

SECTION VII: NON-CONFORMANCE

There are three types of non- conforming status:

A. NON- CONFORMING LOTS OF RECORD: A single parcel of land, the legal description of which or the dimensions of which are recorded on a document or map recorded in the Registry of Deeds which at the effective date of adoption or subsequent amendment of this Ordinance, does not meet the lot area or width requirements or both, of the District in which it is located, may be built upon as an existing non-conforming lot of record even though such lot may be contiguous with any other lot in the same ownership, provided that all other provisions of this Ordinance are met.

B. NON-CONFORMING STRUCTURE: A structure that is nonconforming fails to meet yard, height or other development requirements established for the land use district in which it is located; and

C. NON-CONFORMING USE: The use to which lots of record and/or structures are being used but is not a permitted or conditional use in the District in which it is located. Any use of a lot of record or structure which, on the date of adoption of this Ordinance, and that which does not conform to this ordinance is “grandfathered” and can continue, subject only to the following restrictions.

The following provisions shall apply to all non-conforming lots, structures and uses:

1. Burden of Proof: The burden of establishing that any non-conforming structure, use, or lot is a lawfully existing non-conforming structure, use or lot as defined in this Ordinance, shall, in all instances, be upon the owner of such non- conforming structure, use, or lot and not upon the Town of Corinna.

2. Conversion to Conformance Encouraged: Owners of all existing non- conforming structures and uses shall be encouraged to convert such existing non- conforming structures and uses to conformance whenever possible and shall be required to convert to conforming status as required by this Ordinance.

3. Construction begun prior to Ordinance: This Ordinance shall not require any change in the plans, construction, size, or designated use for any building, structure, or part thereof for which a completed application for a local permit has been made, provided application has been subject to substantive review, or a permit that has been issued and upon which construction has been lawfully commenced prior to the adoption or amendment of the Ordinance. Such construction shall comply with Section VI, 8.

4. Transfer of Ownership: Ownership of land and structures which remain lawful but become non-conforming by the adoption or amendment of the Ordinance may be transferred and the new owner may continue the non-conforming use subject to the provisions of this Ordinance

5. Continuance: The use of any building, structure, or parcels of land, which is made non-conforming by reason of the enactment of this Ordinance, or which shall be made non-conforming by reason of a subsequent amendment, may be continued, subject to the following provisions:

a. An existing non-conforming use, non-conforming structure, or a non-conforming use of a structure, shall not be enlarged or increased, nor extended to occupy a greater area of land than that occupied at the effective date of this Ordinance, or any amendment thereto;

b. If any non-conforming use of land or structure ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of land shall conform to the regulations specified by this Ordinance for the District in which such land is located. Should any structure be destroyed or damaged by any means, said structure may be rebuilt on the existing foundation to the dimensions of the structure which was destroyed providing rebuilding is begun within one year; and

c. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of the adoption or amendment of this Ordinance, but no such uses shall be extended to occupy any land outside such building;

d. Any non-conforming use of a structure, premises or land may be changed to another non-conforming use provided that the Planning Board shall find that the proposed use is more consistent with the District's purpose than the existing non-conforming use, at no time shall a use be permitted which is less conforming nor revert back to the previous non-conforming use;

e. A non-conforming use of a structure, or a non-conforming structure may be moved within the boundaries of the lot provided that the Planning Board finds that the change in location on the lot is appropriate to:

- (1) Location and character;
- (2) Fencing and screening;
- (3) Landscaping, topography, and natural features;
- (4) Traffic and access;
- (5) Signs and lighting; and
- (6) Potential nuisance.