

LOT SIZE ORDINANCE 2017

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, 87120 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 acre, e.g. duplex house must meet or exceed a two and one-half acre lot size and a four-family unit must meet or exceed a three and one-half 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, the lot frontage dimensional requirements shall be increased by 50 feet, e.g. a three-family house must meet or exceed 250 feet of street frontage. **

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

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.

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.

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 Dept. 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 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 nonconforming 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 street frontage shall be obtained by action of the Board of Appeals.

D. **Contiguous Built Lots:** If two 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 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.

- E. Contiguous Lots - Vacant or Partially Built: If two 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 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 2 or more contiguous lots, at least one of which is nonconforming, 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.

- 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.
- C. 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.
- D. 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.

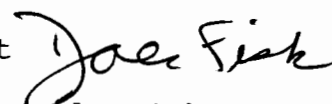
** Amendment adopted by Town Meeting vote on March 9, 1985.*

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

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

Adopted this day 05/09/2017 by Town Meeting Vote 471-Yes 381-No

A True Copy Attest


Dale Fisk - Town Clerk

