

MINIMUM LOT SIZE ORDINANCE
FOR THE TOWN OF SUMNER

SECTION I. Purpose

The purpose of this ordinance is to establish minimum lot size(s) in the Town of Sumner in order to promote the health, safety and welfare of the residents of Sumner and to protect the environment.

SECTION II. Authority

- A. This ordinance is adopted and hereafter amended pursuant to and consistent with Article VIII ~~A~~ [Part Second] of the State of Maine Constitution and ~~Title 30, M.R.S.A., Section 2151-A.~~ [30A, Sec. 3001?]
- B. This ordinance shall be known and cited as the "Minimum Lot Size Ordinance for the Town of Sumner".
- C. This ordinance is enacted in accordance with ~~Title 30, M.R.S.A., Section 2153,~~ [30A, Sec. 3002] "Enactment Procedure (Enactment of Ordinances)"

SECTION III. Applicability

- A. This ordinance applies to all lots in the Town of Sumner upon which a seasonal home, permanent home, mobile home, commercial building, industrial building or institutional building is to be erected.
- B. This ordinance shall not be interpreted to prevent or prohibit the erection of the following on lots of any size:
 - 1. Special purpose, small (not over 100 sq. ft.) buildings, such as gatehouses, well houses and pump houses.
 - 2. Shelters, open to the weather, for sheep, cattle, horses or other animals.
 - 3. Outbuildings, such as garages, sheds, barns, workshops, etc. on lots with existing dwellings or buildings.
- C. Non-conforming Lots of Record: A single lot of record which at the effective date of this ordinance does not meet the dimensional requirements of the ordinance may be built upon provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership and that all Federal and State statutes, permit requirements herein, and to the extent practicable, the other provisions of this ordinance, shall be met. If two or more contiguous lots or parcels were in the same ownership of record at the time of adoption or amendment of this Ordinance, and if one lot is developed and the other lot or lots are undeveloped, and if all or part of the lots do not meet the dimensional requirements imposed by this Ordinance, the lots shall be combined to the extent necessary to meet these standards.

SECTION IV. Dimensional Requirements

- A. In the case of shore lots, the minimum lot size under Section III. shall be two (2) acres.
Option 1. In the case of non-shoreland lots, the minimum lot size under Section III shall be two (2) acres and shall have a minimum of a 75-foot setback of all structures from the centerline of streets or road.
- B. In the case of lots without available discharge into a public sewer system and where cluster or collection on-site disposal systems are to be utilized, the minimum lot size per dwelling under Section III. shall be two (2) acres and shall have a minimum of a 150-foot setback from the center of streets or roads.

SECTION V. Administration

- A. The Selectmen shall appoint a Code Enforcement Officer to enforce this ordinance.
- B. The Code Enforcement Officer shall administer this ordinance.

SECTION VI. Non-conforming Use Permits

- A. In the case of non-conforming lots of record, a non-conforming use permit shall be granted in writing by the Planning Board provided that the lot owner or his agent offers clear proof that the lot meets the criteria for a non-conforming lot of record contained in Section III. C. herein.

SECTION VII. Enforcement

- A. The Code Enforcement Officer or Planning Board of the Town of Sumner shall act in all cases of violations of this ordinance by notifying in writing the owner or lessor of the lot and the Board of Selectmen of the nature of the violation and the correction, if possible, required.
- B. The Board of Selectmen is charged with the prosecution for all violations of the provisions of this ordinance. In cases where such notices referred to in Section VII. A. are not promptly complied with after receipt of said notices, the Board of Selectmen shall make such complaint to the courts as, in their judgment, is proper, or the Board may institute such actions or proceedings at law or inequity as are proper to restrain, correct, remove or punish such violations.
- C. Any persons or party who shall violate any of the provisions of this ordinance or shall fail to comply with any of the requirements, thereof, shall upon conviction, be punished by a fine of not less than \$100 nor more than \$2500 and each day on which such violations shall continue shall constitute a separate offense

SECTION VIII. Appeals

- A. Any aggrieved person or party may appeal the provisions of this ordinance to the Board of Appeals for the Town of Sumner. However, in the case of non-conforming lots of record, the lot owner or his agent shall have first requested a non-conforming use permit under the provisions of Section VI.
- ~~B. The Board of Appeals for the Town of Sumner shall function in accordance with Title 30, M.R.S.A., Sections 2411 and 4963. [Title 30A, Sec. 2691 et seq.]~~
- C. Powers and Duties of the Board of Appeals:
 - 1. Administrative Appeals: to consider alleged error(s) in procedures by the Selectmen or Code Enforcement Officer in the administration or enforcement of this ordinance.
 - 2. Variance Appeals: to consider if, in specific cases, a relaxation of the terms of this ordinance would be contrary to the public interest and intent of this ordinance, and if, owing to unique conditions of the property and not to the result of actions of the applicant, literal enforcement would cause undue hardship.
 - i. The crucial points of variance are undue hardship and unique circumstances applying to the property. Both of these elements must be present to grant a variance.
 - ii. A variance is only authorized for area and dimensional requirements of this ordinance.
 - 3. Filing Procedures: In the case of non-conforming lots of record, appeals shall be filed within 30 days after written notice of the Code Enforcement Officer or Planning Board's finding. In all other cases, appeals shall go directly to the filing procedure. A filing fee of \$10 shall accompany the appeal, which shall be submitted on forms approved by the Board of Appeals.

SECTION IX. Validity, Effective Date, Conflict of Ordinances

- A. 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 these regulations, and to this end, the provisions of these regulations are hereby declared to be severable.
- B. The effective date of this ordinance is August 1, 1988.
- C. This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this ordinance imposes a higher standard for the promotion and protection of health and safety, the provisions of this ordinance shall prevail.

SECTION X. Amendments

- A. This ordinance may be amended by a majority vote at a town meeting. Amendments may be initiated by a majority vote of the Planning Board, by request of the Board of Selectmen or by petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.
- B. The Planning Board shall hold public hearings on all proposed amendments.

Adopted at the Annual Town Meeting on August 1, 1988.