ARTICLE 5, SINGLE LOT ORDINANCE

SECTION I. PURPOSE
The purpose of this ordinance shall be to assure the comfort, convenience, safety, health and welfare of the citizens of Pownal, and to protect Pownal’s environment and natural resources.

SECTION 2. AUTHORITY
This Ordinance supports the Pownal Comprehensive Plan of 2006, follows the guidelines as laid out in the Maine statute, Resolve ch.145, 2005, and is adopted under the authority of the home rule provision of 30-A MRSA Sections 3001.

SECTION 3. APPROVAL REQUIRED
The creation of a new lot shall comply with the procedures and requirements of this Ordinance.

SECTION 4. ADMINISTRATION
A. Any Single Lot being divided from a Lot recorded on a previous Subdivision will be reviewed and administered by the Planning Board as an Amended Subdivision.

B. Any Single Lot being divided from a Lot of Record, not of a previous Subdivision will be reviewed by the Codes Enforcement Officer (CEO).

C. The CEO may ask the Planning Board to conduct an onsite inspection of a proposed new single lot and submit an advisory report of their findings.

D. A file will be maintained on each new single lot application. This file will contain documentation of which criteria and standards of this ordinance have been met. The record in this file for any lot, either new or residual, not meeting the criteria and standards of this ordinance will be marked, “NOT APPROVED FOR BUILDING UNTIL ALL APPLICABLE POWNAL ORDINANCE, STATE AND FEDERAL REQUIREMENTS AND STANDARDS HAVE BEEN MET.” The survey plan required under this ordinance, sections 6(A)(3) and 6(B)(1), to be filed at the Cumberland County Registry of Deeds (CCRD) will also be marked with this statement.

E. 1. The CEO shall inform the applicant in writing of his/her decision within 45 days after receipt of the completed application and any advisory reports.
2. All single lot divisions are required to be filed in the CCRD. In addition, the single lot divisions shall reference the name and the book and page number(s) of the original lot.

F. The CEO will notify the assessors of his/her decision by submitting to them a signed and dated form for both the new and residual lot indicating that the lot is either “APPROVED FOR BUILDING” or “NOT APPROVED FOR BUILDING UNTIL ALL APPLICABLE POWNAL ORDINANCES, STATE AND FEDERAL REQUIREMENTS AND STANDARDS HAVE BEEN MET.” These forms will be kept in the town’s property record folder for the respective lots.

SECTION 5. APPLICATION
A. Application
1. The property owner shall submit an application for the creation of a single lot to the CEO.
2. The owner may have her/his agent submit the application providing an owner-signed Authorized Agent Form is attached to the application.
3. A survey plan shall be submitted with the application for a Lot Approved for Building or a Lot Not Approved for Building unless an adjustment has been made by the CEO as outlined in Sections 6.A.3 or 6.B.1.
4. All applications shall be accompanied by an application fee. Fee Schedule established by the order of the Board of Selectmen.

SECTION 6. CRITERIA AND STANDARDS

Before approving new single lots within the Town, the CEO shall consider the following criteria and any person proposing to create a lot shall, prior to the creation of such lot by any means, including but not limited to conveyance, lease, building, development, gift or bequest or otherwise, shall demonstrate that the following standards have been complied with:

A. Lot Approved for Building

1. Net Developable Area will be met for the construction of buildings and other improvements without utilizing land unsuitable for development as outlined in the Land Use Ordinance, Article 2, Definitions (net residential acreage). The minimum required net developable area required for this Ordinance shall be as established for the minimum net residential area in Section 9 of Article 3, Zoning Ordinance.

2. Lot Dimensions: All single lots created must meet all applicable land use ordinances.

3. Survey:
   a. A survey plan by a Licensed Maine Professional Land Surveyor showing both the lot being created and the residual lot will be made and stamped by the surveyor. The plan will show:
      1. Road frontage.
      2. Boundary lines of tract, bearing, and distance.
      3. Tax Map and Lot numbers assigned by the Tax Assessors.
      4. Gross area and developable area of each lot.
      5. Monuments (pins) set or found at all corners of lots.
      6. The location of a suitable septic system site. *Amended 6/18/18*

   b. The CEO will have the discretion to adjust the survey requirements for lots larger than 10 acres. If the survey plan is not filed with the Cumberland County Registry of Deeds within 90 days of approval of the application the approval will become null and void and any new lot created will be in violation of this Ordinance. Evidence of recording shall be presented to the CEO and added to the file.

4. Septic Systems: A soils suitability report for a septic system shall be submitted for the lot on HHE 200 forms before a building permit is issued. Additional studies for water quality maintenance such as a plume study may be required pursuant to the Maine Department of Human Services regulations under Title 22, MRSA, Chapter 241, Section 42. *Amended 6/18/18*

5. Shoreland, Stormwater, Wetland and Floodplain Management: All applicable Pownal, State and Federal shoreland, stormwater, wetland and floodplain regulations must be met.

6. Private Roads: The construction of a private road shall be pursuant to the requirements of Article 8, Public & Private Road Ordinance.

7. Any other applicable Pownal ordinance, state and federal requirements and standards in effect at the time of the application shall be met.

B. Lot Not Approved for Building

1. Survey: A survey plan of the lot being created and the residual lot will be made by a Maine Licensed Surveyor. The plan will show:
   a. Boundary lines of tract, bearing, distance, Tax Map and Lot numbers.
   b. Gross area.
   c. Monuments (pins) set or found at all corners of lots.

The CEO will have the discretion to adjust the survey requirements for lots larger than 10 acres. If the survey plan is not filed with the Cumberland County Registry of Deeds within 90 days of approval of the application the
lot approval will be null and void and any new lot created will be in violation of this Ordinance. Evidence of recording shall be presented to the CEO and added to the file.

2. Shoreland, Stormwater, Wetland and Floodplain Management. All applicable local, State or Federal stormwater, wetland and floodplain regulations must be met.

3. The owner of a Lot Not Approved for Building may apply for the status of the lot to be changed to Lot Approved for Building by:
   a. Submitting an application to the CEO for change of status and
   b. Demonstrating to the CEO that the lot meets all criteria and standards for a Lot Approved for Building.

SECTION 7. ENFORCEMENT
Failure to comply with any conditions or requirements of this Ordinance shall be considered a violation of this Ordinance. Legal proceedings shall be initiated to enjoin construction or any specific activity violating the conditions of approval or any other violation of this Ordinance. Violations shall be subject to enforcement under the provisions of 30-A M.R.S.A. Section 4452.

SECTION 8. APPEALS
A. An appeal from any decision of the CEO may be taken to the Town of Pownal Board of Appeals in accordance with Title 30-A M.R.S.A., Section 2691.

B. An appeal from any decision of the Board of Appeals may be taken to the Superior Court of Cumberland County in accordance with Maine Rules of Civil Procedure, Rule 80B.

SECTION 9. VARIANCES AND WAIVERS
A. Variances: the Board of Appeals may hear and decide zoning variance within this ordinance under the procedures in Article 3. Zoning Ordinance, Section 11.

B. Waivers:
   1. The CEO may hear and decide waiver requests concerning the criteria and standards for proposed single lots in Section 6.
   2. The Planning Board may hear and decide waiver requests concerning the criteria and standards for a proposed new private road under Article 8, Public and Private Roads Ordinance, Section 7.

SECTION 10. CONFLICT WITH OTHER ORDINANCES
Whenever the specific requirements within this Ordinance are inconsistent with the specific requirements within any other ordinance, code or statute, the more restrictive specific requirement will apply.

SECTION 11. SEVERABILITY AND EFFECTIVE DATE
A. The invalidity of any provision of these standards shall not invalidate any other part.

B. This Ordinance shall take effect immediately on adoption of the same by the legislative body of the Town of Pownal.

This ordinance was initially adopted at September 17, 2007, Special Town Meeting.
Amended and adopted, Town Meeting, 20, June 2016.