

Adopted: 11/4/1986

Ammended: 9/9/2004

Lot Specification Ordinance Appleton, Maine

Section 1. TITLE

This Ordinance shall be known as the “Lot Specification 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 housing, within the town of Appleton.

Section 4. AUTHORITY

This Ordinance is adopted pursuant to the Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30, M.R.S.A., Section 1917.

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 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 except garage or barn shall be placed on a lot with a setback of less than twenty-five (25) feet from right of way on which the lot is located or sixty (60) feet from center of traveled road. Setback of buildings 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. 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 7. 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 8. 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 9. 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 Title 30, Section 4966. M .R.S .A.

Section 10. FINES

Any person who continues to violate any provision of this Ordinance after receiving written notice of such violations shall be guilty of a misdemeanor 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. Each day such a violation is continued may be counted as a separate offense.

Section 11. 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 or 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 12. APPEALS

If the Planning Board 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 Planning Board in writing to the

Board of Appeals within thirty (30) days of the Planning Board's decision. The Board of Appeals may reverse the Planning Board's decision after holding a public hearing and may grant a variance as defined herein. Public hearings shall be held in accordance with Title 30, M.R.S.A., Section 2411. When used in this Ordinance, the following terms shall have meanings herein ascribed to them: **Aggrieved Party** - A person whose land is directly or indirectly affected by the grant 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 grant or denial of such permit or variance. **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, M.R.S.A., Section 4963 (3j)) and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

Section 13. NON-CONFORMING BUILDING AND STRUCTURES

The use of a residential building or structure, existing before effective date of this Ordinance or subsequent amendment thereto, may continue although the building or structure does not conform to the provisions of this Ordinance. A non-conforming residential 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 14. NON-CONFORMING LOTS

Any non-conforming lot of record, existing before the effective date of this Ordinance or subsequent amendment thereto, and not adjoined by other land of the same ownership, may be used in conformance with the provisions of this Ordinance.