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BUILDING AND LAND USE ORDINANCE

Town of Charleston

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SECTION I - TITLE, AUTHORITY, AND PURPOSE

The Charleston building ordinance, hereafter called "the ordinance," is adopted pursuant to the authority granted by Title 30, Section 1917, Maine State Statutes.

The Town of Charleston finds that the economic and social well-being of its citizens depends upon the continuation of its rural atmosphere through the reasonable control of residential, commercial, educational, and industrial development. Many developments, because of their size and nature, are capable of causing irreparable damage to the people and their environment. The location of such developments is too important to be left solely to the determination of the owners; and the health, safety, and general welfare of all citizens is best insured through this ordinance.

SECTION II - DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined. Words not specifically defined shall have the meaning given in Webster's Unabridged Dictionary.

1. **Building**: A combination of any materials, whether portable or fixed having a roof, and enclosed within exterior walls built to enclose or shelter persons, animals, or property.
2. **Building, Accessory**: A detached building, the use of which is incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.
3. **Building, Residential**: Any building adapted for the overnight accommodation of persons.

4. **Business in the Home:** An accessory use which is incidental and subordinate to the building use and which shall not occupy more than 40% of the net floor area. Such use shall be carried on by the occupants of the dwelling with not more than nonresident employee, and shall not substantially change the residential character of the building.
5. **Ditch Line:** The center of either a natural or manmade ditch running parallel to the roadway. When no readily identifiable ditch exists or the natural ditch line is over 10 feet from the edge of the improved portion of the roadway, the ditch line shall be a line running parallel to and 10 feet from the improved portion of the roadway.
6. **Frontage, Width:** The distance between straight lines connecting front and rear lot lines measured across the rear of the front yard, provided, however, that width between side lot lines at their foremost points (where they intersect the street line) shall not be less than 80% of the required lot width. In any case in which a lot does not front a public street but possesses only an easement or deeded right of way, such lot shall be exempt from the frontage requirement.
7. **Junk Yard:** Any commercial storage area other than buildings utilized for the storage of inoperable or discarded automobiles or other machinery.
8. **Lot:** A parcel or plot of land occupied or to be occupied by only one principal building and the accessory buildings incidental thereto. Such lots shall have a frontage on or easement to an improved public street or roadway, and may consist of a single lot of record or a portion of a lot of record described by metes and bounds.
9. **Off-Street Parking Area:** A space specifically provided for parking an automobile with properly related access to a public street.
10. **Structure:** Any building.

SECTION III - BUILDING PERMITS

1. **Permit Required:** It shall be unlawful for any person to construct, enlarge, move, or convert to a different use any building without first obtaining a permit for such work. Nonresidential accessory buildings of less than 300 square feet shall be exempt from the provisions of this section. They shall, however, conform to all other applicable provisions of this ordinance.
2. **Application:** Applications shall be submitted to the Town Clerk or Code Enforcement Officer on forms provided.

3. **Permit Approval:** The Code Enforcement Officer shall within 15 days of receipt of the application either issue the requested permit or transmit notice of refusal to the applicant. Notice of refusal shall be in writing and shall state the reasons therefor.

4. **Life of Permit:** All building permits shall be void unless work thereunder is commenced within one year from the date of issuance.

5. **Fees:** The fee shall be \$10.00 for the first 5 thousand dollars or part thereof the proposed work, and \$1.00 for each additional thousand dollars or part thereof the proposed work. The maximum fee shall not exceed \$25.00.

SECTION IV - LOT SIZE AND DIMENSIONAL REQUIREMENTS

1. **Minimum Lot Area:** No residential structure shall be constructed or moved to a lot with an area of less than 40,000 square feet for a single family unit; 60,000 square feet for a two-family unit; 75,000 square feet for a three-family unit; or 80,000 square feet for a four-family unit. The minimum lot area for other than residential buildings shall be any area sufficient to meet the off-street parking and open space requirements of this ordinance. Lots shall have a minimum frontage width of not less than 200 feet. If an existing building burns, it may be replaced within one year even though the lot contains less than the area or frontage required by this ordinance.

2. **Setback:** No building shall be constructed closer than 50 feet to the ditch line.

3. **Side and Rear Yard Width:** No building shall be constructed closer than 25 feet to any adjoining lot line.

4. **Open Space Requirement:** No building shall be constructed or moved to any lot unless provision is made to maintain at least 50% of the total lot area as open space. Open space shall not include any area occupied by buildings or devoted to driveways, parking, or loading areas.

5. **Mobile Home Park Exemption:** State licensed mobile home parks shall be exempt from the minimum lot area provisions of this section.

SECTION V - OFF-STREET PARKING

1. In any instance in which a permit is required by this ordinance, and off-street parking area shall be required as follows:

A. 150 square feet per residential unit.

B. 150 square feet for each four seat in a restaurant, auditorium, church, or similar place of assembly.

- C. 150 square feet for each 300 square feet of gross floor area in any commercial, retail, or service establishment.
- D. 150 square feet for each six students of driving age at any secondary or post-secondary school.

2. In any use not covered specifically herein, the closest similar use shall apply.

SECTION VI - SPECIAL USE PERMITS

1. The following uses of land or property shall be permitted only after issuance of a Special Use Permit by the Planning Board:

- A. Refuse facility.
- B. Junk Yard
- C. Multi-family dwelling of more than four family units.
- D. Any business establishment such as sales or service, excepting businesses in the home.
- E. Public or private recreational facilities.
- F. Manufacturing or industrial development excepting businesses in the home and accessory manufacturing use.
- G. Saw Mills.

2. **Applications:** Applications for Special Permits shall be submitted to the Town Clerk on forms provided. Such permits shall be forwarded to the Planning Board within ten days.

3. **Fee:** A fee of \$10.00 shall accompany all Special Use Permit applications.

4. **Hearing:** Upon receipt of an application for a Special Use Permit, the Planning Board shall schedule a public hearing on the proposed use. Such hearing shall be conducted in not more than thirty days from the date of receipt by the Town Clerk.

5. **Notice of Hearing:** It shall be the responsibility of the Planning Board to give reasonable public notice of such hearing and to notify owners of all land adjacent to the proposed use.

6. **Permit Approval:** If, after public hearing, the Planning Board determines that the proposed construction or use is not injurious, noxious, or offensive to the neighborhood; does not place an undue burden on town services; does not create undesirable residential congestion; and is not detrimental to the general welfare or character of the neighborhood; it may issue a Special Use Permit. The Planning Board may impose reasonable and appropriate restrictions and conditions on the issuance of such permit.

7. **Notice of Approval or Denial:** Applicants shall be advised in writing of approval or denial of their Special Use Permit applications within fifteen days of the hearing. Notice of denial shall specify the reason therefor. Notice of approval shall specify any and all special conditions or restrictions applying to the proposed use. Issuance of a Special Us Permit shall not relieve the applicant from compliance with all other provisions of this ordinance unless specifically exempted by special conditions specified by the Planning Board.

SECTION VII - RESOURCE PROTECTION AREAS

1. **Resource Protection Areas, Definition:** Resource protection areas shall be those areas designated for protection from development in order to preserve their historic, environmental, or recreational value.
2. **Designation:** Resource protection areas may be designated only by vote of the town's residents at either a regular or a special town meeting.
3. **Character:** It shall be unlawful to build or alter the character of any resource protection area.

SECTION VIII - ENFORCEMENT

1. **Code Enforcement Officer:** The Code Enforcement Officer shall be appointed by the selectmen and shall be responsible for the administration and enforcement of this ordinance.
2. **Inspection:** The Code Enforcement Officer shall inspect all proposed construction or uses for the purpose of enforcing the provisions of this ordinance and all other state laws covering the proposed construction or use.
3. **Notice of Violation:** The Code Enforcement Officer shall serve a notice of violation to any owner or person responsible for any construction or use in violation of this ordinance or any special conditions imposed under Section VI.(1). Such order shall direct the immediate discontinuance of the construction or use and the abatement of the violation.

4. **Prosecution of Violation:** If after a reasonable time the owner or person responsible fails to comply with the notice of violation, the Code Enforcement Officer shall institute appropriate proceedings.

5. **Penalty:** Any person found guilty of violating any provisions of the ordinance shall be subject to a fine of not more than \$50.00 for each offense. Each day in which a violation is proved to exist shall constitute a separate offense.

6. **Code Enforcement Officer Compensation:** The Code Enforcement Officer shall be compensated at the rate designated in Section III; however, the maximum rate of compensation for any inspection shall not exceed \$25.00.

7. **Appeals:** Appeals under the ordinance shall be made in accordance with M.R.S.A. Title 30, Section 2411.

SECTION IX - SEPARABILITY

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision.

SECTION X - EFFECTIVE DATE

the Building Ordinance for the Town of Charleston, Penobscot County, Maine shall take effect upon the date of its adoption by the Town of Charleston.

PASSED AT ANNUAL TOWN MEETING 1978