

LAND USE PERMIT ORDINANCE
TOWN OF OAKLAND

Section 1. Purpose

The purpose of the Land Use Permit is to regulate the construction and placement of new dwelling units in the town of Oakland and to establish a minimum lot size for such dwellings to protect the health, safety, and general welfare. This Ordinance is established by and is in conformity with MRSA, Title 30, Section 1917.

Section 2. Administration

Anyone proposing to construct, locate, or place a dwelling, including mobile homes, in the Town of Oakland must first obtain a Land Use Permit shall not be required for identical work if a valid Shoreland Zoning Permit has been obtained.

No excavation or grading work may begin not may any utilities be connected before the applicant has obtained a valid Land Use Permit. A copy of the permit must be prominently displayed at the building site so as to be visible from the road.

Section 3. Fee

Fees to be based on Residential Fee Ordinance and Commercial and Industrial Fee Ordinance.

Section 4. Conditions for Approval

A Land Use Permit may not be issued by the Code Enforcement Officer until the applicant:

- A. Has obtained a valid plumbing permit from the plumbing inspector demonstrating the suitability of the site for private sewage disposal, or demonstrates proof that the lot will be connected to the public sewerage system according to the provisions of the Sewerage Ordinance, and
- B. Demonstrates proof that the lot conforms to the minimum lot size and frontage requirements specified in the Ordinance, or if the lot is located in a subdivision, demonstrates proof that the municipal reviewing authority has officially approved the subdivision, and
- C. All dwelling units shall have a proper septic system in place before the units is occupied. All dwelling units shall have running water and waste disposal and shall be in conformance with the State Plumbing Code. In addition, any structure which requires a permit under the State Plumbing Code shall obtain such permit prior to application for a Land Use Permit, and

- D. Provides written certification that all other applicable State and Local ordinances have been complied with.

Section 5. Minimum Lot Standards

Minimum lot standards shall apply to single family dwelling units, single mobile or modular homes and duplexes, except in the Shoreland Zone, located on a single lot as defined. Dwellings located in a subdivision shall comply with the Subdivision Ordinance. No dwelling unit(s) may be constructed, located, or placed on any lot that does not conform to the following minimum area and dimensional requirements:

- A. for lots to be served by private, on site sewage disposal:
 - 1. minimum lot size of 30,000 square feet
 - 2. minimum road frontage of 150 lineal feet
- B. for lots to be served by the public sewerage system and public water service:
 - 1. minimum lot size of 20,000 square feet
 - 2. minimum road frontage of 100 lineal feet
- C. **lots located in the Shoreland Zone shall be developed in accordance with Chapter #29, Oakland Shoreland Zoning Ordinance**
- D. For land locked lots that are not part of a subdivision, A and B apply, but the road frontage requirement may be waived by the CEO if one dimension of said lot is at least 150 feet and a private vehicular road with right of way of not less than 20 feet in width is provided.

Section 6. Nonconforming Lots of Record

A single lot of record which existed at the effective date of this Ordinance or after its' adoption and does not meet the area or frontage requirements may be used for a residential dwelling, as defined in Section 5. Minimum Lot Standards, provided that such lot is in separate ownership and that such lot satisfies all other provisions of this Ordinance.

If two (2) or more contiguous lots of which at least one is a nonconforming lot, are in single ownership of record at the time of adoption of this Ordinance or after its' adoption, the lots shall be considered a single parcel for the purposes of this Ordinance. No portion of said parcel shall be built upon or sold which does not meet the area or frontage requirements of this Ordinance.

Lot of Record is defined as a parcel of land, legal description of which, or the dimensions of which, are recorded on a document or map on file with the County Registry of Deeds.

Section 7. Enforcement

Any building constructed or work performed in violation of the provisions of the Ordinance shall be considered a nuisance and a civil violation pursuant to 30 MRSA, Section 4966. Any person found guilty of violating any provision of this Ordinance shall be subject to a fine of not less than \$100.00 nor more than \$2,500.00 and other penalties provided for pursuant to 30 MRSA, Section 3966, for each offense. Each day in which a violation is proved to exist shall constitute a separate offense under this section.

The Town Council and/or the Code Enforcement Officer (CEO) are authorized and directed to institute any action or proceedings that may be required to enforce the provisions of this Ordinance.

Section 8. Validation Period

Any permit issued under this Ordinance is not transferable and shall expire if the work is not initiated within twelve (12) months of the date of issuance. Failure to initiate construction prior to the twelve (12) month expiration shall require reapplication. No fee for reapplication shall be required.

Section 9. Amendments

This Ordinance may be amended by a majority vote of the Town Council. Amendments may be initiated by the Town Council, a majority vote of the Planning Board, or written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.

Section 10. Validity and Severability

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance. The effective date of this Ordinance is March 12, 1986. The revised date of this ordinance is September 13, 1995.

Section 11 Appeals

- A. An appeal may be taken to the Board of Appeals within fifteen (15) days from the date of decision. The appeals shall be limited to issues of ordinance interpretation, except in the case of a request of variance. An appeal may be taken within thirty (30) days by an aggrieved party, including the Code Enforcement Officer, to Superior Court in accordance with the Maine Rules of Civil Procedure.
- B. A request for a variance shall be limited to relief from the following

requirements:

1. minimum Lot Standards