

Adopted March, 1975
Revised November 29, 1988
Revised March 10, 1990
Revised June 27, 1998 at Town Meeting
Revised November 2, 1999
Revised June 8, 2001
Revised June 11, 2002

TOWN OF NAPLES

NAPLES MINIMUM LOT SIZE ORDINANCE

Naples Lot Size Ordinance for the Town of Naples, Maine Attested by Town Clerk

SECTION 1. PURPOSES

The purpose of this ordinance is to control building sites and land uses for the good and welfare of the community.

SECTION 2. APPLICABILITY

This ordinance applies to all areas of Naples except those zoned as Shoreland, notwithstanding any other provisions of State or local law or regulation.

SECTION 3. EFFECTIVE DATE

The effective date of this ordinance shall be the day after its adoption by Naples Town Meeting. A certified copy of this ordinance shall be filed with the County Registry of Deeds.

SECTION 4. 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.

SECTION 5. AMENDMENTS

No amendment to this ordinance shall be adopted until after the Planning Board of the Town of Naples shall have held a public hearing thereon at least ten (10) days before it is submitted to the

Legislative Body for consideration. Public notice of the hearing shall be made at least ten (10) days prior to such a hearing.

SECTION 6. MINIMUM LOT SIZE REQUIRED

- A.** The minimum lot size for a single-family residential unit outside the two hundred fifty (250) foot Shoreland Zone shall be forty thousand (40,000) square feet. Further, each lot will have a minimum road frontage of one hundred (100) feet.
- B.** If a duplex dwelling unit is constructed on a single parcel, the minimum lot size requirement shall be sixty thousand (60,000) square feet. Further, the lot will have a minimum road frontage of one hundred (100) feet.
- C.**
 - 1. For apartments, condos, and clusters with three (3) or more units, the minimum lot size will be twenty thousand (20,000) square feet per unit with an additional ten thousand (10,000) square feet per unit for a common area. (Including roads) Further, the project will have a minimum road frontage of one hundred (100) feet.
 - 2. All commercial uses or services must meet the land area of the minimum lot size for a single-family residence.
- D.** For a back lot, as defined herein, the lot must conform to the applicable minimum lot size for the proposed use, except for road frontage criteria, which shall be by a right of way of not less than 20 (twenty) feet in width. This provision does not apply to subdivisions approved after 1986.
- E.** Setbacks: The minimum setback for all structures from all boundary lines shall be at least twenty (20) feet.
- F.** The height of any structure located outside of the Shoreland Zone shall not exceed fifty-five (55) feet. "Height of a structure" shall mean: the vertical distance between the original grade at the roadside of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances, which have no floor area.

SECTION 7. NON-CONFORMING USES

- A.** Any lawful use of land not in conformance with the provisions of this ordinance shall be considered to be a non-conforming use.
- B.** Any non-conforming lot of record existing before the effective date of this ordinance may be used in accordance with State law.

C. Setback Reduction Appeals: The Board of Appeals may grant reductions from the minimum setback requirements set forth in Section 6.D of this ordinance according to all of the following criteria:

1. Setback reduction appeals are only available to reduce the minimum requirements for setbacks of structures from Lot boundary lines. Setback reduction appeals shall not be used, and are not available, to reduce required minimum setbacks of structures from bodies of water as provided in this ordinance.

2. Setback reduction appeals may only be granted and are only available for:

a. lots in existence as of November 1988;
and

b. lots with a residential dwelling as the principal structure.

3. The Board of Appeals shall grant a setback reduction appeal if the Board finds that granting the setback reduction will not result in unreasonable interference with the privacy interests of the abutting landowners.

4. In granting a setback reduction the Board of Appeals may attach reasonable conditions which it may deem necessary to serve the purpose of this ordinance.

5. A setback reduction appeal shall not be granted to enable construction or renovation that will create additional dwelling units.

6. A setback reduction appeal shall not be granted to enable construction or renovation that will result in more than one garage on the lot that is the subject of the appeal.

7. Setback reduction appeals may only be granted the minimum extent necessary to accomplish the purpose of the appeal. Setbacks may not be reduced by appeal to less than the following absolute minimum setbacks:

| | |
|------------|---------|
| side yard | 10 feet |
| front yard | 15 feet |
| rear yard | 15 feet |

D. Appeal Procedure:

1. Making an Appeal

- a. Administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the code Enforcement Officer or the Planning Board.

Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Appeals Board, upon showing of good cause, may waive the thirty (30) day requirement.

- b. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:

(1) A concise written statement indicating what relief is requested and why it should be granted.

(2) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

c. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

d. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

2. Decision by the Board of Appeals:

A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

SECTION 8. VARIANCES

Requests for variances for approval of non-conforming lot dimensions may be submitted to the Board of Appeals.

SECTION 10. ENFORCEMENT

This Ordinance shall be enforced by the Code Enforcement Officer pursuant to Title 30-A, Section 4452, as amended from time to time.