

Approved: 03/24/07
I attest this was
approved at town
meeting 3/24/07
Audrey Smith

**TOWN OF WALDO
LAND USE ORDINANCE**

SECTION I – AUTHORITY

This ordinance is adopted pursuant to the authority in Title 30-A M.R.S.A. sections 3001 et seq., and by the authority of any other enabling statutes, and all amendments thereto.

SECTION II – SCOPE AND PURPOSE

The provisions of this ordinance shall apply to new dwelling unit construction, exterior dwelling enlargement greater than 150 square feet, location and relocation of dwelling(s) or mobile home(s) or change in use to dwelling(s); and commercial and other non-residential developments as defined herein and in the Town of Waldo, Maine Site Plan Review Ordinance. The purpose of this ordinance is to assure the health, safety and general welfare of the people, to protect the environment, and to provide for orderly development in harmony and conformance with the town's comprehensive plan.

SECTION III – BUILDING PERMIT FOR RESIDENTIAL CONSTRUCTION

Before any residential construction as described in Section II is commenced, the owner or lessee, or the architect, contractor or builder employed by such owner or lessee, shall obtain from the Planning Board of the Town of Waldo a permit covering such proposed work.

A. APPLICATION PROCESS

The application for the permit shall be in writing and in such form as the Planning Board shall prescribe. The application shall contain as a minimum the following information:

1. A sketch, drawn to scale, showing that the proposed construction, property lines, and placement of new construction on the lot will meet the standards of this ordinance, including but not limited to area and frontage requirements.
2. If a sewage disposal system is required, the plan, approved by the plumbing inspector, shall be submitted with the application.
3. Type and location of water supply for a new or relocated dwelling.
4. A complete description of the construction, in sufficient detail, to allow the Planning Board to make a determination of compliance with minimum construction standards.

5. Proof of ownership in the form of a copy of the deed, or a copy of the lease agreement.

B. APPLICATION FEE

Each completed application shall be submitted to the Planning Board with a fee of \$25 dollars payable to the Town of Waldo. The Planning Board will issue receipt.

C. APPROVAL

The Planning Board, after reviewing the application, will determine compliance or noncompliance with the requirements of this ordinance and based on this determination shall either issue or deny the permit within five business days.

D. WAIVERS

The Waldo Planning Board may grant a waiver of any submission requirement only if the Board makes a written finding that the information is not required to determine compliance with the standards. The waiver must not have the effect of nullifying the intent and purpose of this ordinance, any other town ordinance, or the comprehensive plan.

E. APPEALS AND VARIANCES

Any person aggrieved by a decision of the Code Enforcement Officer or Planning Board may make a written appeal of such decision to the Town of Waldo Board of Appeals within thirty days and may further appeal to the Superior Court with thirty days after the Board of Appeals' decision as provided by statute. The Board of Appeals may reverse the decision of the Code Enforcement Office or Planning Board only if it finds a mistake of fact or law or misinterpretation of the terms of this Ordinance. A copy of any such reversal shall be sent to the Planning Board within ten days of the Board of Appeals' action.

The Board of Appeals may grant a variance only where strict application of this ordinance, or provision thereof, and in accordance with Title 30-A M.R.S.A. Section 4353, as amended, would cause undue hardship to the petitioner and his property. The words "undue hardship" as used in this section mean:

1. The land in question can not yield a reasonable return unless a variance is granted; AND:
2. That there are exceptional or unique circumstances relative to the property and not to the general conditions of the neighborhood; AND:

3. That other properties in the neighborhood will not be adversely affected and that will not alter the essential character of the locality; AND:
4. That such action will not be contrary to the objectives of this ordinance; AND:
5. That any hardship is not the result of action taken by the applicant or a prior owner.

The Board of Appeals may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5, M.R.S.A. Section 4553 and the term "structures necessary for access to or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

F. LIFE OF PERMIT

Unless a specific extension of time is granted by the Planning Board, the approval of building permits shall expire one year from the date of approval.

SECTION IV – BUILDING PERMIT FOR NON-RESIDENTIAL CONSTRUCTION

Before any non-residential construction is commenced, applicant must satisfy all applicable requirements set forth in the Town of Waldo, Maine Site Plan Review Ordinance.

SECTION V – RESIDENTIAL AND NON-RESIDENTIAL LOT USE

A. MINIMUM LOT SIZE

No dwelling unit or non-residential development shall be constructed, located or relocated on a lot of less than two acres.

B. ROAD FRONTAGE

No dwelling unit or non-residential development shall be constructed, located or relocated on a lot having frontage of less than 200 contiguous feet. Such frontage shall be on a public or private road and may only be waived for residences in the case of "back

lot" development or in the case of subdivisions with approved "cluster housing" as defined by Town of Waldo Subdivision Ordinance.

C. BACK LOT DEVELOPMENT

Development of so-called "back lots" (those lots with no frontage on an existing road) is allowable, provided:

1. Such lots shall have access to a public road by way of a deeded easement or right-of-way of not less than fifty (50) feet in width and four hundred (400) feet in length. The right-of-way shall not be included in the calculation of the minimum lot area of the back lot. No dwelling or commercial structure is allowed within the right-of-way.
2. Wherever possible, the right-of-way shall be located along one property line of property with frontage.
3. The back lot shall be a minimum of two acres, generally rectangular in shape, and have no side with a length of less than 200 feet.

Utility or right-of-way easements shall not be subtracted from frontage measurement or affect contiguity of frontage for lots with the minimum 200 feet along an existing public or private road. However, if the right-of-way is owned in fee simple absolute by the back lot, the width of such strip would be subtracted from both the frontage and lot size requirements of front lot.

D. DIVISION OF EXISTING LOTS

In dividing a lot or parcel of land where a dwelling and a commercial entity exist or where multiple dwellings and/or commercial entities exist it shall be mandatory to retain enough land so that the existing dwelling(s) or commercial entity(ies) will meet the same minimum road frontage and lot size standards as are required by this Ordinance.

E. LOT SIZE FOR MULTIPLE DWELLING UNITS

If more than one dwelling unit and/or commercial building is constructed or located on a single lot, the minimum lot size must contain two acres per dwelling unit and/or commercial building and the minimum frontage must be 200 feet per dwelling unit and/or commercial building. The applicant must present a sketch, drawn to scale, showing that these area and frontage standards will be met. Accessory apartments are exempt from these additional standards, as are home occupations. The accessory apartment will be approved only if the applicant has demonstrated that the proposed unit meets the following standards:

1. The principal unit and the accessory apartment shall remain under common ownership and shall be owner-occupied at all times.

2. The accessory apartment shall not alter the character of the building as a single-family dwelling.
3. The accessory apartment must connect to the primary unit via an interior doorway. Additional front entrances are prohibited.
4. The accessory apartment must use the existing unit's utilities and meters.
5. One driveway shall service both dwelling units.
6. Only one accessory apartment is allowed per primary unit.

F. MAXIMUM SIZE FOR RETAIL ESTABLISHMENT

No retail establishment shall be larger than 30,000 square feet of gross floor area.

G. GRANDFATHER CLAUSE

A single lot of record as of March 8, 1976, the dated of enactment of the original ordinance, which does not meet the area or frontage requirements may be used for a single family dwelling provided that such lot shall not be contiguous with any lot in the same ownership, that a plumbing permit can be issued, and that all other local and state laws and regulations are met. If an existing building burns or is destroyed by other catastrophes, it may be replaced with permit, even though the lot does not meet the requirements of this section.

SECTION VI – MINIMUM CONSTRUCTION STANDARDS FOR DWELLINGS

A. FOUNDATION

All dwelling units shall be constructed or placed on one of the following:

1. An 8 inch thick, steel reinforced concrete foundation wall that extends below the frost level.
2. A 4-inch thick concrete slab, steel reinforced and Styrofoam insulated, resting on a 12-inch minimum well-compacted gravel base.
3. A concrete pyramid-type pier, steel reinforced, extending below frost level and spaced not more than 8 feet apart.
4. Other types of foundations may be allowed by the code Enforcement Officer provided that they are resistant to frost action and that they will

adequately support the weight of the dwelling safely without undue overstressing of the structure or the foundation.

B. EXITS

Each dwelling shall have a minimum of two exits. A window having a minimum opening of 600 square inches is acceptable for the second exit provided that the sill height is 24 inches or less. A dwelling over 500 square feet must have two exit doors.

C. FLOOR CONSTRUCTION

All floors shall be constructed to support a minimum of 40 pounds per square foot and the sills shall be bolted to the foundation.

D. WALL CONSTRUCTION

The exterior and bearing walls shall be studded with a minimum of 2x4 construction-grade lumber 16 inches minimum on centers. Headers shall be provided at all door and window openings and shall be 1 inch deep per foot of span minimum; i.e. 4x4 minimum for 4 foot clear span or less, 4x6 for 6 foot opening, etc. Laminated headers of equal strength are acceptable.

E. ROOF CONSTRUCTION

All roof structures shall be constructed to support a minimum of 30 pounds per square foot and shall be covered with a Class A fire resistant material.

F. CHIMNEYS

All masonry chimneys shall be provided with a frost resistant foundation and be lined with clay flue tile or be of double brick construction. All patented metal chimneys shall be installed in accordance with manufacturer's instructions.

G. ELECTRICAL

The electrical entrance and all wiring shall be installed in accordance with the existing National Electrical Code.

H. PLUMBING

All plumbing shall be installed in conformance with the State of Maine Plumbing Code.

SECTION VII – ENFORCEMENT AND PENALTIES

such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, building, structures and work being done and removal of illegal building or structures. If involving a health and/or safety hazard, the violation shall be corrected within seven days; if not involving health and/or safety hazards, it shall be corrected within thirty days.

When the above action does not result in the corrections of the violation within the specified time period, the Code Enforcement Officer, with prior approval from the Selectmen, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions to halt further construction and the imposition of fines that may be appropriate or necessary to enforce the provisions of the Ordinance in and for the Town of Waldo.

Any person or persons, firm or corporation owing or having control of any building or premises or other persons such as subcontractors who continues to violate any provision of this Ordinance after having received notice as required above of such violation, shall be guilty of a Civil violation, and upon conviction shall be fined a minimum of \$250 and a maximum of \$5,000 for each offense. Each day such a violation is continued shall constitute a separate offense.

SECTION VIII – SEVERABILITY

The invalidity of any section or provision of the Ordinance shall not be held to invalidate any other section or provisions of the Ordinance.

SECTION IX– AMENDMENTS

This Ordinance or any part thereof may be amended by a majority of legal voters present and voting at a Town meeting.

SECTION X – EFFECTIVE DATE

The provisions of this Ordinance shall become effective when enacted by the voters of the Town of Waldo and shall replace the present ordinance.

SECTION XI – DEFINITIONS

Home Occupation: This term shall include both professional and personal services. It includes those occupations carried on in a dwelling unit or structure accessory to the dwelling unit which are:

1. Primarily conducted within such unit or structure,
2. clearly incidental and secondary to the use of the dwelling for residential purposes and do not change the character thereof, and
3. carried on exclusively by a member or members of the family residing in the dwelling unit, except, however, three additional fulltime employees or the

equivalent thereof, not residents of the dwelling unit nor members of the family, are additionally included.

The term shall also apply to those occupations which do not satisfy one or more of the 3 limits mentioned above, but which exceed those limits only for a continuous period of not more than 90 days and such that this excess specifically results from the seasonal nature of the occupation.

The traffic generated by such occupation shall not exceed 50 vehicle trips per day or create a traffic hazard. Any waste or hazardous waste shall be disposed of in accordance with DEP regulations. Home occupations must comply with the approval standards and criteria as outlined in Section 9 of The Town of Waldo Site Plan Review Ordinance. Should the Planning Board determine that the operation no longer fits the definition of a home occupation, it shall be subject to site plan review.

Retail Establishment: Any business, housed in a permanent, roofed structure, engaged primarily in the sale of good and services to the ultimate consumer for direct consumption and/or use, but not for resale.

I attest this ordinance
was approved 3/24/07
Sandra J. Smith