

Town of Belgrade
MINIMUM LOT SIZE ORDINANCE

<u>Record of Changes</u>	
<u>Date</u>	<u>Changes made</u>
<u>March 5, 1993</u>	
<u>November 5, 1993</u>	
<u>June 6, 1995</u>	
<u>March 1, 1996</u>	
<u>March 19, 2010</u>	
<u>February 12, 2024</u>	<u>Updated to be in compliance with LD2003</u>
<u>Feb. 15, 2024</u>	<u>Corrections, typos and edits agreed upon at 2/15/24 PB meeting</u>
<u>April 9, 2024</u>	<u>Edits in response to attorney's comments & corrections of typos agreed upon at 4/9/24 emergency PB meeting</u>

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

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

~~*Amended March 19th, 2010 Town Meeting~~

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 any permanent or temporary purposes uses of land, 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; and,

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.

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

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

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

~~*Amended March 19th, 2010 Town Meeting~~

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 of 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 Sub- surface 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 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

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

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

~~*Amended March 19th, 2010 Town Meeting~~

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) ~~(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:

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

____ (b) the greater of the following dimensions, 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 the centerline of the travel way per one (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 footprint, or less, area and two hundred fifty (250) cubic feet, or less, volume to be located closer to a public road when

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

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

~~*Amended March 19th, 2010 Town Meeting~~

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 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 standards of the lot are equal to or exceed the sum of the individual dimensional lot size requirements of in Section 5, Subsections (B), (C), (D), and (E), as applicable subsections, 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~~ except for lot coverage, can be met. Application for permit for residential use shall be made separately from application for permit for commercial use.**.

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

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

~~*Amended March 19th, 2010 Town Meeting~~

(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/Lot 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. The following exception applies:

i. Lots that a lot which meets meet all other requirements of this Ordinance other than (besides road frontage without benefit of variance) may be built on without a variance providing, provided that all:

- All structures, except (not including those structures which may be granted that received a waiver of setback as permitted by requirements in Section 5(A)(2)- Boundary Line Setback Dimensions of this Ordinance) shall be set back from all public and private roads and privately-owned roads existing on the date of submission of a complete in existence at time of application a distance of submittal, by at least one-hundred (100) feet and (100 feet)-; and,

- -All lots must be configured in such a way 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 residential dwelling unit shall be permitted which would result in the number of residential

(d) Residential When a second dwelling units per lot exceeding one (1) per is developed on a single lot under this Ordinance, it must meet the minimum lot dimensions of forty thousand (40,000) sq. ft. of lot area. Not more than square feet per dwelling unit. For example, one dwelling unit requires a lot of 40,000 square feet; two (2) residential dwelling units shall be permitted in any one (1) structure under provisions of this Ordinance. Furthermore, nothing require a lot with 80,000 square feet.

(e) When three (3) or more dwelling units are to be developed on a single lot, they are

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

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

~~*Amended March 19th, 2010 Town Meeting~~

to meet the minimum lot size requirements of Belgrade's Multi-Family Dwelling Unit Ordinance.

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)(2) Lot Coverage: Lot coverage shall not exceed twenty - five (25) percent of lot area.~~

C. Additional Dwellings on One Lot:

This section applies to multiple dwellings on a lot, regardless of tenure (condominium or rental) or number of individual buildings. Certain forms of multiple dwellings may also be subject to the Belgrade Subdivision Ordinance. These standards apply to residential units for which a permit is sought after July 1, 2024.

(1) **Water/Wastewater**

The property owner of record must provide written verification that the proposed unit(s) [ADUs, additional housing unit on one lot, affordable housing] can be connected to adequate water and wastewater services prior to the issuance of a building permit. Written verification must include the following:

i. If connected to a public sewer system, or equivalent centralized system, proof of adequate capacity to accommodate the added wastewater created by an additional unit and proof of payment for the connection to the sewer system; Note: If Town does not have a public sewer system: If connected to a comparable sewer system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the system;

ii. If connected to a private septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRS §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, State of Maine Subsurface Wastewater Disposal Rules, as amended;

iii. If connected to a public water system, or equivalent centralized system, proof

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

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

~~*Amended March 19th, 2010 Town Meeting~~

of adequate capacity to accommodate the added demand created by an additional unit, and proof of payment for the connection. Note: If Town does not have a public water system: If connected to a centrally managed water system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the system;

iv. If proposed to be connected to a well, the applicant must include proof that the water supply is potable, acceptable for domestic use, and can accommodate anticipated demand.

v. For a detached ADU or other structure, the outermost edge of a first time disposal field other than expansions of pre-existing systems may not be located less than 100 feet from an existing private well. No variance shall be granted.

vi. For an attached ADU or ADU located within the principle structure, the outermost edge of a first time disposal field other than expansions of pre-existing systems may not be located less than 300 feet from an existing public well. No variance shall be granted.

(2) Undeveloped Parcels (no existing dwelling unit on property) as of July 1, 2024

i. If the parcel is located in a Designated Growth Area of Belgrade's Comprehensive Plan that has been deemed consistent by the state, not expired, and approved by the Town, the lot owner of record is permitted to have up to four (4) dwelling units. The third and fourth units may be located within a structure or multiple structures. If the third and/or fourth units are built within a five (5) year period, this may be subject to a subdivision process. Belgrade's Subdivision Ordinance requirements still apply.

ii. If Belgrade's Comprehensive Plan is not an up-to-date Comprehensive Plan, this rule would be applicable if the Town has one of the following:

a. The lot is in an area that is serviced by a public, special district, or other centrally managed water system;

b. The lot is serviced by a public, special district;

c. The lot is serviced by some other comparable sewer system.

iii. If the parcel is located outside a Designated Growth Area, as delineated in Belgrade's Comprehensive Plan, the lot owner of record for the property may have up to two (2) dwelling units per lot. The two dwelling units may be within a single structure or two separate structures.

(3) Developed Parcels (lots with existing housing units already on the) as of July 1, 2024

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

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

~~*Amended March 19th, 2010 Town Meeting~~

- i. If the parcel contains one (1) existing dwelling unit, up to two additional dwelling units may be constructed. The additional units may be located within, attached to, or detached from the existing structure. The lot owner may also choose to have one unit detached and one unit attached to the existing structure.
 - ii. If the parcel contains two (2) or more existing dwelling units, no additional units are allowed.
- (4) A lot that had a residential unit on it as of 7/1/2024 that is torn down, or otherwise removed, will be treated as developed.
 - (5) All residential dwelling units must comply with the Shoreland Zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3, and municipal Shoreland Zoning Ordinances.
 - (6) All residential dwelling units permitted after July 1, 2024, may not be construed to interfere with, abrogate or annual the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restriction than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.
 - (7) Housing units developed under this section must comply with Belgrade's requirements for minimum lot dimensions, minimum lot size, and set back requirement per dwelling unit, as stated in this Ordinance Section 5.
 - (8) Additional dwelling units may not require more land area per dwelling unit than the first unit. For example, this Ordinance requires 40,000 square feet for one dwelling unit, so 80,000 square feet is required for two dwelling units.
 - (9) This Section shall not be construed to exempt a property owner from the applicable provisions of the State subdivision statute, 30-A M.R.S. §4401-4408, or Belgrade's Subdivision Ordinance relating to division of a tract or parcel of land.

D. Accessory Dwelling Units (ADUs):

For the purposes of this ordinance, Accessory Apartments and Accessory Dwelling Units will be referred to as ADUs.

(1)Water/Wastewater

The property owner of record must provide written verification that the proposed unit(s) can be connected to adequate water and wastewater services prior to issuance of a

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

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

~~*Amended March 19th, 2010 Town Meeting~~

building permit . Written verification must include:

- i. If connected to a public sewer system, or equivalent centralized system, proof of adequate capacity to accommodate the added wastewater created by an additional unit and proof of payment for the connection to the sewer system; NOTE if Town does not have a public sewer system: If connected to a comparable sewer system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit and proof of payment for the connected to the system.
- ii. If connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221 and if to be connected to an existing system, an inspection report from a Maine Department of Health and Human Services certified inspector finding that the system is not failing shall be submitted to the local plumbing inspector. If the system is failing it may not be approved for use prior to correction of the failure or replacement of the system. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C/M/R CH.241 State of Maine Subsurface Wastewater Disposal Rules, as amended;
- iii. If connected to a public water system, or equivalent centralized system, proof of adequate capacity to accommodate the added demand created by an additional unit, and proof of payment for the connection. NOTE: If the town does not have a public water system: if connected to a centrally managed water system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the system;
- iv. If proposed to be connected to a well, the applicant must include proof that the water supply is potable, acceptable for domestic use, and can accommodate anticipated demand.
- v. For a detached ADU or other structure, the outermost edge of a first time disposal field other than expansions of pre-existing systems may not be located less than 100 feet from an existing private well. No variance will be granted.
- vi. For an attached ADU or ADU located within the principle structure, the outermost edge of a first time disposal field other than expansions of pre-existing systems may not be located less than 300 feet from an existing public well. No variance shall be granted.

(2) ADUs are to be permitted wherever single-family dwelling units are allowed.

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

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

~~*Amended March 19th, 2010 Town Meeting~~

(3) A lot where a single family dwelling unit is the primary structure may establish one (1) ADU

(4) Only one (1) ADU shall be exempt from any density requirements or lot area requirements related to the area in which the ADU is constructed.

a. This is not applicable to an ADU proposed in a Shoreland Zone

(5) An ADU may be constructed only:

a. Within an existing dwelling unit

b. Attached to an existing dwelling unit

c. As a new structure on the lot for the primary purpose of creating an ADU.

(6) Any structure containing an ADU must adhere to all setback and dimensional requirements outlined in Section 5 of this Ordinance.

(7) The accessory dwelling unit must be at least 190 square feet, with a maximum of 1,140 square feet footprint area unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, as may be amended, adopts a different minimum standard; if so, that standard applies.

(8) Only one (1) ADU may be exempt from parking requirements. Additional parking requirements for the ADU beyond those required for the single-family dwelling are not permitted.

(9) An ADU is allowed on a non-conforming lot if the ADU does not further increase the non-conformity, meaning the ADU does not further increase deviation from the dimensional standard(s) creating the non-conformity.

(10) An After-The-Fact permit may be obtained for an ADU that was not built with municipal approval as long as the accessory dwelling unit otherwise meets the requirements set forth in this ordinance, provided proper documentation has been submitted to the CEO.

(11) ADUs that meet the requirements set forth in the Shoreland Zoning Ordinance established by the Department of Environmental Protection, Title 28, Chapter 3, and Belgrade's Shoreland Zoning Ordinance, shall be permitted.

(12) An ADU must be permanently affixed and compliant with subsurface wastewater rules.

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

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

~~*Amended March 19th, 2010 Town Meeting~~

(13) An ADU may not be a recreational vehicle, camping trailer or otherwise designed primarily for recreational purposes.

E. Affordable Housing Development:

Affordable housing developments are permitted in a designated Growth Area (as delineated by the Belgrade Comprehensive Plan) and/or public utility district. This does not have to include the Shoreland Zone.

(1) The Belgrade Planning Board shall review all applications for affordable housing developments per the Town of Belgrade Subdivision Ordinance.

(2) Water and Wastewater

The property owner of record must provide written verification that the proposed unit(s) can be connected to adequate water and wastewater services prior to issuance of a building permit. Written verification must include:

(a) If connected to public sewer system, or equivalent centralized system, proof of adequate capacity to accommodate the added wastewater created by an additional unit and proof of payment for the connection to the sewer system; **Note:** If town does not have a public sewer system: If connected to a comparable sewer system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the system;

(b) If connected to a septic system, proof of adequate disposal for subsurface waster. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221 and if to be connected to an existing system, an inspection report from a Maine Department of Health and Human Services certified inspector finding that the system is not failing shall be submitted to the local plumbing inspector. If the system is failing it may not be approved for use prior to correction of the failure or replacement of the system. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch.241, State of Maine Subsurface Wastewater Disposal Rules, as amended;

(c) For a detached ADU or other structure, the outermost edge of a first time disposal field other than expansions of pre-existing systems may not be located less than 100 feet from an existing private well. No variance will be granted.

(d) For an attached ADU or ADU within a principle structure, the outermost edge of a first time disposal field other than expansions of pre-existing systems may not be located less than 300 feet from an existing public well. No variance shall be granted.

(e) If connected to a public water system, or equivalent centralized system, proof of adequate capacity to accommodate the added demand created by an

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

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

~~*Amended March 19th, 2010 Town Meeting~~

additional unit, and proof of payment for the connection. Note: If town does not have a public water system: if connected to a centrally managed water system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the system;

(f) If connected to a well, the applicant must include proof that the water supply is potable, acceptable for domestic use, and can accommodate anticipated demand prior to occupation.

(3) Location

(a) The proposal must be in a Designated Growth Area, as delineated in Belgrade's Comprehensive Plan. If the Comprehensive Plan is out of date, then parcels must be serviced by a Comparable Sewer System and a Central Water System.

(4) The owner of the affordable housing development must (1) execute a restrictive covenant enforceable by a party acceptable to the Belgrade Planning Board, (2) record the restrictive covenant in the Kennebec County Registry of Deeds to ensure that for at least 30 years after completion of construction;

(a) For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local Area Median Income (AMI) at the time of initial occupancy; and

(b) for owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local Area Median Income (AMI) at the time of initial occupancy.

(c) Area Median Income will be determined by Maine Housing at the time the application is submitted. Maine housing provides a chart of AMI by county and family size.

(5) The Town shall verify that the proposed development is an affordable housing development by definition (i.e. the majority of the total housing units on the lot are affordable.)

(6) At least two off-street parking spaces for motor vehicles must be provided for every three dwelling units of an affordable housing development.

F. Individual Private Campsites:

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

(a) Have a lot area of at least thirty-thousand (30,000) sq.ft; and,

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

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

~~*Amended March 19th, 2010 Town Meeting~~

(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) feet 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) 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 land owner is required to be on file at the Town of Belgrade Municipal Office before the site is occupied.

DG. 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:

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

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

~~*Amended March 19th, 2010 Town Meeting~~

- (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) Structures Accessory Structures to Commercial Use: Accessory structures shall be permitted on a lot used for commercial purposes.

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

EH. 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), through G above,, except that ~~a lot to be subject to any land use requiring State minimum Lot Size Law applies when a subsurface wastewater disposal shall meet the State Minimum Lot Size Law system is required.~~

(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 that~~ does not meet lot area requirements or does not meet one or more lot dimensional requirements for a Residential Lot ~~is as~~ 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 land owner is required and is to be on file at the Town of Belgrade Municipal Office before the proposed land use is initiated.

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

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

~~*Amended March 19th, 2010 Town Meeting~~

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, 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 ~~sealed sito-~~scale site 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.

(a) ~~(4)~~ Except as provided in Section 5(G)(6)F) Individual Campsites and Section 5(E)(3)H) Other Land Uses subsection 4 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 complete application shall include the site evaluation approved by the LPI, which meets~~meeting all the requirements of the State Department of Human Services for the proposed land use; ~~or, if. If it is determined by the LPI that a subsurface wastewater disposal system is not required, a written statement from the LPI that no plumbing permit is required shall be included.~~

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

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

~~*Amended March 19th, 2010 Town Meeting~~

(4) To demonstrate the drinking water supply well for an accessory dwelling unit, multiple dwellings on one lot, or affordable housing project approved after July 1, 2024 is potable, submit to the Belgrade Code Enforcement Officer (CEO) laboratory test results from a Maine Department of Health and Human Service accredited laboratory for at minimum the following parameters: coliform and E. coli bacteria, nitrate, nitrite, fluoride, chloride, copper, pH, manganese, uranium, arsenic and magnesium. In addition, for drinking water wells located near possible sources of PFAS as spelled out in this ordinance's definition of potable, submit PFAS laboratory results of water samples taken in accordance with the Maine Department of Environmental Protection's online guidance entitled PFAS Water Sampling for Homeowners and tested for the six (6) perfluoroalkyl and polyfluoroalkyl substances (PFAS) listed in Maine Legislative Resolve 2021 Chapter 82's Maximum Contaminant Levels. In the instance where laboratory test results fail to demonstrate the potability of a proposed drinking water supply well, the applicant shall submit to the CEO a plan to provide adequate water treatment or an alternative drinking water source to meet potability standards. Prior to occupation, water test results must be submitted to the CEO demonstrating that the drinking water supply is potable.

(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 as fees due are paid. When the 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

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

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

~~*Amended March 19th, 2010 Town Meeting~~

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~~provides for the disposal of all wastewater; Adequately protects the potability of private and public drinking water supply wells on the project parcel and those on abutting parcels;
3. Not have an adverse effect on areas of land ~~having status as Critical Areas as designated~~mapped by the ~~State of Maine Critical Areas Program identifiable as significant wildlife habitat~~Department of Inland Fisheries and Wildlife's Beginning with Habitat program as high value plant and animal habitats., 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~~Comply with Belgrade's Flood Plain Development Ordinance; 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 provision of this Ordinance. If 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

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

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

~~*Amended March 19th, 2010 Town Meeting~~

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~~ The Board will decide administrative appeals on a de novo basis 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](a)~~ The proposed structure(s) or land use would meet the provisions of Section 5 Land Use Standards except for the specific provision which has created the non-conformity and from which relief is sought; and,

~~[2](b)~~ The strict application of terms of this Ordinance would result in undue hardship.

~~(c)~~ The Board of Appeals shall limit any variances granted as strictly as possible in order to ~~insure~~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

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

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

~~*Amended March 19th, 2010 Town Meeting~~

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 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 insure 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 the institute any and all actions and proceedings either legal or equitable, including seeking

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

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

~~*Amended March 19th, 2010 Town Meeting~~

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

~~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:

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

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

~~*Amended March 19th, 2010 Town Meeting~~

Accessory Dwelling Unit (ADU): A self-contained dwelling unit located within, attached to, or detached from a single family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet of floor area unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, as may be amended, adopts a different minimum standard; if so, that standard applies. An accessory dwelling unit can be no greater than 1,008 square feet of footprint. An accessory dwelling unit must be subordinate to the principal dwelling unit.

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.

Affordable housing development:

- a. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and
- b. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.
- c. For purposes of this definition, "majority" means more than half.
- d. For purposes of this definition, "housing costs" means:
 - i. For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
 - ii. For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

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

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

~~*Amended March 19th, 2010 Town Meeting~~

Area Median Income (AMI): The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

Attached: Connected by a shared wall to the principal structure or having physically connected finished spaces.

Base Density: The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

Centrally Managed Water System: A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This water system may be privately owned.

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" also includes "industrial uses", such as but not necessarily limited to manufacturing, packaging or processing of goods, mineral extraction, etc.

Comparable Sewer System: Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules.

Comprehensive Plan: A document or interrelated documents consistent with 30-A M.R.S. §4326(1)-(4), including the strategies for an implementation program which are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.

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 19th, 2010 Town Meeting~~

Density Requirements: The maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

Designated Growth Area: An area that is designated in a municipality's or multi-municipal region's comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent. If a municipality does not have a comprehensive plan, "designated growth area" means an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality as defined by 23 M.R.S. §754.

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

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.

Dwelling Unit: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

Existing Dwelling Unit: A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot. If a municipality does not have a permitting process, the dwelling unit on a lot must be in existence at the time construction begins for additional units 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.

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

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

~~*Amended March 19th, 2010 Town Meeting~~

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.

Housing: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, time-share units, and apartments. For purposes of this rule, this does not include dormitories, boarding houses, or other similar types of housing units. This also does not include transient housing or short-term rentals unless these uses are otherwise allowed in local ordinance.

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.

Land Use Ordinance: An ordinance or regulation of general application adopted by the municipal legislative body which controls, directs, or delineates allowable uses of land and the standards for those uses.

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 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.

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

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

~~*Amended March 19th, 2010 Town Meeting~~

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, frostwalls, and foundations; screening of roofed decks/porches and breezeways. Note: see definitions of "Reconstruct" and "Replace".

Multifamily Dwelling: A structure containing three (3) or more dwelling units.

Municipality: A city or a town, excluding all unorganized and deorganized townships, plantations, and towns that have delegated administration of land use controls to the Maine Land Use Planning Commission pursuant to 12 M.R.S. § 682(1).

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.

Potable: Safe for drinking as defined by the Maine Department of Health and Human Service's Maximum Exposure Guidelines. In addition for wells located within 300' of an area where municipal or industrial sludge or septage has been spread or municipal solid waste has been landfilled at a waste facility licensed by the Maine Department of Environmental Protection, the definition of potable includes meeting Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.

Principal Structure: ~~-A structure other than one in which the main or primary use of the~~

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

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

~~*Amended March 19th, 2010 Town Meeting~~

structure is used for conducted. For purposes wholly incidental or accessory to the use of another building or use on the same premises of this Ordinance, principal structure does not include commercial buildings.

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 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). A recreational vehicle shall not be considered a structure.

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.

Residential Use: A use permitted in an area by a Belgrade's legislative body to be used for human habitation. Residential uses may include single-family and multifamily housing.

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

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

~~*Amended March 19th, 2010 Town Meeting~~

condominiums, accessory dwelling units, and apartments.

Restrictive Covenant: A provision in a deed, or other covenant conveying real property, restricting the use of the land.

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 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 tow 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- Requirements: The minimum horizontal distance from a boundary lot line of a lot, shoreline, or from the normal high water line of a water body or from the near limit of a right-of-way road to the nearest part of a structure, road, parking space, or other regulated object or area as defined in local ordinance.

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*.

Single-family Dwelling Unit: A structure containing one (1) dwelling unit.

Structure: Anything temporarily or permanently located, built-, constructed or erected for the support, shelter-, or enclosure of persons, animals, goods-, or property of any kind-, together with- or anything constructed or erected with a fixed location on or in the ground-,

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

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

~~*Amended March 19th, 2010 Town Meeting~~

~~exclusive of fences, as defined in 38 M.R.S. § 436-A(12).~~ The term includes structures temporarily or permanently located, such as decks, patios, steps, landings, and satellite dishes. ~~The term also includes structures or portions thereof~~ Structure does not having fixed exterior walls [e.g. pavilions, open porches, breezeways, gazebos, carports, pole barns, etc.] include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in 30-A M.R.S. § 4201(5); geothermal heat exchange wells as defined in 32 M.R.S. § 4700-E(3-C); or wells or water wells as defined in 32 M.R.S. § 4700-E(8).

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 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. Wetland 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.

Zoning Ordinance: A type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

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

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

~~*Amended March 19th, 2010 Town Meeting~~