

LDC Review Sub-Committee Meeting

February 24, 2026

Elevating Nonconforming Structures

Discussion: Elevating Nonconforming Structures

Regulatory Context

- Expansion of a nonconforming structure is prohibited unless expressly authorized under Chapter 126, Article V (Nonconformances).
- When a nonconforming structure is substantially damaged by a natural disaster, it must be reconstructed to comply with federal flood regulations.
- Ordinance 25-005 allows substantially damaged structures to elevate up to 10 feet above grade without regards to height limitations to enhance resiliency.

Issue

- Elevation necessary for flood compliance or resiliency may result in height or angle-of-light impacts, requiring long-form (variance) approval.

Policy Goal

- Consider adoption of a Land Development Code amendment allowing administrative approval of all elevation projects without requiring long-form review.

Question

- Should a 10-foot elevation limitation apply to all existing structures, including those that are currently conforming but would become nonconforming with respect to height requirements once elevated?

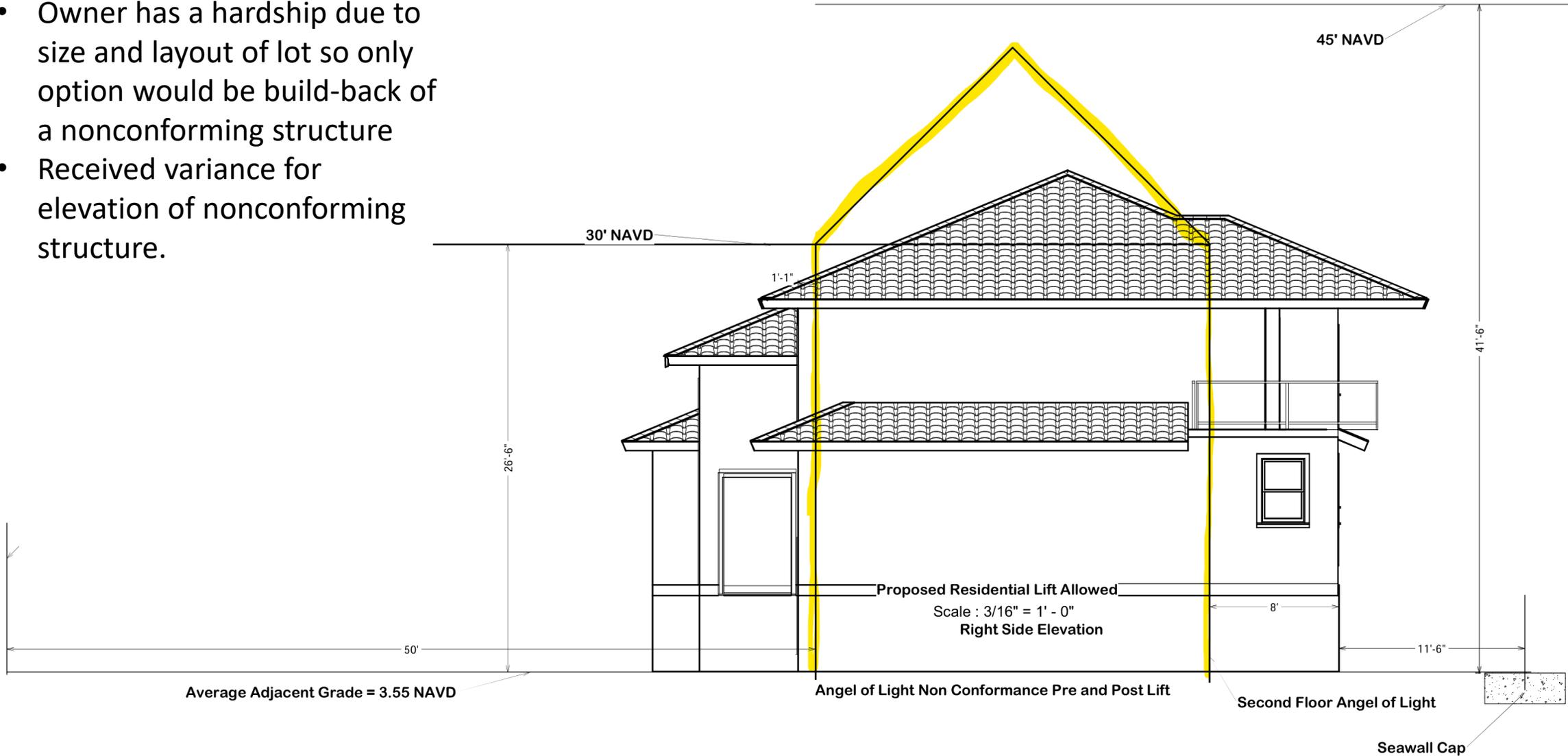
1. A nonconforming structure destroyed by natural disaster can be “built back” to the current required base flood elevation, without regards to height limitations. (Sec. 126-212)
 - “Build back” - Home being reconstructed using “build back” must be:
 - (1) Within its pre-disaster footprint;
 - (2) Within the three-dimensional outline of the lawfully existing habitable area of the pre-disaster building;
 - (3) Up to its pre-disaster gross square footage;
 - (4) Up to its lawfully existing number of dwelling units, but;
 - (5) Elevated above the base flood elevations required by federal flood regulations, ...

For the purpose of resiliency from potential future storm surge, the height of the lowest habitable floor of a nonconforming structure may be elevated up to ten feet above existing grade and exceed applicable height limitations proportionally, including any angle of light restrictions.

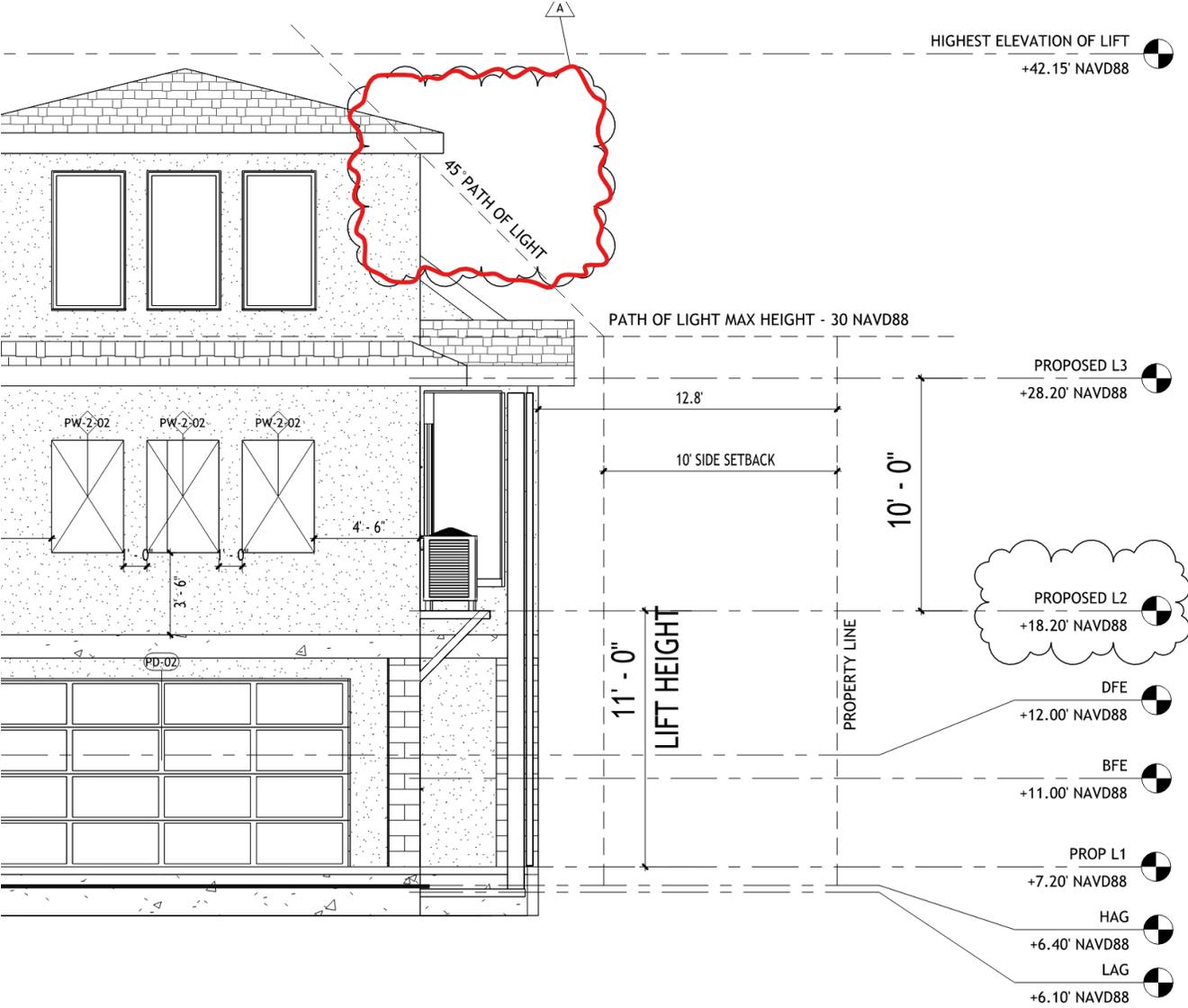
2. Proposed amendment would allow any nonconforming structure to be elevated up to 10 ft. above existing grade, without regards to height limitations.
3. Should the exception from height limitations also be expanded to allow any existing structure to be elevated 10 ft above existing grade?

Elevation of a nonconforming structure

- Owner has a hardship due to size and layout of lot so only option would be build-back of a nonconforming structure
- Received variance for elevation of nonconforming structure.



Elevation of a structure in which a nonconformity arises



- Structure is conforming to setbacks however proposed elevation caused penetration into angle of light.
- Applicant had to reduce elevation by 1' 7".

Elevation of a nonconforming structure

- Structure is nonconforming to a setback however property is adequate size and shape to achieve compliance.
- Applicant was asked to reduce elevation to 10' from grade.

