

## **Town of Belgrade**

### **MINIMUM LOT SIZE ORDINANCE**

#### **1. PURPOSE:**

The intent of this Ordinance is to manage development of land use in order to protect public health, safety, and welfare, and to encourage land use development according to the established character of the Town.

#### **2. AUTHORITY:**

This ordinance has been prepared in accordance with the provision of Title 30-A M.R.S.A. (Maine revised statutes Annotated) Section 3001. This Ordinance shall be known and may be cited as "Minimum Lot Size Ordinance of the Town of Belgrade" or, in abbreviated form, as "MLSO-Belgrade".

#### **3. APPLICABILITY:**

**A. General:** This Ordinance is applicable to all land area within the Town of Belgrade to be used for permanent or temporary purposes, and any change in use, except for:

(1) Multifamily housing in accordance with the *Multi-family Housing Ordinance* of the Town of Belgrade.

(2) Mobile home parks in accordance with *Manufactured Housing and Mobile Home Park Ordinance* of the Town of Belgrade.

This Ordinance is also applicable to all land areas to be used for individual private campsites, permanent, or temporary commercial purposes, or any other purpose requiring construction or placement of permanent or temporary structures.

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

**B. Lots Wholly or Partially Within Shoreland Zoning:** # Furthermore, concurrent applicability or conflict notwithstanding, land use within the Shoreland Zone of the Town of Belgrade shall be permitted only in accordance with the land use standards of the Shoreland Ordinance of the Town of Belgrade. Where a lot or parcel of land is situated partially within and partially outside the Shoreland Zone, this Ordinance and the *Shoreland Zoning Ordinance* shall be applied as follows:

(1) Land area situate and dimensions effective outside the Shoreland Zone shall not be considered in determining the conformity of a lot to the area or dimensional requirements of the *Shoreland Zoning Ordinance* or to the determination of findings with respect to any land use to be considered in accordance with the *Shoreland Zoning Ordinance*.

(2) Land area situate and dimensions effective within the Shoreland Zone shall be considered in determining the conformity of a lot to the area or dimensional requirements of this Ordinance and to the determination of findings with respect to any land use to be considered in accordance with this Ordinance, except that any land use or placement of any structure permitted under this Ordinance shall be confined to that area of the lot which is situate outside the Shoreland Zone, i.e. no authorization shall be found and no permit shall be granted under this Ordinance for any construction or land use within the boundary of the Shoreland Zone.

#### **4. NON-CONFORMING LOTS:**

**A. Transfer of Ownership:** Non-conforming lots may be transferred, and the new owner may continue the existing use of the non-conforming lot, subject to the provisions of this Ordinance. The use of a non-conforming lot existing on the effective date this Ordinance may not be changed to any other use for which the lot would be less conforming under the provisions of this Ordinance.

**B. Ability to Build on:** A non-conforming lot of record as of May 4, 1976, 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; that all provisions of this Ordinance except lot size and frontage can be met; and, that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with. Waivers and variances relating to boundary line setback or to requirements not involving lot size or frontage shall be obtained by action of the

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

Board of Appeals, except as this Ordinance specifically authorizes the Code Enforcement Officer to waive such requirements.

**C. Contiguous Lots Built:** If two or more contiguous lots are in a single or joint ownership of record, 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 Subsurface Wastewater Disposal Rules are complied with for each lot conveyed.

**D. Single Lot Two or More Existing Principal Structures:** If two or more principal uses or structures exist on a single lot of record, each may be sold on a separate lot provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with for each lot conveyed. When a lot is so divided, each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

**E. Contiguous Lots Vacant or Partially Built:** If two or more contiguous lots are in single or joint ownership of record, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements of this Ordinance.

## **5. LAND USE STANDARDS:**

### **A. General:**

*(1) Change of use:* An existing land use may be changed to another land use provided that the proposed use has no greater adverse impact on the subject and the adjacent properties and resources than the former use had and provided that the land use standards specified herein for the proposed land use are met.

*(2). Boundary Line Setback Dimensions:* All structures shall be located within the boundaries of the lot on which constructed such that the following setback dimensions are maintained:

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

(a) ten (10) feet, minimum, horizontal distance between any lot boundary line and the closest point of a structure; and,

(b) the greater of the following dimensions, twenty-five (25) feet horizontal distance, between the closest point of any structure and the near limit of the right-of-way of any public road, privately owned road, or right-of-way used in common with others: or two (2) feet of distance from centerline of travel way per 1' foot of structure height.

The Code Enforcement Officer may waive setback requirements of this subsection to permit accessory structures of twenty-five (25) square feet, or less, area and two hundred fifty (250) cubic feet, or less, volume to be located closer to a public road when the lesser setback is a functional necessity. The Code Enforcement Officer shall specify the setback applicable to each structure subject to waiver based on consideration of structure function and factors affecting public safety (e.g. interference with sight distances, interference with effectiveness of road and right-of-way maintenance measures, etc.)

(3) *Structure Height:* Structure shall not exceed thirty-five (35) feet in height, except. that antenna structures which require height in excess of thirty-five (35) feet in order to achieve effective communications within the terms of a license issued by Federal Communications Commission to a person having standing with respect to use of the land subject to application for permit shall be exempt from the height limitation specified herein for "structures". Antenna structures exempt from the height limitation of this Ordinance shall also be exempt from the setback requirements of Section 5(A)(2)(B)(2) of this Ordinance but shall not be located closer to any lot boundary line or near limit of the right-of-way of any public road, privately-owned road, or right-of-way used in common with others than forty (40) percent of the antenna structure height, unless a variance shall have been obtained from the Board of Appeals. A variance shall be obtained only upon presentation of engineering data sealed by a Registered Professional Engineer attesting to the ability of the proposed antenna structure, including antenna and all appurtenances, to survive the 100-year extreme weather applicable to Belgrade, Maine.

(4) *Lots On Islands:* A lot situated on an island and wholly or partially outside the Shoreland Zone and to be used for any purpose for which a permit is required under this Ordinance shall not be required to meet the road frontage requirements of this Ordinance but shall be required to have a right-of-way permitting at least travel by foot to/from the lot and normal high-water line of a water body to which public

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

access exists. #

(5) *Multiple Land Uses*: Multiple land uses or more than one occurrence of the same land use shall be permitted on a lot provided that the dimensional characteristics of the lot are equal to or exceed the sum of the individual dimensional requirements of Section 5, Subsections (B), (C), (D), and (E), as applicable, for each use or recurrence of a single use, except as provided in (a) and (b) following:

(a) A lot, vacant or upon which a single commercial use exists, which is a conforming commercial lot may be granted a permit for one single family residential dwelling unit in addition to a permit for one commercial use providing all other requirements of this Ordinance, excepting lot coverage, can be met. Application for permit for residential use shall be made separately from application for permit for commercial use.\*\*

(b) A lot on which one single family residential dwelling unit exists and which is a conforming commercial lot may be granted a permit for one concurrent commercial use providing all other requirements of this Ordinance for the commercial use can be met. Lot coverage shall not exceed the lot coverage permitted to commercial use.\*\*

## **B. RESIDENTIAL USE:**

(1) *Area and Dimensions*: A lot upon which a residential dwelling unit is to be permitted shall:

(a) Have a lot area of at least forty thousand (40,000) sq. ft.; and,

(b) Have a boundary line form factor within which seventy-five (75) foot radius circle can be inscribed; and,

(c) Have at least two-hundred (200) feet of road frontage on a public road or on a privately-owned road, except that a lot which meets all requirements of this Ordinance other than road frontage without benefit of variance may be built on without variance providing that all structures, except those structures which may be granted a waiver of setback as permitted by Section 5(A)(2) of this Ordinance shall be set back from all public roads and privately-owned roads existing on the date of submission of a complete application a distance of at least one-hundred (100) feet and that a circle having a radius of seventy-five (75) feet can be inscribed within the lot boundary lines beyond the one-hundred (100) foot setback dimension. No new

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

residential dwelling unit shall be permitted which would result in the number of residential dwelling units per lot exceeding one (1) per forty thousand (40,000) sq. ft. of lot area. Not more than two (2) residential dwelling units shall be permitted in any one (1) structure under the provisions of this Ordinance. Furthermore, nothing in this Ordinance shall be interpreted or applied so as to limit, modify, or circumvent in any way the applicability or requirements of the *Town of Belgrade Subdivision Ordinance* or requirements of the *Town of Belgrade Multi-family Housing Ordinance* to applications for permit which seek to place more than a single dwelling unit on a lot. #

(2) *Accessory Structures*: Accessory structures shall be permitted on a lot used for *recreational purposes*. (3) *Lot Coverage*: Lot coverage shall not exceed twenty-five (25) percent of lot area.

### **C. Individual Private Campsites:**

(1) *Area and Dimensions*: A lot upon which a Individual Private Campsite is to be permitted shall:

- (a) Have a lot area of at least thirty thousand (30,000) sq. ft; and,
- (b) Have a boundary line form factor within which a sixty-five (65) foot radius circle can be inscribed; and,
- (c) Have at least one-hundred fifty (150) feet of road frontage on a public road or on a privately-owned road, except that a lot which meets all requirements of this Ordinance other than road frontage without benefit of variance may be built on and used as an Individual Private Campsite without variance providing that all structures, except those structures which may be granted waiver of setback as permitted by Section 5(A)(2) of this Ordinance, shall be set back from all public roads and privately-owned roads existing on the date of submission of a complete application a distance of at least one-hundred (100) and that a circle having a radius of sixty-five (65) feet can be inscribed within the lot boundary lines beyond the one-hundred (100) foot setback dimension.#

(2) *Campsites per Lot*: Not more than one (1) Individual Private Campsite shall be permitted per lot, lot size notwithstanding.

(3) *Foundations and Attached Structures*: Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s)

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

except temporary canopies shall be attached to the recreational vehicle.

Tents may be located on tent platforms. No structure(s) except tents and temporary canopies shall be attached to or constructed on a tent platform.

(4) *Accessory Structures*: Not more than two (2) accessory structures shall be permitted on a lot having a principal use as an Individual Private Campsite.

(5) *Lot Coverage*: Lot coverage shall not exceed the lesser of ten (10) percent of lot area or four thousand (4,000) sq. ft.

(6) *Wastewater Disposal*: If wastewater is to be disposed of on-site, a subsurface wastewater disposal system plan shall be provided on Department of Human Services form HHE 200, and a permit issued by the Local Plumbing Inspector (LPI) before the site is occupied. If wastewater disposal is to be accomplished by transferring wastewater from an on-site holding facility to a receiving facility off-site, written authorization from the receiving facility or landowner is required to be on file at the Town of Belgrade Municipal Office before the site is occupied.

#### **D. Commercial Use:**

(1) *Area and Dimensions*: A lot upon which a commercial use or a structure to be used for commercial purpose is to be permitted shall:

- (a) Have a lot area of at least sixty thousand (60,000) sq. ft.; and,
- (b) Have a boundary line form factor within which a ninety (90) foot radius circle can be inscribed; and,
- (c) Have at least two hundred (200) feet of road frontage on a public road or on a privately-owned road.

Nothing in this Ordinance shall be interpreted or applied so as to limit modify or circumvent in any way the applicability or requirements of the *Town of Belgrade Subdivision Ordinance* to applications for permit which seek to place more than a single commercial structure, unit or use on a lot.

(2) *Accessory Structures*: Accessory structures shall be permitted on a lot used for commercial purposes.

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

(3) *Lot Coverage:* Lot coverage shall not exceed fifty (50) percent of lot area.

**E. Other Land Uses:**

(1) *Area and Dimensions:* Minimum lot area and minimum lot dimensions are not established for a lot to be used for a purpose(s) other than specified in Sections 5(B),5(C), or 5(D), except that a lot to be subject to any land use requiring subsurface wastewater disposal shall meet the State Minimum Lot Size Law.

(2) *Number of Structures/Uses:* The number of structures or land uses to be permitted on a lot under this subsection is not limited by this Ordinance.

(3) *Lot Coverage:* A lot which meets or exceeds all lot area dimensional requirements for a Residential Lot as specified in Section 5 (B) may be developed providing that lot coverage shall not exceed twenty-five (25) percent. A lot which does not meet lot area requirements or does not meet one or more lot dimensional requirements for a Residential Lot is specified in Section 5(B) may be developed providing that lot coverage shall not exceed ten (10) percent.

(4) *Wastewater Disposal:* If wastewater is to be accomplished by transferring wastewater from an on-site holding facility to a receiving facility off-site, written authorization from the receiving facility or landowner is required and is to be on file at the Town of Belgrade Municipal Office before the proposed land use is initiated.

**6. ADMINISTRATION:**

**A. Administering Bodies and Agents:**

(1) *Code Enforcement Officer:* A Code Enforcement Officer (CEO) shall be appointed or reappointed annually by July 1st.

(2) *Board of Appeals:* A Board of Appeals shall be created in accordance with the provisions of Title 30-A Section 2691.

**B. Permits Required:** After the effective date of this Ordinance, no person shall erect any structure; initiate any temporary or permanent use of land; expand, change,

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

or replace an existing use or structure; or renew a discontinued use without first obtaining a permit.

**C. Permit Application:**

(1) Every applicant for a permit shall submit a written application, including scaled sit plan, on a form prescribed by the municipality, to the CEO.

(2) All applications shall be signed by the applicant, certifying that the information on the application is complete and correct. If the person signing the application is not the owner or lessee of the property, the applicant shall submit evidence of authorization to act on behalf of the owner or lessee.

(3) All applications shall be dated, and the CEO shall note upon each application the date and time of its receipt.

(4) Except as provided in Section 5(C)(6) and Section 5(E)(3) of this Ordinance, if a property is not served by a public sewer and the proposed structure(s) or change in land use require provision for disposal of wastewater, the applicant shall submit as part of the application for permit a valid plumbing permit issued by the Local Plumbing Inspector (LPI) or a completed application for a plumbing permit, including the site evaluation approved by the LPI, which meets all the requirements of the State Department of Human Services for the proposed land use; or, if a subsurface wastewater disposal system is not required a statement from the LPI that no plumbing permit is required.

(5) All applications shall be accompanied by any and all application fees established by the municipality which are applicable to the land use or classification of structure(s) for which application for permit is being made. Application fee shall be based on description of proposed land use or development at the time of application submittal; changes requested by applicant to initially proposed land use or development or changes required to render permitted land use or development to be in compliance with applicable laws, ordinances, and regulations may require applicant to make payment of additional fees, as determined by fee schedule, but will in no case be a basis for refund of any fees paid. Application fees paid on applications which are withdrawn or denied are not refundable. Applications received and for which scheduled applications fee(s) have not been received by the Town of Belgrade shall be considered incomplete and shall not be acted upon until such time

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

as fees due are paid. When determination is made during application consideration that additional fees are due and payable, consideration and action on the application may be continued. However, CEO or Planning Board approval of application shall not be deemed to have occurred, approval in all other respects notwithstanding, and issuance of permit shall be withheld until all fees due have been paid.

#### **D. Procedure for Administering Permits:**

Within thirty-five (35) days of receiving an application for permit, the CEO shall determine that the application is complete or shall notify the applicant in writing that the application is incomplete and shall specify the additional material needed to make the application complete. Within thirty-five (35) days of receiving a complete application for permit the CEO shall *approve, approve with conditions, or deny* an application for permit. Permits shall be approved if the proposed land use or structure(s) is found to be in conformance with the purposes and provisions of this Ordinance as evidenced by a positive finding that the proposed land use or structure(s) will:

1. Be maintained in a safe and healthful condition;
2. Adequately provide for the disposal of all wastewater;
3. Not have an adverse effect on areas of land having status as *Critical Areas* as designated by the State of Maine Critical Areas Program identifiable as significant wildlife habitat or designated as a *Resource Protection Area*;
4. Conserve visual, as well as actual, points of access to inland waters and to points of local and regional natural or historic significance;
5. Protect archaeological and historic resources as designated in the Comprehensive Plan;
6. Avoid problems associated with floodplain development and use; and,
7. Be in conformance with the provisions of Section 5, Land Use Standards.

The applicant shall have the burden of proving that the proposed land use and structure(s) are in conformity with the purposes and provisions of this Ordinance. If

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

a permit is either *denied* or *approved with conditions*, the reasons as well as the conditions shall be stated in writing. No approval shall be granted for an application involving a structure or structures if they would be located in an unapproved subdivision, or would violate any other local ordinance, or regulation, or any State law which the municipality is responsible for enforcing.

#### **E. Expiration of Permit:**

Following the issuance of a permit, if no substantial start is made in construction or the permitted use of the property is not commenced within one (1) year of the date of issue of a permit, the permit shall lapse and become void.

#### **F. Appeals:**

(1) *Powers and Duties of the Board of Appeals:* The Board of Appeals shall have the power to hear and decide Administrative Appeals and Variance Appeals.

Administrative Appeals arise where it is alleged that there is an error in any order, requirements, decision, or determination made by, or failure to act by, the CEO in the administration of this Ordinance. The Board of Appeals shall not have the power to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by the CEO in the enforcement of this Ordinance; enforcement appeals shall be made to Superior Court in accordance with state law. Variance Appeals arise in order to authorize variances upon appeal, within the limitations set forth in this Ordinance, to one or more standards prescribed by this Ordinance.

(2) *Variance Appeals:* variances may be permitted only under the following conditions:

(a) Variances may be granted only from dimensional requirements.

(b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

(c) The Board shall not grant a variance unless it finds that:

[1] The proposed structure(s) or land use would meet the provisions of Section 5 except for the specific provision which has created the non-conformity and from which relief is sought; and,

[2] The strict application of terms of this Ordinance would result in undue

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

hardship.

(d) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

(3) *Appeal Procedure:*

(a) An Administrative Appeal or a Variance Appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the CEO within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board of Appeals, upon showing of good cause, may waive the thirty (30) day requirement. Appeals shall be made by filing with the Board of Appeals a written notice of appeal setting forth a concise statement indicating what relief is requested and why it should be granted, and a sketch drawn to scale showing lot lines, location of existing structures and other physical features of the lot pertinent to the relief sought.

(b) The Board of Appeals shall hold a public hearing on the appeal within forty-five days of its receipt of an appeal request. \*

(c) The Board of Appeals shall decide all appeals within thirty-five (35) days after the close of the public hearing on the appeal and shall issue a written decision on all appeals at that time.

(4) *Appeal to Superior Court:* Any aggrieved party who participated as a part during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State Laws within forty-five (45) days from the date of any decision of the Board of Appeals. \*

(5) *Reconsideration:* The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

**H. Enforcement:**

(1) *Nuisances:* Any violation of this Ordinance shall be considered a nuisance.

(2) *Code Enforcement Officer:* It shall be the duty of the Code Enforcement Officer (CEO) to enforce the provisions of this Ordinance by notifying in writing the person

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

responsible for any violation and ordering the action necessary to correct it, including discontinuance of illegal land use, structures, and abatement of nuisance condition. A copy of notices of violation shall be submitted to the Municipal Officers and be maintained as a permanent record. The CEO shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of this Ordinance. The CEO shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

(3) *Legal Actions:* When enforcement action by the CEO as prescribed in the above section does not result in the correction or the abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the CEO, are hereby directed to institute any and all actions and proceedings either legal or equitable, including seeking injunctions of violations and imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Municipality. The Municipal Officers are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violation of this Ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure(s) or land use to continue unless there is clear and convincing evidence that an illegal structure or land use was constructed or conducted as a direct result of erroneous advice given by an authorized Municipal Official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure(s) or discontinuance of the land use will result in a threat or hazard to public health or safety or will result in substantial environmental damage.

(4) *Fines:* Any person, including but not limited to a landowner, a landowner's agent, or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Annotated, Subsection 4452.

## **7. EFFECTIVITY, AMENDMENTS, AND REPEAL OF FORMERLY ADOPTED ORDINANCE:**

This Ordinance and any amendments to this Ordinance shall be effective upon adoption by a vote of the Town of Belgrade at any regular or Special Meeting of the Voters of the Town of Belgrade called for the purpose of considering this Ordinance or amendments thereto. Upon approval of this Ordinance, the *Minimum Lot Size*

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

*Ordinance* previously adopted on November 5, 1993, is hereby repealed.

## **8. CONFLICTS WITH OTHER ORDINANCES:**

Where this Ordinance applies concurrently with, conflicts with, or is inconsistent with any other Ordinance, regulation, or statute, the more restrictive provision shall control.

## **9. SEVERABILITY:**

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

## **10. DEFINITIONS:**

*Accessory Structure or Use:* A use or a structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of a lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof, or a common wall is considered part of the principal structure.

*Commercial Use.* The use of lands, buildings, or structures the intent and result of which is the production of income from the bartering or buying and selling of goods and /or services, exclusive of rental of residential buildings and/or dwelling units. Commercial use does not include activities within the meaning of "home occupation". For the purpose of the Ordinance the term "Commercial Use" includes "industrial uses", such as but not necessarily limited to manufacturing, packaging, or processing of goods, mineral extraction, etc.

*Contiguous Lots:* Lots in single or joint ownership and which adjoin at any line or at any point or which are separated at any point by a body of water less than fifteen (15) feet wide at normal high-water line; or lots on opposite sides of a public road or a privately-owned road established by the owner of land on both sides thereof after September 22, 1971.

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

*Dimensional Requirements:* Numerical standards relating to spatial relationships including but not limited to setback, lot area, road frontage, and height.

*Driveway:* A road, excluding a road used in common with others, intersecting a public road or a privately-owned road intended to provide for the passage of motorized vehicles to and from the public road or privately-owned road and terminus located on a lot.

*Expansion of Structure:* An increase in the floor area or volume of a structure, including all extensions such as, but not limited to, attached decks, garages, porches, greenhouses, etc.

*Expansion of use:* The addition of months to a use's operating season; or use of more floor area devoted to a particular use. \*

*Family:* One or more persons occupying a premises and living as a single housekeeping unit.

*Height of Structure:* The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antenna, and similar appurtenances which have no floor area.

*Home Occupation:* An occupation or a profession which is customarily conducted on or in a residential structure or on a residential use property and which is clearly incidental to and compatible with the residential use of the property and surrounding residential uses and which employs no more than two (2) persons other than family members residing in the home.

*Individual Private Campsite:* An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not limited to gravel pads, parking areas, fireplaces, or tent platforms.

*Lot:* An area in land in single or joint ownership, or one leasehold, with ascertainable boundaries established by deed or other instrument of record, or a segment of land ownership defined by boundary lines on a subdivision plan duly approved and recorded in the County Registry of Deeds.

*Lot Area:* The area of land enclosed within the boundary lines of a lot, minus land

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

below the normal high-water line of a water body, land within the upland edge of a wetland, and land beneath roads serving more than two (2) lots.

*Lot Coverage:* That portion of a lot dedicated to the projected area (onto the lot surface) of structures and to non-vegetated usage including, but not limited to, paved areas, stairways, walkways, road (including driveways), parking areas, etc. in relation to lot area. Lot coverage may be expressed in area measure (to be interpreted relative to lot area) or as a percentage of lot area.

*Maintenance and Repair (of a structure):* Perform tasks such as refinishing, cleaning, applying preventative or protective treatments, etc. on the exterior or interior of an existing structure or portion thereof (maintenance); without altering the defining characteristics and dimensions of the structure, to return an existing and deteriorated interior or exterior feature(s) of a structure to that feature's original functionality and condition by replacement of deteriorated material in kind or by use of a corrective materials and process (repair). The following undertakings are specifically included within the scope of "maintenance and repair": residing; replacement, deletion, or addition of doors and windows; replacement of sills, posts, frost walls, and foundations; screening of roofed decks/porches and breezeways. Note: see definitions of "Reconstruct" and "Replace". +

*Non-Conforming Lot:* A parcel of land in single or joint ownership which does not meet one or more dimensional requirements (e.g. land area shore frontage, road frontage, or width) of the district in which the parcel is located for the land use existing or intended. As determined by the context of usage a "lot" may refer to an individual lot of record or may refer to an aggregation of two or more contiguous lots of record which are required to be or may be considered a single lot or parcel for the purpose of administration of this or other applicable ordinance or law.

*Person:* An individual corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

*Principal Structure:* A structure other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

*Privately-owned Road:* A road which neither the municipality nor the general public has the right to pass over by foot or vehicle; any and all roads, excepting public roads and driveways, within an approved subdivision; a road, excepting a driveway, which

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

intersects at least one public road or privately-owned road at one or more locations, which is constructed or created on land in private ownership and which is a right-of-way in common for two or more persons.

*Public Road:* A Federal highway or a State highway or a road which has been constructed by or accepted by the Town and which is maintained by the Town as a public way, a public easement (also called a private way) as defined by Title 23 M.R.S.A. Section 3021.

*Reconstruct:* Raze a structure in its entirety or in any part such that the structure's dimensions or defining characteristics and functionality are altered for a period of time followed by restoration of the razed structure or razed portion thereof to its original dimensions, defining characteristics, and function at the same locus as the predecessor structure. Note: See definitions of "Maintenance and Repair" and "Replace". +

*Recreational Vehicle:* A vehicle or an attachment to a vehicle designed to be towed and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, camp trailer, and motor home. In order to be considered a vehicle and not a structure, the unit must remain with its tires on the ground and must be roadworthy (i.e. possess a current registration sticker from any State Division of Motor Vehicles).

*Replace:* Raze a structure in its entirety or in any part such that the structure's dimensions or defining characteristics and functionality are altered for a period of time followed by construction of a structure of new dimensions, defining characteristics, or functionality at the same or a different locus than that of the predecessor structure. Note: See definitions of "Maintenance and Repair" and "Reconstruct". +

*Residential Dwelling Unit:* A residential dwelling unit is a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

*Right-of-Way:* A grant without any benefit of ownership and established by deed, by easement, or by other legal agreement permitting a person or persons to pass over the land of another person or to use a privately-owned road. Also, that strip of land defined by boundaries onto which a public road has been mapped, or upon which a

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

public road has been constructed, or which is defined by law relative to an existing public road as defining the limits of the public's right-of-way, and, when so used, the term refers to the land itself, not the right of passage over it. \*

*Road:* A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

*Road Frontage:* The straight-line dimension between the inter- sections of two (2) consecutive lot lines with the right-of-way of the public road or privately-owned road which exists in common with the boundary of the lot. When a lot has two or more non-contiguous segments of frontage on the same road, the road frontage shall be the aggregate of the dimensions of the individual segments. When a lot borders on two or more roads, frontage shall be determined for each road independently, defining the intersection of the near limit rights-of-way of any two roads and the lot as a lot line; the dimension of greatest aggregate on any one (1) public or privately owned road shall be taken as the road frontage. \*

*Setback:* The horizontal distance from a boundary line of a lot or from the normal high-water line of a water body or from the near limit of a right-of-way to the nearest part of a structure, road, parking space, or other regulated object or area.

*Shoreland Zone:* That area of land adjacent to great ponds, rivers, freshwater wetlands, and streams designated as Shoreland Zone in accordance with the *Belgrade Shoreland Zoning Ordinance*.

*Structure:* Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes. The term also includes structures or portions thereof not having fixed exterior walls. [e.g. pavilions, open porches, breezeways, gazebos, carports, pole barns, etc.].

*Substantial Start:* Completion of thirty (30) percent of a permitted structure measured as a percentage of the estimated value of permitted construction, as determined by independent appraisal; actual commencement of a permitted use.

*Tent Platform:* A temporary permanent surface designed to serve only as a floor for a tent and associated canopy, if any, and which is typically elevated immediately

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting

above natural terrain. A railing not exceeding three (3) feet in height may be affixed to a portion or all of the perimeter on the tent platform for the safety of the occupants of the elevated platform.

*Upland Edge:* The boundary between upland and wetland.

*Water Body:* Any great pond, river, or stream.

*Wetland:* A freshwater wetland or wetlands associated with a great pond or river.

Wetlands contiguous with or adjacent to a great pond or river and which during normal high-water are connected by surface water to the great pond or river.

Wetlands which are separated from a great pond or river by a berm causeway, or similar feature less than one hundred (100) feet in width and which have a surface elevation at or below the normal high-water line of the great pond or river. Wetland associated with great ponds or rivers are considered to be part of that great pond or river.

\*Amended March 5, 1993/#Amended November 5, 1993

+Amended June 6, 1995/\*\*Amended March 1, 1996

\*Amended March 19<sup>th</sup>, 2010, Town Meeting