	By-right	(1) Increase in height of structure or other alteration within 75% of the required setback (e.g. in URA increase in height of portion of the structure within 7.5 feet of side lot line).	<p>By-right if:</p> <ul style="list-style-type: none"> (1) Addition is an extension of the existing setback of the dwelling or at a more conforming setback, and (2) is at or greater than 75% of the required setback. <p>Otherwise, special permit</p>			By-right	By-right	

MELROSE CODE

Nonconforming Multi-family, Commercial Structures and all Structures other than 1- or 2-family structures	Conforming alteration	Altering existing nonconforming: Height/Stories Coverage Open Space Floor Area Ratio Yard/Setback area	Total demolition of structure and construction of new structure within the original building's nonconforming footprint	Total demolition of structure and construction of new conforming structure	New structure on vacant nonconforming lot	Creating new nonconforming dimension
Lot with nonconforming area	By-right if: (1) Addition allowed up to a cumulative 500 sf footprint every 10 years Otherwise, special permit	By-right if: (1) Fenestration change that does not intensify the impact of the nonconformity on the abutters (2) Reducing nonconformity Otherwise, special permit	Special permit Construction must commence within one year of demolition Otherwise, variance including an increase in nonconforming dimensions	Special permit Construction must commence within one year of demolition	Variance	Variance
Lot with nonconforming frontage/width or depth	By-right	Otherwise, special permit			Variance	
Conforming lot (area, frontage/width and depth)	By-right			By-right	By-right	