

## ARTICLE 10. NON-CONFORMING USES

### A. Purpose

It is the intent of this Ordinance to promote land use conformities, except those non-conforming conditions that existed before the effective date of this Ordinance shall generally be allowed to continue, subject to the requirements set forth herein. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming. In a situation of abutting non-conforming properties in common ownership, one or more may become more non-conforming provided the ~~second~~ lot non-conformity of the additional lot(s) is lessened.

### B. General Provisions

1. Continuation: The lawful use of any building, structure or land that 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 provisions of this Ordinance.
2. Transfer of Ownership: ~~Ownership of Non-conforming~~ lots, structures and uses ~~that remain lawful but become non-conforming by the adoption or amendment of this Ordinance~~ may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
3. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures, including repairs or renovations ~~which that~~ do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, State, or local building and safety codes may require.

### C. Non-conforming Structures

1. Non-conforming Structure Defined: A non-conforming structure is any structure that does not meet one or more of the dimensional requirements of this Ordinance.
2. Continuation: A non-conforming structure that is lawful at the effective date of the adoption or subsequent amendment of this Ordinance may continue to be occupied subject to the provisions of this ~~section~~ Article. A structure that is made non-conforming by an action of eminent domain of a public entity may continue to be occupied subject to the provisions of this ~~section~~ Article.

3. Expansion:

- a. Non-shoreland area. A non-conforming structure may be repaired, maintained, improved or replaced, but shall not be expanded, enlarged or increased unless such expansion does not make the structure more non-conforming regarding the dimensional requirements of this Ordinance, or unless a variance from such requirements is granted by the Board of Appeals according to the criteria established in Article 11 (Appeals).
- b. Floodplain area. New construction to, or substantial improvement of, any structure located within Zone A and A1-30 of Article 8 (Floodplain Management) shall have the lowest floor (including the basement) elevated to two (2) feet above the base flood elevation as certified by a registered Maine surveyor or registered professional engineer or architect.
- ~~c. Shoreland area - fresh water. If any portion of a structure is less than the required setback from the normal high-water line of a fresh water body or upland edge of a freshwater wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by thirty percent (30%) or more, during the lifetime of the structure.~~
- ~~d. Shoreland areas - salt water. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and is in accordance with subparagraphs 1) and 2) below.~~
  - ~~1) Non-conforming setbacks. Legally existing non-conforming principal and accessory structures that do not meet the water body or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met.~~
    - ~~a) Within twenty five (25) feet of the water. Expansion of any portion of a structure within twenty five (25) feet of the normal high-water line of a salt water body is prohibited, even if the expansion will not increase non-conformity with the water body setback requirement.~~
    - ~~b) Accessory structure. Expansion of an accessory structure that is located closer to the normal high-water line of a salt water body than the principal structure is prohibited, even if the expansion will not increase non-conformity with the water body setback requirement.~~
    - ~~c) Within one hundred (100) feet of salt water. For structures located less than one hundred (100) feet from the normal high-water line of a salt water body,~~

~~the maximum combined total floor area for all structures is 1,000 square feet, and the maximum height of any structure is twenty (20) feet or the height of the existing structure, whichever is greater.~~

~~For the purposes of this subsection, a basement is not counted toward floor area.~~

~~2) Special expansion allowance. Existing principal and accessory structures that exceed the floor area or height limits established in d. 1. c. above may not be expanded, except that the limits may be exceeded by not more than 500 square feet provided that all of the following requirements are met:~~

~~a) Fifty (50) foot setback. The principal structure is set back at least fifty (50) feet from the normal high-water line of a salt water body.~~

~~b) Trees and vegetation. A well-distributed stand of trees and other vegetation extends at least fifty (50) feet in depth as measured from the normal high-water line for the entire width of the property. A "well-distributed stand of trees and other vegetation" shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.~~

~~Diameter of a Tree at 4 ½ feet~~

<del>Above Ground Level (inches)</del>	<del>Points</del>
<del>2- &lt; 4 in.</del>	<del>1</del>
<del>4- &lt; 8 in.</del>	<del>2</del>
<del>8- &lt; 12 in.</del>	<del>4</del>
<del>12 in. or greater</del>	<del>8</del>

~~If a well-distributed stand of trees and other vegetation meeting the requirements of this subparagraph is not present, the 500 square foot special expansion allowance may be permitted only in conjunction with a written plan, including a scaled site drawing, submitted by the property owner, and approved by the Planning Board or its designee, to re-establish a buffer of trees, shrubs and other ground cover within fifty (50) feet of the normal high-water line.~~

~~Except for the allowable footpath, there exists complete natural ground cover, consisting of forest duff, shrubs and other woody and herbaceous vegetation within 50 feet, horizontal distance, of the normal high-water line. Where natural ground cover is lacking the area must be supplemented with~~

~~leaf or bark mulch and plantings of native shrubs and other woody and herbaceous vegetation in quantities sufficient to retard erosion and provide for effective infiltration of stormwater.~~

- ~~c) — Mitigation plan. A written plan by a qualified professional (foresters, arborists, landscape architects, and landscape contractors), including a scaled site drawing, is approved by the Planning Board and is developed, implemented and maintained to address the following mitigation measures for the property within the shoreland zone.~~
  - ~~i) — Un-stabilized areas. Un-stabilized areas resulting in soil erosion must be mulched, seeded or otherwise stabilized and maintained to prevent further erosion and sedimentation to salt water bodies.~~
  - ~~ii) — Storm water flow. Roofs and associated drainage systems, driveways, parking areas, and other non-vegetated surfaces must be designed or modified, as necessary, to prevent concentrated flow of storm water runoff from reaching a salt water body. Where possible, runoff must be directed through a vegetated area or infiltrated into the soil through the use of a dry well, stone apron, or similar device.~~
- ~~3) — Planting requirements. Any planting or re-vegetation required as a condition to the Special Expansion Allowance must be in accordance with a written plan drafted by a qualified professional (foresters, arborists, landscape architects, and landscape contractors), be implemented at the time of construction, and be designed to meet the rating scores contained in subparagraph 2) b), above and the ground cover requirements of paragraph 2) b, above, when the vegetation matures within the fifty (50) foot strip. At a minimum, the plan must provide for the establishment of a well-distributed planting of saplings spaced so that there is at least one (1) sapling per eighty (80) square feet of newly established buffer. Planted saplings may be no less than three (3) feet tall for coniferous species and no less than six (6) feet tall for deciduous species. The planting plan must include a mix of at least three (3) native tree species found growing in adjacent areas, with no one species making up more than fifty percent (50%) of the number of saplings planted unless otherwise approved by the Planning Board or its designee, based on adjacent stand comparison. All aspects of the implemented plan must be maintained by the applicant and future owners.~~

~~4) Filing and reporting requirements. Written plans pursuant to this section must be filed with the Lincoln County Registry of Deeds. A copy of all permits issued pursuant to this section must be forwarded by the Town of Waldoboro to the Commissioner of the Department of Environmental Protection within fourteen (14) days of the issuance of the permit.~~

~~e. Foundation (fresh and salt water). Construction or enlargement of a foundation beneath the existing structure is not considered an expansion of the structure provided: that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Article 10 Section C. 4. Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure, it shall not be considered to be an expansion of the structure.~~

~~4. Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules ("Rules"), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.~~

~~In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.~~

~~When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:~~

~~a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.~~

~~Other woody and herbaceous vegetation, and ground cover, that are~~

~~removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be re-established within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.~~

~~b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.~~

~~5. Reconstruction or replacement. Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than fifty percent (50%) of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided in shoreland areas that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.~~

~~In shoreland areas, any non-conforming structure which is damaged or destroyed by fifty percent (50%) or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer.~~

~~In shoreland areas, in determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.~~

~~6. Change of use of a non-conforming structure (shoreland areas only). The use of a nonconforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on the water body or wetland or on the subject or adjacent properties and resources than the existing use.~~

~~In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, commercial fishing and maritime activities, and other functionally water-dependent uses.~~

~~7. Non-conforming Single-Wide Manufactured Homes: See Article 5 Section X. of this Ordinance.~~

D. Shoreland Area Expansions

1. All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Article 7 (F)(2)(a) (Shoreland Zoning, Land Use Standards). A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs 2) and 3) below.
2. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase non-conformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase non-conformity with the water body, tributary stream, or wetland setback requirement.
8. Notwithstanding subparagraph 2 above, if a legally existing non-conforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met, and the expansion is not prohibited by Section (C)(3).
  - a. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
9. All other legally existing non-conforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met, and the expansion is not prohibited by Section (C)(3) above.
  - a. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
  - b. For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is

greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater.

Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section (D)(3)(a) and Section (D)(4)(a), above.

- c. In addition to the limitations in subparagraphs (a) and (b), for structures that are legally non-conforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 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 normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(D)(4)(a) and Section (D)(4)(b) above.
- d. An approved plan for expansion of a non-conforming structure must be recorded by the applicant with the Registry of Deeds within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary, and evidence of approval by the municipal review authority.
- e. Foundations. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Relocation, Section 5 below.

The following table serves as summary for the Section 4 requirements

<u>Distance from water/ wetland</u>	<u>Maximum structure allowed (Whichever is greater)</u>	<u>Maximum structure height allowed</u>
<u>&lt; 25 feet</u>	<u>800 square feet or 30% larger</u>	<u>15 feet</u>
<u>&lt; 75 feet</u>	<u>1000 square feet or 30% larger</u>	<u>20 feet</u>
<u>&lt; 100 feet</u>	<u>1500 square feet or 30% larger</u>	<u>20 feet</u>
<u>Additional total limit of all structures combined</u>		
<u>0 to 250 feet</u>	<u>1500 or 30% larger</u>	<u>25 feet</u>

5. Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules ("Rules"), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replacement trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation and ground cover that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be re-established within the setback area. The replacement vegetation and/or ground cover must consist of native vegetation and/or ground cover similar to that was disturbed, destroyed or removed.

- b. Where feasible, when a structure is relocated on a parcel, the original location of the structure shall be replanted with vegetation, which may consist of grasses, shrubs, trees, or a combination thereof.

6. Reconstruction or replacement. Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than fifty percent (50%) of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within twelve (12)

months of the date of said damage, destruction, or removal, and provided in shoreland areas that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback, it shall not be any larger than the original structure, except as allowed pursuant to Section D.5 above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its proposed new location. If the total footprint of the original structure can be relocated or reconstructed outside the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section D.5 above.

In shoreland areas, any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed or damaged or destroyed by fifty percent (50%) or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction or removal.

In shoreland areas, in determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent, the Planning Board shall consider, in addition to the criteria above, the physical condition and type of foundation present, if any.

7. Change of use of a non-conforming structure (shoreland areas only). The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body or wetland or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, commercial fishing and maritime activities, and other functionally water-dependent uses.

8. Non-conforming single-wide manufactured homes: See Article 5 Section X (Specific Performance Standards, Single-Wide Manufactured Homes). of this Ordinance.

E. Non-conforming Uses

1. Non-conforming Use Defined: A non-conforming use is any use of land, buildings, or structures lawfully existing at the effective date of adoption or amendment of this Ordinance, which does not conform to the requirements of the district or

districts in which it is located.

2. Continuance: The lawful use of any building, structure, or land which is made non-conforming by reason of the enactment of this Ordinance or subsequent amendment to this Ordinance may be continued, although such use does not conform to the provisions of this Ordinance.
3. Discontinuance: A non-conforming use of a building, structure or land shall be considered discontinued if, in the case of a building or structure, it remains vacant for a period of twelve (12) months, and in the case of an activity, if it ceases for a period of twelve (12) months. During the following twelve (12) month period, the building or structure may be reoccupied and the use re-established with approval by the Planning Board pursuant to site plan review. Subsequent use shall conform to the regulations specified in this Ordinance for the district or districts in which the building, structure or land is located. If a non-conforming use is superseded by a permitted use, the non-conforming use shall not thereafter be resumed.

Resumption of a residential use that has been discontinued for over one (1) year will be allowed, provided that the structure has been used or maintained for residential purposes at any time during the preceding five (5) years.

4. Change of Use: An existing non-conforming use of a building, structure or land may be changed to another non-conforming use only when the new use has no greater impact on the subject and adjacent properties and resources, including water-dependent uses in the Commercial Fisheries/Maritime Activities District, than the former use, as determined by the Planning Board. In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, commercial fishing and maritime activities, and other functionally water-dependent uses.
5. Expansion of a Non-conforming Non-residential Use: The Planning Board may issue approval for an expansion of a non-conforming, non-residential use up to a maximum of fifteen (15) percent of the original floor area of the existing structure, or in the case of an outdoor use, fifteen (15) percent of the original land area used for the activity, according to the criteria for site plan review contained in Article 6 (Site Plan and Subdivision Review) of this ordinance, provided that the expansion meets the dimensional requirements and other provisions of this Ordinance. The expansion of a non-conforming use shall not be for the purpose of changing that use to another non-conforming use, except as provided in paragraph 4 above.
6. Expansions of Non-conforming, Residential Uses: Any non-conforming residential use of a building outside of the shoreland zone may be expanded upon approval from the Planning Board under the criteria for site plan review contained in Article 6 (Site Plan and Subdivision Review) of this Ordinance, provided that said expansion is in compliance with the dimensional requirements and other provisions of this Ordinance.

7. Shoreland Zone: Expansions of non-conforming uses within the shoreland zone are prohibited except that non-conforming residential uses may, after obtaining approval from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section (C) above and as approved by the Planning Board.

F. Non-conforming Lots of Record

1. Non-conforming lots. A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except ~~lot size and frontage can be met~~ area. Variances relating to setback or other requirements not involving ~~lot size or frontage~~ area lot width or shore frontage shall be obtained by action of the Board of Appeals.

2. Contiguous built lots. If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two (2) or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the above-referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. Contiguous lots - ~~v~~Vacant or partially built. If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, and if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one (1) or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.