

PROPOSED - LOT SIZE ORDINANCE LD2003/SETBACKS FOR 6/11/2024 BALLOT

LOT SIZE ORDINANCE

Sec. 1. Lot Size

- A. Any Lot or parcel of land located in the Town of Lebanon, Maine that will be used as a building lot shall be two (2) full acres, 87,120 sq. ft., or more in size and have street frontage of not less than two hundred (200) feet.

For purposes of this Section “street” shall have the same definition as set forth in the Subdivision Guide: Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Street frontage may only be met if it is located along a street that meets the street design and construction standards set forth in Section 12.2(B) of the Subdivision Guide, provided that private rights-of-way that are not located within a subdivision need not be paved and must meet the standards for gravel surface driveways.

- B. Multi-family dwellings. *

For each additional dwelling unit, the lot size dimensional requirements shall be increased by one-half ($\frac{1}{2}$) acre, e.g., duplex house must meet or exceed a two and one-half ($2\frac{1}{2}$) acre lot size and a four (4) family unit must meet or exceed a three and one-half ($3\frac{1}{2}$) acre lot size.

This additional acreage requirement would apply to multi-family conversions as well as new construction. The same setback requirements shall be adhered to as a single-family dwelling.

For each additional dwelling unit in excess of two (2), the lot frontage dimensional requirements shall be increased by fifty (50) feet, e.g., a three (3) family house must meet or exceed two hundred and fifty (250) feet of street frontage. **

- C. All lots shall have a minimum straight-line distance of one hundred and twenty (120) feet between the side lot lines at the house location or at a lot center point located fifty (50) feet from the front lot line. ***

D. Accessory Dwelling Unit

Accessory Dwelling Units are a permitted use in residential structures, subject to the review of the Code Enforcement Officer and adherence to the following standards:

1. The owners of the principal structure must reside in the principal structure, not the accessory dwelling unit.
2. The accessory dwelling unit shall not be greater than fifty percent (50%) of the living area of the principal single-family dwelling unit to a maximum of eight hundred (800) square feet.
3. The accessory dwelling unit may be located either in the principal dwelling unit or as a separate structure. The accessory dwelling unit may share the septic system with the principle dwelling unit or provide a separate septic system that meets the requirements of the State Subsurface Waste Water Rules Title 30-A §3428. An on-site well may be shared with

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the principal dwelling unit or provide a separate well for the accessory dwelling unit where public water is not available. Said new septic system must only be used to service the proposed accessory dwelling unit and not for the purpose of serving any other independent dwelling. Subject to the terms above, the septic system on the property in question shall be functioning properly at the time of application for the permit approval by the Code Enforcement Officer. In addition, the applicant must submit a new HHE-200 form as documentation that suitable soil exists on the property to be used for septic system, repair or replacement in the event of failure of the original system. If a combined system is proposed the main system must demonstrate that it is functioning properly prior to permitting the expansion for the accessory dwelling unit.

4. Proper ingress and egress shall be provided to the accessory dwelling unit.
5. Only one (1) accessory dwelling unit per principal structure shall be permitted on a lot.
6. The HHE-200 form, after review and approval by the Code Enforcement Officer, shall be recorded at the York County Registry of Deeds when the system is designed but not established in case of failure to the current system occurs.
7. The Town shall require an applicant to place a deed restriction on the main parcel and enter into a consent agreement assuring that the lot will not be split in the future separating the dwelling unit and the accessory dwelling unit, creating a non-conforming lot. Ownership of the accessory dwelling unit shall also remain in the same ownership as the principal structure.

Definition

ACCESSORY DWELLING UNIT: A separate dwelling unit that has been added on, or created within, a single-family house or a separate standalone structure for the purpose of providing living accommodations accessory to the primary residence

Sec. 2. Distance of Structures from Boundaries - Setback Requirements

Any buildings, including manufactured housing, to be placed on a building lot, shall be placed at least fifty (50) feet away from any street right of way and at least twenty-five (25) feet, from any other boundary line. Sideline and road setback measurements shall be from the closest part of the structure to the sideline or road, be it overhangs, stairs, decks or other similar structures.

Shoreland Zone, setbacks are the nearest horizontal distance from the normal high-water line of a waterbody or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking area, or other regulated object or area. Sideline and road setback measurements shall be taken from the closest part of the structure to the sideline or road, be it overhangs, stairs, decks or other similar structures.

Sec. 3. Structures

Any structures, mobile homes or trailers to be placed on a building lot must be approved by the Building Inspector and a Permit obtained from said Building Inspector.

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Sec. 4. Water Supply, Plumbing, Sewerage.

Any building lot must have a water supply, sewerage disposal system and plumbing that will comply with State & Local requirements if buildings are to be used as residences whether permanent or seasonal. Permits for said plumbing and sewerage must be obtained from the Plumbing Inspector and water supply to be tested and approved by the State Department of Health & Human Services.

Section 5. Location of Wells***

- A. The purpose of the ordinance is to protect any property owners from being unable to locate a septic tank on his or her property because of the location of the abutter's well.
- B. All new wells shall be located at least fifty (50) linear feet from all property lines.
- C. No building permit for a new dwelling unit shall be issued until the applicant submits a plot plan showing the location of the well.

Section 6. Non-Conforming Lots

- A. Purpose. It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in this Section. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.
- B. *Lot of record* means a lot shown on or described in a subdivision plan or deed on file in the York County Registry of Deeds on the date of adoption or subsequent amendment of this Ordinance.
- C. A non-conforming vacant lot of record as of August 27, 1973 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 area, lot width and street frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.
- D. Contiguous Built Lots: If two (2) or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections §4807-A through §4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with. If two (2) or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

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- E. Contiguous Lots - Vacant or Partially Built: If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one (1) or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to two (2) or more contiguous lots, at least one (1) of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds, if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

(a) If located adjacent to a waterbody, each lot contains at least one hundred (100) feet of shore frontage and at least twenty thousand (20,000) square feet of lot area; or

(b) Any lots located adjacent to a waterbody that do not meet the frontage and lot size requirements of this Section are reconfigured or combined so that each new lot contains at least one hundred (100) feet of shore frontage and twenty thousand (20,000) square feet of lot area.

- F. An existing structure on a non-conforming lot may be repaired, replaced, maintained or expanded, provided that it does not increase any non-conformity of the structure. New accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less may be built on a non-conforming lot of record, provided that the building complies with all applicable dimensional requirements.

Section 7. Administration and Enforcement

- A. Administration: This ordinance shall be administered by the Code Enforcement Officer in _____ accordance with Title 30-A, Section §4452.
- B. Appeals: Any person aggrieved by a decision of the Code Enforcement Officer pursuant to this _____ Ordinance may appeal that decision to the Board of Appeals.
- C. Violations: Any person who violates this ordinance shall be subject to the penalties set forth in _____ Title 30-A, Section §4452.

Historical Note: This ordinance was originally adopted by Town Meeting vote on August 27, 1973. Amendments adopted April 5, 1976 and March 12, 1977 have been incorporated into the text.

* Amendment adopted by Town Meeting vote on March 9, 1985.

** Amendment adopted by Town Meeting vote on March 8, 1986.

*** Amendment was adopted by the Town Meeting vote on 03/14/1987.

The adoption of this Ordinance shall supersede all previous versions and amendments of this Ordinance.