

**An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells
to Change When A Nonconforming Use Can Be Resumed Once Discontinued**

NOTE: Proposed additions to existing Code sections are underlined.
Proposed deletions of existing Code sections are ~~crossed out~~.
Other sections of the Ordinance are unchanged.

The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Change When A Nonconforming Use Can Be Resumed Once Discontinued” to read as follows:

Part 1: Section 145-12, entitled “Nonconforming uses” is hereby amended as follows:

§ 145-12. Nonconforming uses.

- A. A nonconforming use may continue to exist although the use does not conform to the requirements of this chapter. The normal upkeep and maintenance, repairs, renovations or modernizations which do not expand the nonconforming use shall be permitted.
- B. If a nonconforming use is replaced by a permitted use, the nonconforming use may be resumed within ~~two~~ five years of its discontinuance, except in the Residential A, Residential B, Residential D and Resource Protection Districts, where a nonconforming use may not be resumed once it has been replaced by a permitted use.
- C. An existing nonconforming use may be changed to another nonconforming use if the Zoning Board of Appeals determines that the impact of the proposed use on adjacent lots is equal to or less adverse than that of the existing use. This determination shall require written findings on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors or other impacts likely to result from such change of use. The standards in Article **VI** (Town-Wide Regulations) and Article **VII** (Performance Standards) shall apply to the change of one nonconforming use to another nonconforming use.
- D. A nonconforming use which is discontinued for more than ~~two~~ five years shall not be resumed, except that a residential use in the Resource Protection or Shoreland Overlay District may be resumed if it has not been discontinued for more than five years.
- E. A nonconforming use shall not be extended or expanded in land or floor area, except that a nonconforming use may be extended into any existing part of a building or structure for which site plan approval had been granted prior to the use becoming nonconforming.

Part 2: Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this ____ day of _____, 2014.

BOARD OF SELECTMEN OF THE TOWN OF WELLS:

Karl Ekstedt

Christopher Chase

Richard Clark

Robert Foley

Timothy Roche