



DEP Issue Profile

Non-conforming Structures in the Shoreland Zone

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Basic Provisions of the Optional Alternative to the 30% Expansion Rule

A municipality may, but is not required to adopt an alternative to the 30% expansion limitation rule, consistent with provisions enacted by the legislature in 1998. This optional method of limiting expansions of non-conforming structures is based on the following criteria:

1. No portion of a structure located within 25 feet of the shoreline can be expanded.
2. Expansion of an accessory structure that is located closer to the shoreline than the principal structure is prohibited.
3. For structures located less than 75 feet from the shoreline, the maximum combined total floor area of all structures is 1000 square feet, and the maximum height of any structure is 20 feet or the height of the existing structure, whichever is greater.
4. For structures located less than 100 feet from a great pond or river flowing to a great pond, the combined maximum total floor area for all structures is 1500 square feet, and the maximum height of any structure is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the shoreline must meet the floor area and height limits of criterion 3 above.

For the purposes of the alternative expansion limitation, an existing basement is not calculated toward floor area.

(See diagram B for a visual display of the basic alternative method of limiting expansions.)

Diagram B
Expansion Option

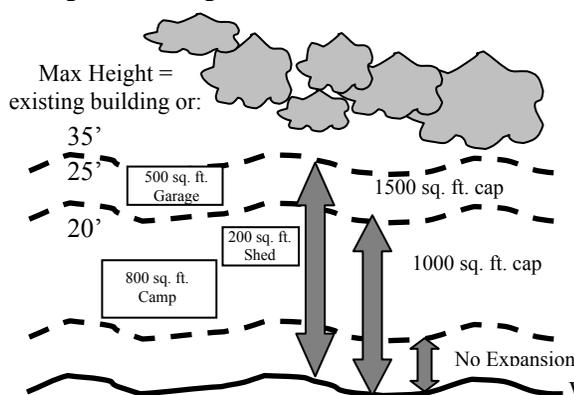
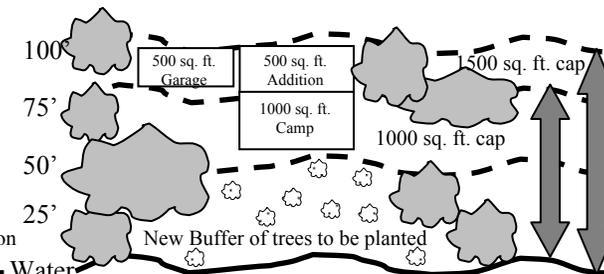


Diagram C
Special Expansion Allowance

Up to 500 sq. ft. above cap allowed provided:
Camp greater than 50' from shore,
Buffer planted and maintained within 50', and soil
erosion and stormwater runoff problems addressed



Clear Lake

The Special Expansion Allowance Pursuant to the Alternative Method of Limiting Expansions.

Under the alternative method of limiting expansions of nonconforming structures, a municipality may permit up to 500 additional square feet of floor area than that allowed above if: the structure is located at least 50 feet from the shoreline; an adequate 50-foot vegetated buffer exists or the owner agrees to plant a suitable buffer; and the owner agrees to implement a plan addressing erosion and stormwater runoff problems on the property. Other requirements may also apply. (See diagram C for a visual display of special expansion allowance)

If a municipality adopts the basic 1000/1500 square foot limits of the alternative to the 30% rule, does it also have to adopt the special expansion allowance?

No. The special expansion allowance (extra 500 square feet) is an optional provision. Whether to adopt the provision is for the municipality to decide.

Does the floor area cap apply to just the principal structure?

No. The cap applies to the total floor area of all principal and accessory structures located within the shoreline setback area, including the upper floors of multi-story buildings. As with the 30% expansion limitation rule, decks, porches, and patios also count as floor area.

Can a municipality adopt both the 30% expansion limitation and the alternative method of limiting expansions of nonconforming structures?

No. The expansion option, if adopted, replaces the 30% rule. The option can not be used in conjunction with the 30% rule to maximize expansions of nonconforming building expansions. The intent of the option is to provide a comparable, and equitable, amount of expansion in a format that is also easier to administer.