

Lot Specification and Building Permit Ordinance of the Town of Appleton, Maine

Section 1. TITLE

This Ordinance shall be known as the "Lot Specification and Building Permit Ordinance of the Town of Appleton Maine".

Section 2. PURPOSE

The purpose of this Ordinance is to preserve the rural and residential character of the town, to promote the maintenance of safe and healthful living conditions, to preserve and protect the natural environment and scenic beauty of the area, to protect existing residential developments.

Section 3. APPLICABILITY

This Ordinance shall apply to all structures, including manufactured and mobile housing, within the town of Appleton. Projects governed by the Wireless Telecommunications Facility Siting Ordinance and the Town of Appleton, Maine Wind Energy Facility Ordinance are exempt from the height restrictions of this ordinance, but the rest of this ordinance applies to those projects.

Section 4. AUTHORITY

This Ordinance is adopted pursuant to the Home Rule Powers as provided for in Article VIII Part 2, section 1 of the Maine Constitution and [30-A MRSA § 3001](#).

Section 5. SPECIFICATIONS

1. Lot Size. No building shall be constructed, enlarged, located or relocated on a lot of less than one acre.
2. Frontage. No building shall be constructed, enlarged, located or relocated on a lot with road frontage of less than One Hundred Fifty (150) continuous feet, when said lot is located on a public way or on a street within a subdivision. This requirement does not apply to lots accessed by a private driveway or right of way.
3. Setback. No structure shall be placed on a lot with a front setback of less than twenty-five feet (25) from the public or private right of way or sixty (60) feet from center of the public or private traveled road. Setback of structure from side or rear lot lines shall be no less than twenty-five (25) feet.

4. Height. No structure shall exceed a height of thirty four (34) feet from the average grade to the roof top. Barns and silos used for agricultural purposes, and church steeples, are exempt.

Section 6. PERMITS

1. No building or addition to a building shall be erected, nor shall any structure, mobile, manufactured, or permanent, be located in the Town of Appleton, without a building permit being obtained from the Code Enforcement Officer by the builder or owner, prior to the commencement of construction or placement.
2. No shelter, RV or camper shall be placed on a lot for purpose of occupation or human habitation for more than fourteen (14) consecutive or thirty (30) cumulative days in a six (6) month period without a building permit obtained from the Code Enforcement Officer. This does not apply to licensed campgrounds.
3. No structure, mobile home or manufactured home shall be placed on a lot for the purpose of storage for more than fourteen (14) consecutive or thirty (30) cumulative days in a (6) month period without a building permit obtained from the Code Enforcement Officer.
4. Building permit applications are available at Town Office. Applications for building permits shall include the following information:
 - (a) Name and address of the owner and the builder of the building, structure or shelter-(either permanent or mobile).
 - (b) Location of lot, including Registry of Deeds book and page numbers, town tax map and lot numbers, and a sketch of the lot showing all dimensions, names of abutting property owners, location of existing and proposed structure or shelter, distance of proposed structures from center line of road or traveled way, property lines of the lot, and any lake, pond, river, stream or wetland.
 - (c) Dimensions of proposed structures, including square feet, building height and number of stories.
 - (d) Proposed use of structure(s).
 - (e) Proposed water supply (if applicable).
 - (f) Proposed sewage disposal system and copy of plumbing permit (if applicable).
 - (g) Copy of Soil Test validation and name of tester (if applicable).
 - (h) Name of approved subdivision (if applicable).
 - (i) Copy of Entrance Permit (if applicable).
 - (j) Estimated cost of improvement.
 - (k) Selected characteristics of the proposed structure.
5. All fees for Building Permits shall be paid to the Town of Appleton in accordance with the fee schedule as established by the Select Board.

6. Exemption: Exempt from this building permit requirement shall be any building not greater than one story in height and with a footprint no larger than 100 square feet. An addition which then makes a building exceed 100 square feet triggers a permit for the entire building. Once a building exceeds 100 square feet any addition requires a permit. **NOTE: This exemption applies only to the permit. All other requirements of the ordinance, including setbacks, apply.**

7. Time Limit: If activity as described in a building permit is not commenced within one year of issuance of the permit accompanied by substantial continuation of building activity, the building permit shall be considered void and a new permit must be obtained.

Section 7. SEPARABILITY

In the event that any sections, subsections, or provisions of this Ordinance shall be declared by any competent court to be invalid, such decision shall not be deemed to affect the validity of any other sections, subsections or provisions of this ordinance.

Section 8. CONFLICT WITH OTHER ORDINANCES, ETC.

Whenever the requirements of this Ordinance are at variance with the requirements of other lawfully adopted codes or ordinances, the most restrictive or those imposing the more restrictive standards shall govern.

Section 9. ENFORCEMENT

It shall be the duty of the Code Enforcement Officer of the Town of Appleton to enforce the requirements of this Ordinance. If this Ordinance is being violated, the Code Enforcement Officer shall notify in writing by registered mail, return receipt requested, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. A copy of such notices and receipts shall be maintained as a permanent record in the Municipal Office by the Code Enforcement Officer.

Section 10. LEGAL ACTIONS

When the above action does not result in the correction or abatement of the violation, the Selectmen of Appleton, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce provisions of this Ordinance in the name of the Town of Appleton in accordance with the provisions of [30-A MRSA § 4452](#)

Section 11. FINES

Any person who continues to violate any provision of this Ordinance after receiving written notice of such violations shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for each violation, in accordance with 30-A M.R.S.A. § 4452. Each day such a violation is continued may be counted as a separate offense.

Section 12. AMENDMENTS

This Ordinance may be amended by a majority vote at a regular or special town meeting. Amendments may be initiated by a majority vote of the Planning Board, by request of the Board of Selectmen to the Planning Board or by petition directed to the Selectmen containing a number of signatures at least equal to 10% of the votes cast in the last gubernatorial election in the town. The

Planning Board shall conduct a public hearing on any proposed amendment at least fourteen (14) days in advance of the Town meeting.

Section 13. APPEALS

If the Code Enforcement Officer disapproves an application or grants approval with conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of this Ordinance do not apply, or that the true intent and meaning of this Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Code Enforcement Officer in writing to the Board of Appeals within thirty (30) days of the Code Enforcement Officer's decision. The Board of Appeals may reverse the Code Enforcement Officer's decision after holding a public hearing and may grant a variance as defined herein. Public hearings shall be held in accordance with 30-A MRSA § 2691.

Section 14. NON-CONFORMING BUILDING AND STRUCTURES

The use of a building or structure, existing before the effective date of the Lot Specification Ordinance adopted 11/4/1986 or subsequent amendment thereto for provisions found there or the Building Permit Regulations adopted 12/01/1987 or subsequent amendment thereto for provisions found there, may continue although the building or structure does not conform to the provisions of this Ordinance. A non-conforming building or structure may be repaired, maintained or improved. The structure may be enlarged without a variance provided that:

- a) The enlargement does not exceed the height standards of the Ordinance.
- b) The enlargement itself meets the setback requirements, or is no closer than the non-conforming structure to the right-of way or center of the road, or the side or rear lot lines.
- c) If any portion of the structure is less than the prescribed minimum setback requirements from the right- of -way or center of the road, side or rear lot lines, the structure shall not be expanded in volume by 30% or more during the lifetime of the structure.

Section 15. NON-CONFORMING LOTS

A non-conforming lot of record as of the effective date of the Lot Specification Ordinance adopted 11/4/1986 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. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

Section 16. EFFECTIVE DATE

The effective date of this ordinance or any amendment thereto shall be the day immediately following adoption at a regular or special town meeting. The effective date of this ordinance is June 9, 2010. A copy of this ordinance and any amendment hereto shall be filed with the town clerk, according to the requirements of State Law, and shall be accessible to any member of the public.

Section 17. ABROGATION

This ordinance repeals and replaces the Lot Specification Ordinance of the Town of Appleton, Maine (adopted 11/04/1986) and the Building Permit Regulations for the Town of Appleton (adopted 12/01/1987).

Section 18. DEFINITIONS

Aggrieved Party - A person whose land is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance, a person whose land abuts land for which a permit or variance has been granted, or a group of five or more citizens of the Town of Appleton who represent an interest adverse to the granting or denial of such permit or variance.

Building – Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons, animals or property.

Commenced – Activity shall be considered to be commenced when any work beyond the state of excavation, including but not limited to the pouring of a slab or footings, the installation of piles, the construction of columns or the placement of a manufactured home on a foundation, has begun.

Frontage – The length of the lot line that runs along the road or way used to access the lot.

Setback – An open area extending the entire width of the lot and extending into the lot at a right angle to such depth as specified. Such area shall be unoccupied and unobstructed by any building or structure from the ground upward.

Shelter – Any permanent or temporary structure to protect persons, animals or property.

Structure – Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including a tent, fence or vehicle.

Unnecessary or undue hardship – This clause requires the following conditions inclusive:

- A. The land in question cannot yield a reasonable return unless a variance is granted,
- B. The need for a variance is due to the unique circumstances of the property and not the general conditions in the neighborhood,
- C. The granting of a variance will not alter the essential character of the locality **AND**
- D. The hardship is not the result of action taken by the applicant or a prior owner.

Variance - A relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship as defined in

Title 30-A M.R.S.A., Section 4353-4 and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

NOTE:

The following amendments were made to the Lot Specification Ordinance which was adopted 11/4/1986:

9/9/2004- Special Town Meeting – Article #2 – Section 13. Non-conforming buildings and structures

6/13/2006- Annual Town Meeting- Article #33-Section 14. Non-conforming lots

6/10/2009- Annual Town Meeting- Article #29-Section 12. Appeals

6/10/2009- Annual Town Meeting- Article #30- Section 13. Non-conforming buildings and structures

The following amendments were made to the Building Permit Regulations Ordinance which was adopted 12/1/1987:

3/18/1989- Annual Town Meeting – Article #12 – Adjusting fees

6/21/1995- Special Town Meeting- Article #25-Numerous changes

6/18/2005- Annual Town Meeting- Article #36-Adjusting fees

The following amendments were made to the Lot Specification and Building Permit Ordinance of the Town of Appleton, Maine adopted June 9, 2010:

6/15/2011 - Annual Town Meeting – Article #31 – Section 3. – Applicability

6/13/2012 - Annual Town Meeting – Article #39 – Section 18 – Definitions

6/13/2018 - Annual Town Meeting – Article # 32-Section 6-Permits #5 Fees

A True Attest Copy:

Pamela Smith

Date: June 13, 2018