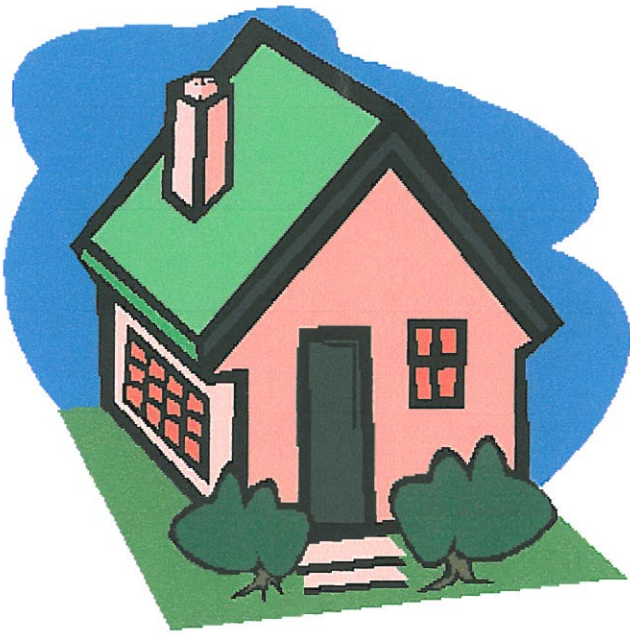


# TOWN OF BUCKFIELD, MAINE

## BUILDING PERMIT ORDINANCE



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ATTEST: \_\_\_\_\_

\_\_\_\_\_ TOWN CLERK

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## SECTION I: PURPOSE

The purpose of this Ordinance is to establish 1) minimum lot sizes, 2) required setbacks, 3) exceptions for certain pre-existing buildings and nonconforming lots, and 4) the process and fees for obtaining a Building Permit, in order to promote the health, safety, and welfare of the residents of the Town of Buckfield and to protect the environment.

## SECTION II: LOT SIZE REQUIREMENTS

### A. Minimum Lot Sizes for Principal Buildings

1. No principal building (structure) shall be constructed upon or moved to any lot with an area less than 40,000 square feet unless the lot was a lot of record prior to the adoption of the "Town of Buckfield Building Permit Ordinance" on June 24, 1987, and has no existing principal building.

*Exception to 1:* Single dwellings that meet the requirements of 7.9 Cluster Development of Buckfield's Subdivision Regulations, as adopted and amended, may be built on lots of less than 40,000 square feet in accordance with said Regulations.

2. If more than one principal structure is constructed on a single parcel of land, the minimum area requirement shall apply to each principal structure, e.g., a lot with two separate houses on it must contain at least 80,000 square feet. Before placing a third principal structure or building on a lot in any given five-year period, property owners should consult with Buckfield's CEO or Planning Board, since, under Maine State Law, such placement may come under Buckfield's Subdivision Regulations.

*Exception to 2:* In the case of conversion of an accessory building, such as a garage, to a secondary dwelling, or construction of a single separate secondary dwelling on a lot, only 60,000 square feet will be required, provided that the footprint of the secondary dwelling is no more than a) 750 sq. feet, or b) 40% of the footprint of the principal building.

3. Lots of 80,000 square feet or more may be divided at a future time into separate lots only if minimum lot size requirements are met, and all principal and accessory buildings meet setback requirements from the newly created lot lines.

*Exception to 3:* Individual lot sizes may be less than 40,000 square feet if buildings are clustered, and open space has been set aside in an easement to be maintained as open space in perpetuity, so that the total area of lots, combined with the maintained open space, is equivalent to the total of the minimum lot sizes required under this Ordinance for each house.

B. Lot Size for Multi-Unit Buildings

1. No multi-unit building, either residential or commercial, shall be constructed, expanded, or placed upon any lot that does not contain at least 40,000 square feet for the first unit, and 20,000 square feet for each additional unit.

*Exception to 1 above:* This minimum lot size does not apply to the conversion of certain existing buildings into multi-unit apartments or businesses, as long as the conversion does not change the dimensions of the building. (See 2 below)

2. Conversions of buildings from single to three or more units within a five-year period will come under subdivision review, by MSRA Title 30A§ 4401, with the following exception:

*Exception to 2:* Conversion of existing buildings to three or more units is not defined as subdivision under Maine law if:

- a. Construction of the building was begun prior to September 23, 1988, and the building has not been expanded since that date,  
and
- b. conversion will not involve further expansion,  
and
- c. The building has not been used for commercial or industrial purposes.

It is recommended that persons proposing to increase the number of units in a building consult with the CEO or Planning Board before proceeding.

C. Lot Size for Mobile Home Parks

1. In compliance with State law regarding individual homes in a mobile home park,
  - a. Individual mobile homes served by a central septic system may not be placed on a lot of less than 12,000 square feet.
  - b. A mobile home served by an individual septic system may not be placed on a lot that is smaller than 20,000 square feet.

For setback requirements and other rules regarding land use in mobile home parks, see Buckfield's Subdivision Regulations, Article VII, § 13.

## SECTION III – SETBACK REQUIREMENTS

- A. All structures must be set back at least twenty-five (25) feet, horizontal distance, from the near edge of the public right-of-way.
- B. All structures must be set back at least twenty-five (25) feet, horizontal distance, from any boundary lot line. Where an application meets the criteria for a waiver from the setback requirements, as set forth in Section XIII, the Board of Appeals may grant a waiver.
- C. Setback requirements as prescribed herein must be met on vacant non-conforming lots.

*Exception to C above:* If a non-conforming building is moved, destroyed or demolished, the replacement or reconstruction of said building will be permitted on the same lot as long as setbacks equal or exceed the setbacks of the original building. It will be the responsibility of the owner of record to submit to the Buckfield Town Office, at least fourteen (14) days before existing evidence of the footprint is removed, information regarding the footprint of the original building such as, but not limited to, a site plan with setbacks, photographs, etc. It shall be the responsibility of the Code Enforcement Officer to visit the site and verify the evidence and information within fourteen (14) days of its submission.

- D. The Board of Appeals may grant a variance in setbacks for a public building for the purpose of making that building accessible to persons with disabilities. The Board of Appeals may also 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 construction of structures necessary for access to or egress from the dwelling<sup>1</sup> 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 building.
- E. A lot of record as of June 24, 1987 on which two or more dwellings currently exist or existed on June 24, 1987, may be divided so that each dwelling is located on a separate lot. Each lot so created must conform to the State minimum lot size law and must conform as closely as possible to the lot size and setback requirements of this Ordinance.

Dwellings on lots to be divided that were placed or constructed on the lot of record after June 24, 1987 must conform to the setback requirements for lots set out in Paragraphs A, B, and C above. (Note the exception in Section II C for clustered dwellings on a lot to be divided.)

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<sup>1</sup> Including railing, wall or roof systems necessary for the safety or effectiveness of the structure.

- F. This Ordinance shall not be interpreted to prohibit the construction or placement of accessory buildings on a dwelling lot. Accessory buildings constructed or placed on a dwelling lot are subject to all requirements prescribed herein with the exception of the lot size requirement.

#### **SECTION IV: BUILDING PERMIT**

Prior to the construction, relocation, placement, expansion and/or renovation of any building, the owner or his agent shall obtain a Building Permit from Buckfield's Code Enforcement Officer.

*Exception:* A Building Permit is not required for ordinary repairs and maintenance or when renovations total a fair market value of \$5,000.00 or less and an expansion of footprint is not involved.

If construction, relocation, placement, expansion and/or renovation of any building is near a body of water, requirements of Buckfield's Shoreland Zoning Ordinance, as adopted and amended, must be met.

#### **SECTION V: BUILDING PERMIT APPLICATION**

Building Permit Applications will be available at the Buckfield Town Office and must be submitted to the Town's Code Enforcement Officer for approval.

The Building Permit Application will include the following:

- A. For all permits, the applicant shall provide
- a. The name, address and telephone number of the applicant.
  - b. Location of the lot by existing street address or tax map number.
  - c. A brief description of the project with an estimate of project cost.
- B. For all construction, relocation, placement, expansions, or conversions, the applicant shall also provide a site plan sketch indicating the following information, where applicable:
- a. The shape and dimension of the lot of record with notes as to how the corners are marked on the ground.
  - b. Location of the septic system.
  - c. Location of well and/or water supply line.
  - d. Location and dimensions of proposed building(s) or expansion(s) to existing building(s).
  - e. Setback measurements from all boundary lines and abutters' buildings.
  - f. Measurements from all proposed buildings and/or expansions to the near edge of the public right-of-way.
  - g. Measurements from all buildings and/or expansions to the high water mark of a water body.
  - h. Location of parking and driveway.

## **SECTION VI: FEES**

The fee schedule for a Building Permit will be set by the Board of Selectmen and will be voted upon at the Town Meeting. The fee must be paid when application is submitted.

## **SECTION VII: LIFE OF PERMIT**

A Building Permit will remain valid for a term of three (3) years from the date of issuance; a renewal may be obtained upon repayment of the permit fee. In the case of new construction or expansion, substantial construction must be completed at the end of two (2) years, or a new permit will be required.

## **SECTION VIII: ENFORCEMENT**

It will be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance.

## **SECTION IX: VIOLATIONS**

In the event the Code Enforcement Officer determines any provision of this Ordinance is being violated, written notice will be issued to the owner(s) of record. The notice will include the nature of the violation(s) and the action necessary to correct it. A copy of the notice will be maintained as a permanent record.

## **SECTION X: PENALTY**

Any person who violates any provision of this Ordinance, after proper notice has been given by the Code Enforcement Officer, and six (6) months has elapsed, shall be subject to a fine of not more than \$100.00 for each offense. Each day the violation exists shall constitute a separate offense. Additionally, violators will be responsible for any court costs that may result from the enforcement of this Ordinance.

## **SECTION XI: CONFLICTING PROVISIONS**

Whenever the regulations made under the authority hereof differ from those described by any federal or state statute, ordinance, or other regulations, that provision which imposes the greater restriction or the higher standard will govern.

## **SECTION XII: VALIDITY**

If any section, clause, provision, portion or phrase of this Ordinance is determined to be invalid or unconstitutional by any court of complete authority, such holdings will not affect, impair or invalidate any other section, clause, provision, portion or phrase of this Ordinance.

## **SECTION XIII: WAIVERS**

The Board of Appeals may grant a waiver from the strict application of this Ordinance, subject to the following provisions:

- A. The need for a waiver is due to the unique circumstances of the property and not to the general condition of the neighborhood.
- B. The granting of a waiver will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties.
- C. The need for a waiver is not the result of action taken by the applicant or a prior owner.
- D. No other feasible alternative to a waiver is available to the applicant.
- E. The granting of a waiver will not unreasonably adversely affect the natural environment.
- F. The granting of a waiver will not create a safety or fire hazard. The Buckfield Fire Chief, the Code Enforcement Officer and/or the Road Commissioner will help the Board of Appeals assess the safety considerations of the proposed waiver.
- G. If the property is located in whole or in part within the shoreland areas as described in Buckfield's Shoreland Zoning Ordinance it must meet all criteria under that Ordinance as well.

## **SECTION XIV: EFFECTIVE DATE**

This Ordinance will take effect immediately upon its approval at the annual Town Meeting of the Town of Buckfield on June 22, 2005. Any amendment will take effect immediately upon approval of the Town Meeting.

The "Town of Buckfield Building Permit Ordinance" enacted on June 24, 1987 and amended on June 22, 1988, June 27, 1990, June 22, 1994, and June 17, 2003 is hereby repealed and replaced by the text of this Ordinance.



## SECTION XV: DEFINITIONS

Terms that are not defined below will have their common dictionary meaning.

**BUILDING (STRUCTURE):** Anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences and wells. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

**COMMERCIAL BUILDING (STRUCTURE):** Anything constructed or placed for the support, shelter or enclosure of goods or property of any kind and associated with a profit seeking enterprise. Farms are excluded from being classified as commercial.

**DIMENSIONAL REQUIREMENTS:** Any requirement of this ordinance which regulates spatial aspects of land, structures, and uses, including lot width, lot area, setbacks, height, and maximum building footprint.

**DWELLING UNIT:** A group of rooms providing living quarters containing independent cooking, sleeping, and bathroom facilities for one household.

**EXPANSION:** An increase in the floor area or volume of a building, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses.

**LOT OF RECORD:** A parcel of land or property described by a document recorded in the Oxford County Registry of Deeds.

**MIXED USE:** Any combination of residential and non-residential uses on the same lot or in the same building or building complex, excluding farm uses.

**NON-CONFORMING STRUCTURE:** A structure which does not meet one or more of the dimensional requirements of this ordinance but which was lawfully constructed before the adoption of the Ordinance provisions which cause it to be non-complying.

**NON-CONFORMING LOT:** A lot of less than 40,000 square feet which was a lot of record prior to the adoption of the "Town of Buckfield Building Permit Ordinance" on June 24, 1987.

**PRINCIPAL STRUCTURE (BUILDING):** Any structure or building in which the primary use of the lot is conducted.

**SUBSTANTIAL CONSTRUCTION:** By visual observation, the completion of a foundation or a slab, and a septic system, if required.

**UNIT:** Shop or office space for one distinct business or housing for one family. A family business operated in the home does not constitute a separate unit.