

ARTICLE 2 GENERAL PROVISIONS

Section 2.01 Jurisdiction - The jurisdiction of this ordinance shall include all lands and water within the corporate limits of the Town of Waterboro as shown on the official zoning map (see Section 3.02 of this ordinance) which is on file in the Town Clerk's office.

Section 2.02 Actions Requiring Compliance -The use of land, water, or structures and the location, erection, movement, reconstruction, extension, enlargement, conversion, or structural alteration of structures or parts thereof shall hereafter be in conformance with the provisions of this ordinance.

Section 2.03 Building, Occupancy and Change of Use Permits Required (AMENDED 6-4-94)-A building permit, designed to insure compliance with state law, this ordinance, other local land use ordinances or regulations, and conditions (if any) attached to an approved project, must be obtained from the Code Enforcement Officer prior to constructing, locating, erecting, moving, reconstructing, extending, enlarging, converting, or structurally altering any permanent or temporary structure or use. A building permit shall be granted or denied by the Code Enforcement Officer as promptly as possible but within seven (7) days of receipt of a completed application. A building permit shall expire one (1) year from the date of its issue unless substantial work (actual construction) has commenced. Work commenced must be completed within two (2) years. A building permit shall not be valid for a longer period of time but may be reissued for an additional two (2) years if the nature of the project has been more or less continuous. (UPDATED 3-7-06 by board of selectmen vote)

Plans and permits: Inground swimming pools or appurtenances thereto shall not be constructed, installed, enlarged or altered until plans have been submitted and a permit has been obtained from the Code Enforcement Officer. The approval of all local, county and state authorities having jurisdiction over swimming pools shall be obtained before applying to the Code Enforcement Officer for a permit. Certified copies of these approvals shall be filed as part of the supporting data for the application for the permit. All construction of pools to conform with current edition of building code. (AMENDED 3-12-88, 4/27/02)

An occupancy permit must be obtained from the Code Enforcement Officer prior to actually using or occupying a land area or a permanent or temporary structure upon which work contemplated in a building permit has been completed. An occupancy permit shall be granted or denied as promptly as possible after a physical inspection of the structure and project site by the Code Enforcement Officer but within three (3) days of receipt of a completed application.

The Code Enforcement Officer shall be notified of any change in use of building or premises, and a permit shall be secured for such change.(AMENDED 6-24-94)

Section 2.04 Uses and Activities Which Do Not Require a Building or Occupancy Permit -

A building and/or occupancy permit is not required in any of the following circumstances provided that the improvement does not give rise to a violation of state law, this ordinance, other local land use ordinances or regulations, and conditions (if any) attached to an approved project:

- where construction of a permitted accessory structure occupying less than one hundred (100) sq. ft. of ground or floor space and costing less than one thousand dollars (\$1,000) for improvement, or alteration of any existing permitted structure involving less than one hundred (100 sq. ft. of ground or floor space and costing less than one thousand dollars (\$1,000) is contemplated; where repairs not involving a change in use or an increase in the area of any permitted structure (including accessory structures) are contemplated except when in the Shoreland Zone; (AMENDED 3/11/00, 4/27/02)
- where a change from one permitted use to another permitted use or from a nonconforming use to a permitted use is contemplated and the costs involved are less than one thousand dollars (\$1,000);
- where erection of a sign not requiring a permit (see Section 6.02) is contemplated; and
- fences and/or walls.

Section 2.05 Duties of Code Enforcement Officer -The Code Enforcement Officer shall receive and process all applications for building and occupancy permits. When and if necessary, the Code Enforcement Officer shall refer the applicant to the Zoning Board of Appeals, the Planning Board or the Selectmen of the Town of Waterboro for such review, approval, and action by these bodies as state statute and this ordinance require. Applications for required permits shall be deemed complete only after required reviews, approvals and actions by the above bodies are completed.

When the provisions of state law, this ordinance, other local land use ordinances and regulations, and conditions (if any) attached to an approved project are met the Code Enforcement Officer shall issue the required permits within the time deadlines specified (see Section 2.03)-when such provisions are not met he shall deny issuance of the required permits. A denial of either a building or occupancy permit must include a statement of reasons for the denial. A building or occupancy permit issued in conflict with the provisions of state law, this ordinance, other local land use ordinance or regulations, or conditions (if any) attached to an approved project is null and void.

Decisions of the Code Enforcement Officer with respect to the granting or denial of a building or occupancy permit may be appealed to the Zoning Board of Appeals of the Town of Waterboro within thirty (30) days of the decision by the applicant or by an aggrieved party. The Board of Appeals may affirm the decision of the Code Enforcement Officer, remand the decision with instructions to reconsider the issue, or modify the decision for reasons which must be set

forth.(see Section 10.01). (AMENDED 3-8-86, 4-26-03)

The Code Enforcement Officer may on his own and shall upon complaint investigate to insure that state law, this ordinance, other local land use ordinances or regulations, or conditions (if any) attached to an approved project are not being violated. Upon finding a violation of any statute, ordinance, regulation, or condition outlined above, the Code Enforcement Officer shall notify the violator of such fact and simultaneously issue a code enforcement order to the violator requiring immediate compliance with the particular provisions of law involved. The failure to comply with a code enforcement order will subject the violator to penalties, further orders, and possible legal action as outlined in Sections 12.02 and 12.03.

The Code Enforcement Officer may seek entrance to any property or structure within the Town of Waterboro to inspect and carry out the provisions of this ordinance. His testimony and records shall be available to the Town's counsel to facilitate law enforcement and prosecute individuals who violate a code enforcement order.

Section 2.06 Site Restrictions - All lots shall abut upon an existing or proposed road which meets all municipal and other applicable governmental regulations and standards or, if landlocked, shall have a legally recorded access right-of-way, of no less than fifty (50) feet in width, to a public or private road. All lots, with the exception of landlocked lots, shall have a minimum road and/or water frontage of one hundred (100) feet in the Village zone, one hundred (100) feet in the Village/Residential zone except on cul-de-sacs where fifty (50) feet will be required, one hundred fifty (150) feet in the Residential and the Agriculture/Residential and General Purpose zones and two hundred (200) feet in the Forest-Agriculture and Conservation zones. Situations involving or utilizing cul-de-sacs, curvilinear streets, cluster design or planned unit design permitted by the Subdivision Regulations or this Ordinance (see Sections 8.02 and 8.03) when the Planning Board determines that these frontage requirements are not practical it may approve frontage reductions of up to fifty (50) percent. (AMENDED 3/11/89, 3/11/00 and 4/26/03)

With the exception of multi-unit housing, clustered or planned unit developments an individual lot shall have only one principal structure and accompanying accessory structures upon it.

Section 2.07 Use Restrictions - In each zoning district the only uses permitted are those specified as primary uses or conditional uses and those natural and usual accessory uses and structures which enable or facilitate necessary repair, storage, parking, gardening, recreational activity, the non-commercial keeping of animals, and similar undertakings incidental to a primary or conditional use. In addition, all conditional uses in any zoning district and their accessory uses and structures are subject to Planning Board review and approval (See Article 4).

Temporary uses may be permitted in any zoning district for brief periods of time not to exceed thirty (30) days with the approval of the Planning Board. The approval of a temporary use may be appropriately conditioned to avoid harm to adjacent property owners and the public. A

temporary use may not be extended for more than two (2) additional thirty (30) day periods and then only if the applicant for such use can show need and that undue hardship will result if the temporary use is not extended.

Section 2.08 Size Reductions or Increases - Except as provided by the express provision of this Ordinance or by the Town's Subdivision Regulations dealing with unique design or development types (see for example Sections 2.06, 8.02, 8.03), the provisions of this ordinance dealing with lot size, setback, frontage and side yard requirements; height limitations; parking and loading areas, sign and billboard size may not be changed. They are designed to achieve the purposes of this ordinance (see Section 1.02) and reflect differing location and physical characteristics affecting the land or water areas involved (see Section 1.04). However, minor modifications in size requirements in the form of a variance (usually not exceeding a fifteen (15) percent increase or decrease in the stated requirements, MRSA tit. 30 Section § 4353 (4), for issuing a variance are met. (AMENDED 3/11/00)

Lots created before the enactment of the Waterboro Zoning Ordinance that are substandard are required to have a Standard Boundary survey performed or present evidence to show the true boundary lines, (i.e. a plot plan prepared by a certified surveyor), before a building permit can be issued. (AMENDED 3-12-88 & 3-11-89)

In addition, any single lot of record on the date of enactment of this ordinance in any zoning district created by this ordinance may if the existing requirements of state law are met, be used to construct, renovate, or reconstruct a primary use and structure in spite of the fact that otherwise applicable dimensional requirements of this ordinance can not be met except where the realignment of lots is possible (see Section 9.01). Applications for building permits in cases where all applicable setback requirements cannot be met shall be reviewed by the Planning Board and may be appropriately conditioned to avoid harm to adjacent property owners and public, in accordance with the standards set forth in Section 4.02 of this ordinance. (AMENDED 9-25-90, 11-12-96 & 3-11-00) Departures from the usual dimensional requirements of this ordinance shall be kept to a minimum. Applications for building permits in cases where all applicable setback requirements can be met may be submitted directly to the Code Enforcement Officer and shall not require prior Planning Board review. (AMENDED 11-12-96)

Section 2.09 Applications - To facilitate the expeditious carrying out of any and all of the responsibilities outlined in this ordinance, the Code Enforcement Officer, the Planning Board, and the Zoning Board of Appeals are respectively authorized to prepare and publish such application forms and procedures as they think necessary. Application forms should elicit as much or all of the information which the officer or board will require from the applicant. Forms should be clearly labeled, simple in format and as concise as possible. If an application form is not completely filled out or if the circumstances of a particular case require it, the officer or board may request such additional information as is necessary to allow full review and evaluation of the pending issue. Applications for Code Enforcement Officer or board action shall not be deemed complete until all information which has been validly requested has been furnished. All completed application forms and supporting materials are public records which

shall be kept on file in the Code Enforcement Office and which may be inspected by any member of the public at reasonable times. (AMENDED 3/11/00)

Applications for Code Enforcement Officer or board action may not be made by any party other than the owner of record or the lessee of the land which will be directly affected by the requested action or by an option or contract to purchase such land.

Section 2.10 Site Plan Review - Site Plan Review and Approval by the Planning Board shall be required before issuance of a building permit or certificate of occupancy for any non-residential building or structure, expansion of a non-residential building or structure, mobile home park or multi-family residences with more than two dwelling units as provided in the Town of Waterboro Site Plan Review Ordinance Adopted June 28, 1988. (Amended 4/26/03)

Site Plan Review and Approval shall not be required:

1. To change a use permitted by the zoning ordinance to another permitted use, in an existing structure, provided;
 - a. The change does not increase the requirements for off-street parking, as provided by the Zoning Ordinance for the Town of Waterboro; and
 - b. The floor area devoted to the proposed use is equal to or no more than that devoted to the existing use; and
 - c. No structural changes are proposed for the existing building; and
 - d. No changes are proposed for the site on which the existing building is located.
2. For single family dwellings and accessory facilities.
3. For multi-family dwellings of no more than two dwelling units and their accessory facilities.
4. Any development reviewed by Planning Board as a residential subdivision. (Amended 4/27/02)