

MUNICIPAL OFFICE  
TOWN OF BELGRADE, MAINE

04917

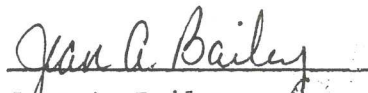
March 17, 1978

03208

TO: KENNEBEC COUNTY REGISTRY OF DEEDS

FROM: TOWN OF BELGRADE

Enclosed find a Multi-Family Dwelling Ordinance passed by the Town of Belgrade at its annual town meeting on March 4, 1978 to be recorded at the Kennebec County Registry of Deeds.

  
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Jean A. Bailey  
Town Clerk



## OF BELGRADE, MAINE

SECTION I. TITLE

This Ordinance shall be known and cited as the "Multi-Family Dwelling Ordinance of the Town of Belgrade, Maine".

SECTION II. PURPOSE

The intent of this Ordinance is to control the density of building, to protect public health and safety and to permit moderate growth according to the established character of the Town of Belgrade.

SECTION III. ADMINISTRATION

The Planning Board of the Town of Belgrade shall administer these standards.

SECTION IV. SCOPE

These provisions shall pertain to all the land proposed for multi-family dwellings as herein defined within the boundaries of the Town of Belgrade.

SECTION V. DEFINITIONS

In general, words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Building Height: The vertical distance between the highest point of the roof and the average grade of the ground adjoining the building.

Dwelling Unit: A room or group of rooms, designed for living quarters for only one family, including separate facilities for sleeping and cooking.

Family: One or more persons occupying a premise and living in a single housekeeping unit as distinguished from a group occupying a boarding house or hotel. Such unit shall not exceed five persons not related by blood or marriage.

Multi-Unit Housing: Shall mean a structure or structures located on a single lot, which structures are designed or used to house 3 or more families.

Structure: Anything constructed or erected except a boundary wall or fence, the use of which requires location on the ground, or attachment to something on the ground.

Subdivision: The division of a tract or parcel of land into three or more lots, whether accomplished by sale, lease, development, building, or otherwise, in any five year period. For the purpose of this Ordinance the term "subdivision" shall include such development as shopping centers, multi-unit housing, planned unit developments, condominiums, and clusters where there are three or more units involved.

SECTION VI. MULTI-FAMILY DWELLING UNIT HOUSING

Multi-family dwelling units shall meet all the following criteria.

- A. Lot area shall be one acre for each building, plus one-half acre for each bedroom in the building.
- B. Lot frontage, roads (public or private) shall exceed by 50% the Belgrade Minimum Lot Size Ordinance requirements for each building.
- C. No building shall contain more than 8 dwelling units.
- D. No building shall exceed 35' in height.
- E. Minimum of two, off street parking spaces for each dwelling unit.
- F. Buildings shall be spaced at least 100' from each other. Buildings shall be set back at least 75' from roads, and 25' from any property line.
- G. Proposals of 18 or more dwelling units shall provide at least two points of access on to the existing public way.
- H. Bonding shall be required for all road construction.

SECTION VII. MUNICIPAL REVIEW PROCEDURE

All proposed multi-family units shall be reviewed by the Planning Board. The person or his agent will request an appointment to meet with the Planning Board through its Chairman. This request should be made at least one week prior to a regular Planning Board meeting (first and third Thursdays of each month).

SECTION VIII. APPLICATIONA. General

1. No person may sell, lease or convey for consideration, or offer or agree to sell, lease or convey for consideration any unit in a proposal within the Town of Belgrade which has not been approved by the Board and recorded in the Kennebec County Registry of Deeds.
2. No public utility, water district, sanitary district, or any utility company of any kind shall install service to any unit in a proposal for which a plan has not been approved by the Board.
3. No land clearing, grading, building or work of any kind other than that purely incidental to the proper surveying, marking or testing the soil or subsoil as required by these regulations shall be performed in any proposal prior to Board approval of the final plan.

B. Application

An application for Planning Board approval of a proposed multi-family dwelling unit subdivision shall contain at least the following information:

1. The name of the owner an/or developer of the land and a copy of the certified and registered deed.
2. The name of the contractor or builder responsible for construction of the multi-family dwelling unit subdivision.
3. The name(s) of the architect, engineers, licensed soil evaluator and any other professional and technical expertise employed, or planned to be employed during completion of the proposal.
4. The proposed water supply.
5. Proposed access roads, giving dimensions and type of surface.
6. A plan accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, and contour lines at ten foot intervals.
7. The on-site soils survey in accord with the State Plumbing Code.
8. The existing and intended use of each building or structure.
9. Application fee of \$25.00, plus \$5.00 for each dwelling unit, payable to the Town of Belgrade.

#### SECTION IX. HEARING

In the event that the Planning Board determines to hold a public hearing on an application for multi-family dwelling approval, it shall hold such hearing within 30 days of receipt by it of a completed application, and shall cause notice of the date, time and place of such hearing to be given to the person making the application and to be published in a newspaper of general circulation in the municipality in which the subdivision is proposed to be located, at least 2 times, the date of the first publication to be at least 7 days prior to the hearing.

The Planning Board shall, within 30 days of a public hearing or within 60 days of receiving a completed application, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, issue an order denying or granting approval of the proposed multi-family dwelling or granting approval upon such terms and conditions as it may deem advisable to satisfy the criteria listed in sections 6 and 10 and to satisfy any other regulations adopted by the Planning Board, and to protect and preserve the public's health, safety and general welfare. In all instances the burden of proof shall be upon the persons proposing the multi-family dwellings. In issuing its decision, the Planning Board shall make findings of fact establishing that the proposed development does or does not meet the criteria.

SECTION X. GUIDELINES FOR REVIEW

When reviewing any multi-family dwelling unit subdivision for approval, the Planning Board shall consider the following criteria and before granting approval shall determine that the proposed multi-family dwelling:

- A. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; and the applicable state and local health and water resources regulations;
- B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
- F. Will provide for adequate sewage waste disposal;
- G. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
- H. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;
- I. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any; and
- J. The subdivider has adequate financial and technical capacity to meet the above stated standards.
- K. Whenever situated, in whole or in part, within 250' of any pond, lake, river, shall meet all standards of the Belgrade Shoreland Zoning Ordinance.

SECTION XI. ENFORCEMENT

Nuisances: Any violation of this Ordinance shall be deemed to be a nuisance.

Code Enforcement Officer: It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such

violation, indicating the nature of the violation and ordering such action as is necessary to correct it including the discontinuance of illegal use of the land, buildings, structures or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

Legal Actions: When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers are hereby authorized and directed to institute any and all proceedings, either legal or equitable, that may be appropriate, including seeking injunctions of violations, and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town.

Fees: Any person who continues to violate any provision of this Ordinance after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine up to \$100.00 for each violation. Each day such a violation is continued is a separate offense.

#### SECTION XII. WAIVERS AND VARIANCES

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of this Ordinance.

#### SECTION XIII. APPEALS

An appeal may be taken within 30 days from a decision of the Planning Board to Superior Court in accordance with Rule 80-B.

#### SECTION XIV. SEPARABILITY AND EFFECTIVE DATE

- A. The invalidity of any provision of these standards shall not invalidate any other part.
- B. The effective date of these regulations is March 4, 1978.

KENNEBEC SS:

RECEIVED 9 H. - M. A. [initials]  
AND RECORDED FROM ORIGINAL

MAR 20 1978