

The Town of Farmingdale Code of Ordinances

ARTICLE VI BUILDING LOTS

Section 4-601. **Minimum Lot Size, Frontage, and Setback Requirements.**

1. Lots shall meet or exceed the following minimum requirements:

A. Lot Size. No building shall be constructed or placed on a lot with an area of less than  $\frac{3}{4}$  acre (32,670 square feet) in size. Any building that contains more than one dwelling unit shall require an additional 10,000 square feet of lot area per dwelling unit.

B. Road Frontage. A lot abutting a public or private road or right-of-way shall have a minimum road frontage of 150 feet. A front yard abutting the shore line of a lake, pond, river, stream or tidal water shall have a minimum depth of 100 feet from the normal high water elevation. The depth of any yard abutting a public or private road or right-of-way or any water body shall conform to the front yard requirements.

C. Front Setback from Road. A front yard abutting a public or private road or right-of-way shall have a minimum depth of 30 feet from the right-of-way line or, where the right-of-way line is indiscernible, 50 feet from the center line of the traveled way.

D. Rear and Side Yard Setback. The minimum width of each side yard and rear shall be 20 feet.

E. Back Lots. The purpose of this Ordinance is to protect the health, safety and general welfare of the residents of Farmingdale by providing for the improvement of back lots with acceptable right-of-ways and emergency access provisions. This Ordinance shall apply to all back lots as defined. No back lot may be developed which fails to meet the requirements of this Ordinance, in addition to the requirements of other Town ordinances.

The Planning Board shall review all Back Lot applications. This Ordinance shall be administered by the Code Enforcement Officer. The Code Enforcement Officer shall not issue a building permit unless the provisions of this Ordinance are complied with. A "Back Lot" shall mean a parcel of land which does not have the required frontage on public or private road or right-of-way, or whose frontage on such road or right-of-way is less than the 150 feet required by this Ordinance.

Back lots may be built on although they lack adequate road frontage provided that the residential development of the lot is accessible from a fifty (50) foot right-of-way or a fifty (50) foot wide privately owned strip of land. For the development of one dwelling unit, the traveled portion of the roadway or driveway shall be at least 12 feet wide. In the event any additional dwelling units or lots are proposed, the entire traveled way shall be a minimum of 20 feet wide and shall meet the minimum road design standards in Section 3-105 of the Town Ordinance with the exception of paving. If a back lot is developed or divided for more than one dwelling unit, there shall be a turn-around area adequate for the turning of emergency vehicles pursuant to the Dead End Street provisions in Chapter 3 of the Town Ordinance.

A legal description of the privately owned road or right-of-way shall be attached to any building permit application for construction of a single-family dwelling permitted on the back lot. The privately owned road or right-of-way deed must be recorded in the Registry of Deeds (1) at either the time the back lot is first deeded out or created as a separate parcel, or (2) at the time any building permit is applied for.

Where the privately owned road or right-of-way is conveyed by recorded easement or some recorded grant less than fee simple interest, the land over which such servitude is placed shall not be counted in calculating road frontage requirements for the front lot.

Section 4-602. **Principal Structures.**

If more than one principal structure is constructed or placed on a single lot, all minimum requirements in Section 4-601 shall be met separately for each such principal structure.

Section 4-603. **Nonconforming Uses, Structures, and Lots.**

The use of land, building or structure lawful at the time of adoption or subsequent amendment of this ordinance may continue, although such use does not conform to the provisions of this Ordinance. Nonconforming structures, lots and uses may be transferred and the new owner may continue the nonconforming structure or lot, subject to the provisions of this Ordinance. This Ordinance allows the normal

upkeep and maintenance of nonconforming uses and structures including repairs or renovations which do not involve expansion of nonconforming use or structure.

1. Continuance of Nonconforming Uses.

The use of land, buildings or structures existing and lawful on April 12, 1977 may continue although such use does not conform to the provisions of this article. The ownership of such land, buildings or structures may be transferred and the subsequent owners may continue the nonconforming use.

2. Nonconforming Structures.

A nonconforming structure destroyed by lightning, fire, or other natural causes to the extent of 50% or more of the tax-assessed value may be reconstructed so long as the construction starts within twelve (12) months and the replacement structure is no more nonconforming than the original structure.

A structure that does not meet the setback requirements specified herein, may be expanded provided that the structure is not expanded in floor area or volume by 30% or more, during the lifetime of the structure. In no case shall the existing nonconforming setbacks be further reduced.

Nothing in this section shall be construed to prevent construction or reconstruction necessary to make a building accessible to handicapped persons. Handicapped ramps shall not constitute the expansion of a structure.

The construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided:

- a. The completed foundation does not extend beyond the exterior dimensions of the structure.
- b. The foundation does not cause the structure to be elevated by more than two (2) additional feet.
- c. The completed foundation shall not exceed seven (7) feet in overall height.

3. Nonconforming Lots of Record.

A nonconforming lot of record existing and lawful prior to April 12, 1977 may be built upon without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to set back or other requirements not involving lot size or frontage must be obtained from the Board of Appeals. All variances granted by the Board of Appeals must be recorded in the

Kennebec County Registry of Deeds within 90 days of issuance pursuant to 30-A M.R.S.A. §4353(5). Applicants shall be responsible for all costs of recording.

No variance shall be issued which results in the reduction of any setback to a distance of less than ten (10) feet for side and rear lot line setbacks or less than twenty (20) feet for front line setbacks or, where the right-of-way line for the front lot line is indiscernible, the minimum setback allowed by variance shall be forty (40) feet from the center line of the traveled way.

Contiguous Built Lots: If two or more contiguous lots or record are in single or joint ownership of record prior to April 12, 1977, if all or part of the lots do not meet the requirements of this Ordinance and if a principal structure exists on each lot, the nonconforming lots may be conveyed separately or together. Any such lots located within the Shoreland or Resource Protection Zone and not served by municipal sewer and water services may be conveyed separately only if the lots comply with the State minimum lot size law and the Subsurface Wastewater Disposal Rules. If two or more principal uses or structures existed on a single lot of record prior to April 12, 1977, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record prior to April 12, 1977, if any of these lots do not individually meet the dimensional requirements of this ordinance and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

Section 4-604. **Civil Penalties.**

Any work performed without a permit or in violation of this Ordinance, shall be subject to an enforcement action pursuant to 30-A M.R.S.A. §4452 and may be subject to penalties of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. The violator may also be ordered to correct or abate the violation in addition to the imposition of civil penalties.

Section 4-605. **Severability.**

If any portion of this Ordinance shall be held by a court to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**NOTE: Changes in front lot line setback language in Sec. 4-601 (1)(C) above requires an amendment to the subdivision ordinance standards. Section 4-906(1)(A) shall be amended to read: *Within 30 feet from the right-of-way line of any existing street or proposed street or, where the existing right-of-way line is indiscernible, 50 feet from the center line of the existing traveled way.***