

Article V - Building Code: General Criteria and Standards

This Article may be referred to as the “Building Code,” and in this Article as “Ordinance.”
[added May 17, 2008]

Section 1 - Purpose

The purpose of this ordinance is to accomplish the following objectives with the least possible regulation:

- 1.1 To establish a procedure whereby town officials may review proposals to construct, enlarge, or move buildings.
- 1.2 To establish a fair and reasonable set of standards for evaluating each such proposal.
- 1.3 To balance the right of the land owners to use their land with the right of abutting and neighboring land owners to live without undue disturbance from stormwater run-off or pollution of ground or surface water resources.
- 1.4 To provide for a system whereby aggrieved parties may appeal decisions of the Code Enforcement Officer or the Planning Board to the Appeals Board.

Section 2 - Applicability

The provisions of this ordinance shall apply to new construction, exterior enlargement, location and relocation of building and mobile homes, retail, industrial, and institutional use; multiple family (more than one dwelling unit per lot) residential development, and single-family homes. If the building is located within the Shoreland District, or requires Planning Board approval under the terms of the Site Plan Review Ordinance, Subdivision Regulations, Resource-based Subdivision Regulations, or Mobile Home Park Ordinance, the Code Enforcement Officer shall act upon the request for a Building Permit only after the Planning Board has reviewed and approved the proposed development

Section 3 - Administration

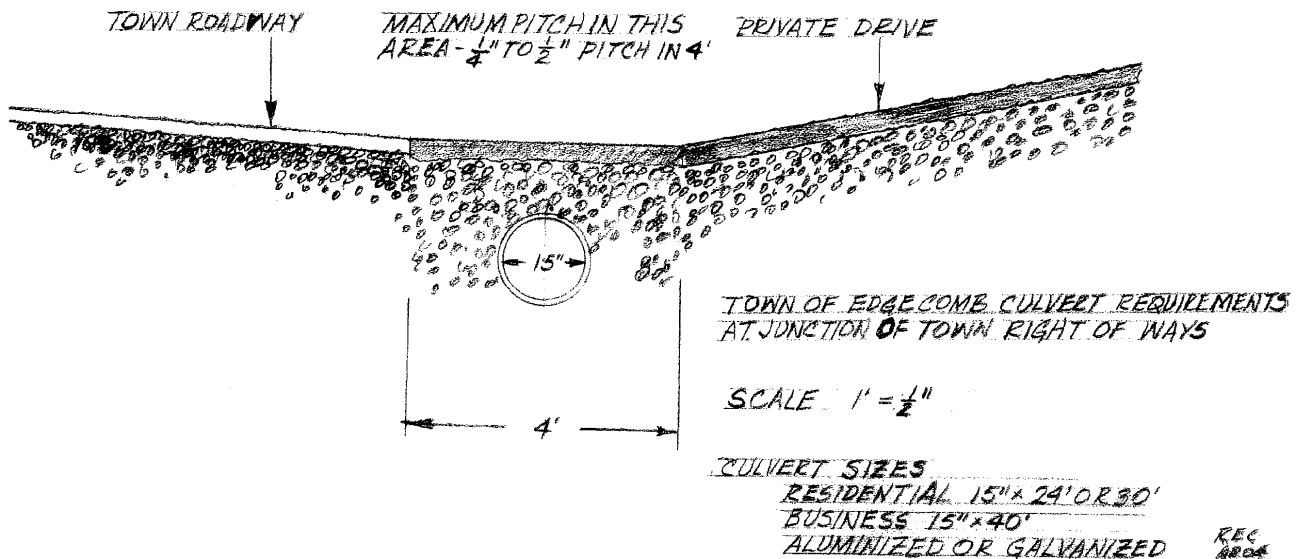
Before the construction, exterior enlargement, location or relocation or change in use of any building or part thereof shall be commenced, the owner or lessee, or authorized agent shall obtain from the Code Enforcement Officer of the Town of Edgecomb a permit covering such proposed work. Up to two detached buildings of 100 square feet or less are allowed per lot without a building permit in the Town of Edgecomb, including buildings in existence prior to May 18, 1985. A permit is not required for fences, boundary walls, walks, and radio or other towers and antennas less than fifty feet above ground. However, all structures and buildings shall conform to all setback requirements.

3.1 Application

The application for a permit shall be in writing and shall be in such form as the Code Enforcement Officer shall prescribe and shall contain a description of the proposed new construction, exterior enlargement, location or relocation contemplated. The applicant must also state the use to which the structure will be put and the source of water and method of sewage disposal if required for building usage. If plumbing and/or sewage disposal is required, the application for a building permit must be accompanied by a plumbing permit. If an application is approved for a structure which does not require plumbing or sewage disposal and the use subsequently changes to one which does require plumbing or sewage disposal, a new application for a building permit must be submitted by the owner or occupant and the necessary plumbing permit must be attached.

3.2 Culverts

All building permit applications must be approved by the Road Commissioner to ensure that driveways meet the MDOT standards for culverts. All culverts must be at least 15- inch, aluminized or galvanized, and installed as per attached diagram.



3.3 Earthworks

Alterations to earthworks in Shoreland, either the addition of, removal of, or relocation of more than 10 cubic yards except for the purpose of surfacing existing private roads, drives or parking areas shall require approval of the Planning Board

3.4 Approval or Denial

After review by the Code Enforcement Officer and the Planning Board, if required, to determine compliance with the requirements of this Ordinance, the application shall be approved or denied and the applicant shall be notified in writing of the action taken within thirty days of receipt by the Code Enforcement Officer. All building permits will expire after one year unless there has been a substantial start.

Section 4 - Criteria and Standards

4.1 Frontage

Except as specifically waived or modified by the Planning Board for a Resource-based Subdivision, no structure is to be constructed, enlarged, located or relocated on a lot having frontage of less than one hundred (100) contiguous feet, with the exception of lots in the districts identified in the table below, which have additional standards for frontage and curb cuts. Frontage shall be on a public or private road which does not intersect the property on which the structure is located. With the exception of lots in the districts identified in the table below, a lot having road frontage of less than 100 feet, but with a minimum of 50 feet, may be built upon providing that the lot must be able to accommodate within its boundaries a rectangle measuring 200 feet by 200 feet. Any structure must be located where the lot's width is at least 100 feet. All other provisions of this Ordinance such as setbacks and acreage must be met.

Table 4.1-1 Lot Frontage for Specified Districts

<u>District</u>	<u>Minimum Frontage (Rt. 1)</u>	<u>Minimum Frontage (other roads)</u>	<u>Max.no./Curb Cuts (Rt.1)</u>
Edgecomb Gateway	400 ft.	200 ft.	1 per lot of record as of May 18, 2002
Edgecomb Thoroughfare	400 ft.	200 ft.	1 per lot of record as of May 18, 2002
Commercial Growth	400 ft.	200 ft.	1 per lot of record as of May 18, 2002

Table 4.1-2 Lot Frontage for Specified Districts

<u>District</u>	<u>Minimum Frontage (Rt. 27)</u>	<u>Minimum Frontage (other roads)</u>	<u>Max.no./Curb Cuts</u>
Area II (Rt. 27)	100 ft.	100 ft.	1 per lot of record as of May 17, 2003
Area I & III (Rt. 27)	300 ft (min. lot size 3 acres)	100 ft.	1 per lot of record as of May 17, 2003
	200 ft. (min. lot size 2 acres)*	100 ft.	1 per lot of record as of May 17, 2003
	50 ft. (Min.lot size 1.5 acres)*#		1 per lot of record as of May 17, 2003

* Allowed only if lot is served by a single access that is shared with an adjacent lot.

Setback for all structures must be 200 feet from Rt. 27 right-of-way.

4.2 Setback

Unless otherwise specified in Table 4.1-1, 4.1-2 or Table 4.2-1 or 4.2-2 below, all structures shall be set back at least fifty (50) feet from the front lot line or seventy-five (75) feet from the centerline of the public or private road abutting the lot on the front, whichever is greater. Setback of structures from side and rear lot lines shall be no less than fifteen (15) feet. An existing non-conforming lot of record as of March 6, 1982, which has a dwelling upon it may have auxiliary buildings built upon it such as garages and workshops, not to exceed 480 square feet of ground coverage, providing that the setback be at least forty (40) feet from the center line of the road or thirty (30) feet from the front lot line, whichever is greater and from any private vehicular or pedestrian right- of-way at least fifteen (15) feet. All other provisions of the Building Code Ordinance must be met.

Table 4.2-1 Building Setback for Route 1 Districts

<u>District</u>	<u>(from centerline of road) Route 1 only</u>	<u>Minimum Side & Rear Setbacks</u>	Minimum
Edgecomb Gateway	100 ft.	20 ft.	
Edgecomb Thoroughfare	150 ft.	20 ft.	
Commercial Growth	150 ft.	20 ft.	

Table 4.2-2 Building Setback for Route 27 Districts

<u>District</u>	<u>Minimum setback from Edge of Route 27 Right -of-way</u>	<u>Minimum Side & Rear Setbacks</u>
Area II (Rt. 27)	Average setback of existing principal structures located within 500 feet with frontage on Route 27	15 feet
Area I & III (Rt. 27) (2+acre lots)	100 ft.	15 feet
(1.5 acre lots)	200 ft.	15 feet

4.2 Minimum Construction Standards

All building materials used and practices followed in the construction of structures shall conform to the generally accepted standards of good practices

Underwriters' Laboratories-approved smoke detectors shall be installed in all new dwelling units.

4.3 Sanitary Standards

All pumping and sewage disposal shall be in strict conformance with the State of Maine Law and the State Plumbing Code. New overboard discharge systems are prohibited.

4.4 Electrical Installation

All newly erected structures that are to be wired shall meet the National Electrical Code, as revised.

4.5 Reconstruction

If any structure is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or his agent, it may be restored or reconstructed on its original footprint within 5 years of the date of said damage or destruction even though the lot may not be of the required size or have the required frontage or setbacks.

4.6 Division of Existing Lots

In dividing a lot or parcel of land where a residence or business exists, it shall be mandatory to retain enough land so that the existing residence or business will have the same road frontage and area as is required by the Ordinance for a new installation.

4.7 Lot Size

No building shall be constructed, located or relocated on a lot of less than two acres with the exception of lots in the districts identified in the table below or as modified by the Planning Board pursuant to Article IV, Section 2.4.10.2. A single lot of record prior to May 15, 1987 which does not meet the area or width requirements, or both, in the Town of Edgecomb, may be built upon provided that such lot shall be in separate ownership, and that all other provisions of this Ordinance shall be met. If two or more contiguous lots or parcels are in single ownership of record at the time of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the dimensional requirements of the Ordinance, the lands involved shall be considered to be a single parcel for the purpose of this Ordinance, provided, however, that lots of record shown on a recorded subdivision plan which was approved by the Planning Board as of May 22, 2004 and which were in single ownership as of that date shall not merge until five years from the date of subdivision approval at which point any lots still in single ownership shall merge pursuant to this section. A structure lawful at the time of adoption or subsequent amendment to this may continue although it does not conform to the provisions of this Ordinance.

Table 4.7 Minimum Lot Size For Specified Districts

<u>District</u>	<u>Minimum Lot Size</u>
Edgecomb Gateway	1 acre
Edgecomb Thoroughfare	1 acre
Commercial Growth	1 acre
Area II (Route 27)	1 acre
Area I & III (Route 27)	3 acres (requires 300 feet of frontage on Route 27)
	2 acres (requires 200 feet of frontage on Route 27 and lot is served by a single access that is shared with an adjacent lot)
	1.5 acres (requires 50 feet of frontage on Route 27 if lot is served by a single access that is shared with an adjacent lot and all structures are set back at least 200 feet from the Route 27 right-of-way)
Woodland District	5 acres
Rural District	3 acres
Marine District Area I	2 acres
Marine District Area II	1 acre

4.8 Lot Size for Multiple Dwelling Units; Residential Structure Separation

The required minimum lot size for all Areas and Districts shall be met for each dwelling unit, with the exception of an accessory apartment, for the respective Area or District. For lots having Town of Edgecomb controlled sewer and water held in single ownership and located only within the Edgecomb Gateway or the Edgecomb Thoroughfare District or the Commercial Growth District upon which multiple dwelling units are proposed, the minimum lot size per dwelling unit shall be 1 acre for the first dwelling unit plus one-fourth acre for each additional dwelling unit over one. The required minimum lot sizes for all Shoreland Zones are provided for in Article III, section 1.9.1.5. There is no density bonus in the Shoreland Zone if sewer and water is connected to a lot within the Shoreland Zones. *[amended May 17, 2008]*

Residential Structures shall be separated by a minimum of thirty (30) feet.

4.9 Lot Coverage

Unless otherwise specified in the table below or in the Shoreland Zoning Ordinance, the maximum percentage of a lot, with and without Town of Edgecomb water and sewer, that may be used for lot coverage shall be twenty (20) percent.

Table 4.9 Maximum Percentage of Lot Coverage

<u>District</u>	<u>Max. Coverage of Lot without Town of Edgecomb Sewer & Water</u>	<u>Max. Coverage of Lot with Town of Edgecomb Sewer & Water</u>
Edgecomb Gateway	35%	35%
Edgecomb Thoroughfare	35%	35%
Commercial Growth	35%	45%
Woodland	10%	10%
Rural	15%	15%
Marine	20%	20%

4.10 Building Height

The maximum height for any building shall be thirty-five (35) feet.

4.11 Buffer

The first 50 feet of the setback required on Route 1 and Route 27 shall be maintained as a visual buffer consisting of either existing vegetation or proposed landscaping and must be of a height and character to be effective year-round. If the Code Enforcement Officer, or Planning Board for projects that require Planning Board approval, determines that existing vegetation is insufficient to meet the above standards, the applicant shall substitute a plan for adding new vegetation provided that the new vegetation will provide effective buffering within two years of planting. The reviewing authority may take into consideration the size and orientation of the lot, topography, existing vegetation, presence of wetlands or ledge, available sight distance and road frontage provided that the plan meetings the above standards to the greatest extent possible.

4.12 Curb Cuts and Driveways

Lots on Route 27 shall be limited to one curb cut on Route 27. If an adjacent lot on Route 27 is vacant, the curb cut shall be positioned such that the adjacent vacant lot can share the curb cut. Curb cuts are regulated by the Maine Department of Transportation (Rockland Office) for some Edgecomb Roads. Approval is required from MDOT on these roads before filing an application. If a lot has frontage on Route 27 and on a road intersecting Route 27, every effort shall be made to place the curb cut and driveway on the intersecting road.

4.13 Provisions for Back Lots

The provisions of this section apply only to back lots created on or after May 17, 2003. The provisions of this section do not apply to any lots in existence before May 17, 2003.

Back lots may be developed for single-family residential use if they are served by a back lot driveway approved by the Planning Board and comply with the following provisions.

- 4.13.1 The back lot driveway must be located within a right-of-way with a minimum width of 50 feet. The right-of-way must be conveyed by deed recorded in the Lincoln County Registry of Deeds to the owner of the back lot.
- 4.13.2 A legal description of the back lot right-of-way by metes and bounds shall be attached to any building permit application for construction on the back lot.
- 4.13.3 A back lot right-of-way shall be created only over a front lot that is conforming to frontage and lot size at the time of creation of the right-of-way. That portion of the front lot within the right-of-way shall be considered part of the front lot for purposes of space and volume regulations. Existing buildings on the front lot need only be set back from the right-of-way by a distance equivalent to the minimum side setback in the Building Code Ordinance. For front lots that are vacant on the effective date of this ordinance, access to future buildings on the front lot shall be from the right-of-way.
- 4.13.4 If the front lot is already developed, the existing driveway shall be relocated to the back lot right-of-way unless the Board determines that it is prohibited by site conditions or the orientation of existing buildings.
- 4.13.5 A back lot driveway shall serve no more than two back lots unless it is improved to meet the standards for streets or private roads in the Subdivision Regulations. Prior to the creation of a second back lot, the applicant shall submit for review and approval a proposed revision of the back lot driveway plan previously approved by the Board and a driveway maintenance plan.
- 4.13.6 No more than one back lot right-of-way may be created out of a single front lot unless each subsequent right-of-way is created from at least an additional amount of frontage as required in the Building Code Ordinance. The entrance of such rights-of-way onto the road shall be separated by a distance equivalent to at least the required frontage in the Building Code Ordinance plus half the right-of-way width. Only one curb cut shall be allowed for more than one back lot right-of-way on Route 27 and Route 1.
- 4.13.7 A back lot driveway shall conform to the following standards:

Minimum Right-of-way Width	50 feet
Minimum Travel Way Width	12 feet
Maximum Grade	12%
Minimum Angle of Street Intersections	75 degrees
Minimum ROW Radii at Intersections	10 feet
Minimum Width of Shoulders (each side)	2 feet

4.13.8 Each dwelling constructed on a back lot shall be set back at least 200 feet from the front lot line of the original lot.

4.13.9 The back lot must comply with all space and volume regulations in the applicable district. For purposes of this section, the portion of the right-of-way within the back lot may not be used to satisfy the minimum lot area requirement, and frontage for the back lot shall be on the back lot right-of-way.

4.14 Size Standards

Notwithstanding any other provision of this Ordinance, no single retail business, whether located in a single structure, a combination of structures, single tenant space, or aggregate of structures or tenant spaces in an aggregate of structures, shall exceed 35,000 square feet of floor area. All adjacent retail or service establishments which share a common check stand, management, controlling ownership or storage areas shall be considered a “single retail business” and their aggregate square footage of floor area shall be used to determine compliance with the standards of this Ordinance. This maximum floor area restriction shall apply to all new retail businesses and to all expansions of existing retail businesses.

Section 5 - Appeals and Variances

5.1 See Article VI. *[amended May 17, 2008]*

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