

TOWN OF MACHIAS BUILDING PERMIT ORDINANCE
Enacted January 26, 1989
Amendments to Building Permit Ordinance – Enacted February 7, 2019

Purpose: New buildings, additions to existing buildings, conversions of existing buildings to other uses, and changed land use can have a significant effect on the cost, capacity, and efficiency of town services as well as the environment, aesthetics, and well-being of this town and its neighborhoods. Among other aspects, such buildings and changed land use can impact (either positively or adversely) property values of current residents and businesses, schools, water supply and sewers, recreational facilities, traffic, road and sidewalk repair, snow removal services, library facilities, and many other parts of the community we all share. Therefore, it is the purpose of this ordinance to avoid or mitigate any such negative impacts.

1. A building permit shall be required before the start of any work for the purpose of constructing, altering, or moving any building in the Town Of Machias. This permit requirement shall apply to reconstruction, expansion, replacement or rebuilding of existing structures, and to conversions of existing structures to another residential or business use.
2. "Building", for the purpose of this ordinance, includes any structure having a roof (partly or wholly, including a mobile home) supported by columns or walls which is or will be used for people, animals, goods, or property of any kind.
3. Exempt from the provisions of this ordinance are doghouses, playhouses, tool sheds and similar storage buildings not greater than one story in height and not larger than 150 square feet in floor space. Also exempt is routine interior and exterior maintenance that includes minor remodeling of existing structures.
4. Application for a building permit shall be made to the Planning board on the "Application for a Building Permit" form available at the town office. The application shall be dated on the day received at the town office. The application requires the following:
 - A. A map and plan
 - (1) A copy of the applicable town tax map showing the location of the building lot and vicinity
 - (2) Evidence of ability to meet standards for connecting to the town water supply and sewage disposal system, or evidence of approved soil test that shows water can be properly supplied and sewage properly disposed of.
 - (3) A site plan showing
 - (a) size of lot in square feet and the dimensions of the lot in feet,
 - (b) location of building on the lot and the distance from all properly lines,
 - (c) size of building in square feet and dimensions of building in feet and ,
 - (d) location of proposed water supply and sewage disposal facilities and systems.

B. Minimum standards

(1) The applicant shall show that the proposal complies with the minimum State and Federal standards in each of the following, which shall be the minimum requirements for approval of the application.

(a) **Water:** There is sufficient water available.

(b) **Water Pollution:** The proposal will not exceed current standards for water pollution.

(c) **Sewage Disposal:** The proposal shall meet current standards for sewage disposal and State licensing requirements.

(d) **Air Pollution:** The proposal will not exceed current standards for air pollution.

(e) **Soil Erosion:** The proposal will not exceed current standards for soil erosion.

(f) **Noise:** The proposal will not exceed current standards for noise pollution.

(g) **Shore Land Zoning:** The property and construction shall meet current State of Maine standards for shore land zoning, and as specified by the Town Of Machias Shore Land Zoning Ordinance.

(2) The applicant shall show that the proposal complies with the following local standards in each of the following, which shall be the minimum requirements for approval of the application.

(a) **Surface Drainage:** Adequate provision is made for surface drainage so that removal of surface water will not adversely affect any other properties.

(b) **Exterior Lighting:** There will be no strong distracting and annoying light or reflection of light beyond its lot lines onto neighboring properties.

(c) **Access and Size:** The building will be placed on a lot which is either on a town or private road or has deeded access. Lots on town or private roads will have a minimum of 100 feet of road frontage and 15,000 square feet of lot size.

(d) **Setback and Height:** All buildings shall have a 35 foot front yard setback, 15 foot side yard setbacks, and no building shall exceed 50 feet in height.

(e) **Vehicular Access:** The proposed site layout shall provide safe access to and from public and private roads.

(f) **Parking:** Adequate off street parking will be provided. This includes at least one and one half parking spaces per family occupancy or unit; (e.g. single family unit to have one and one half parking spaces; duplex unit to have three parking spaces, etc.).

(g) **Waiver or Variance:** Any request for a waiver or variance of minimum standards shall accompany the application and include all reasons why the applicant believes such exception should be granted. Applicants who request a waiver or variance must show written evidence that abutting property owners have been notified of the request for waiver prior to the meeting at which the Planning Board is scheduled to act.

C. Estimate of cost. The application shall include a cost estimate of the proposed work.

5. The Planning board may grant a waiver or variance of any of the above standards provided that:

A. The applicant has made a request on the original application.

B. The Board records in its minutes the reason(s) for granting a waiver or variance.

6. The Planning Board shall review the application and issue written notice of approval or denial **within 60 days** of receipt of a complete application by the Town Office. Approval shall be by issuance of a building permit. Building permit applications submitted through the 21st day of each month shall be listed in the Planning Board meeting agenda which is required to be advertised prior to the first meeting of the following month. Applications submitted after the 21st day of the month will be placed on the Board agenda for its meeting of the next succeeding month in order to comply with public notice advertising. The Planning Board may hold special meetings at its discretion to accommodate applicants wishing to meet seasonal building schedules providing that such special meeting is publicly advertised. Applications for replacement structures removed, within the prior six months, requiring no expansion and located in the same location as the building being replaced, will be considered by the Planning Board so long as the application is submitted prior to the public notice advertisement. Interim permits for the replacement of a mobile home in a mobile home park may be issued by the Code Enforcement Officer and will be valid until the next Planning Board meeting
7. Failure of the Planning Board to issue written notice of its decision **within 60 days** from the date of receipt of the complete application shall constitute **approval of a permit**.
8. Construction shall commence within two years from date of issuance of the permit, otherwise the permit shall expire unless an extension is requested by the applicant and is granted by the Planning Board.
9. Any person who violates these regulations in the determination of the Municipal Code Enforcement Officer shall be punished by a fine of not less than \$10.00 or no more than \$100.00. Each day that a violation exists shall be considered a separate offense.
10. A fee of \$20.00 shall be charged for each application up to \$10,000.00 in cost of the proposed structure, then an additional \$5.00 per \$10,000.00 of cost above the first \$10,000.00, payable to the Town Of Machias at the time an application is submitted to the Town Office.
11. If any section or provision of this ordinance is declared invalid by a court, such decision shall not Invalidate any other section or provision of this ordinance.
12. Effective date of this ordinance is January 26, 1989. Copies of this Ordinance and all amendments to it shall be filed with the Town Clerk and the Washington County Registrar of Deeds.