

**WARRANT ARTICLE #70:** To see if the Town will vote in favor of approving modifications of the Land Use Ordinance Town of Benton Maine, last revised March 2019, with the required modifications labeled “Part 2” designed to 1) incorporate the goals and objectives of the Town of Benton 2018 Comprehensive Plan adopted by the people on March 10, 2018, and 2) to address missing or outdated content in the document, in this case related to the permit application requirements.

Part 2 modifications include:

- 1) Modification to Section III: Administrative, Enforcement, Fees

Language additions are reflected with underline text, e.g. TEXT ADDITION

Language removal are reflected with strike-thru text, e.g. ~~TEXT REMOVAL~~

# Town of Benton, Maine – Land Use Ordinance

## Modifications – PART 2

### Section III: Administration, Enforcement and Fees

#### D. Permit Application

1. Every applicant for a permit shall submit a written application. The application will include all of the 'Required Information' and 'Additional Information', ~~the following information,~~ except when the Code Enforcement Officer determines that it is not necessary.
2. 'Required Information' is designated on each Permit Application placing an asterisk '\*' located directly preceding the application field name. In the example show directly below, the Applicant First Name and Applicant Last Name both have an asterisk '\*' which designates the information is required, whereas Applicant Middle Name is NOT required in this example.
  - a. \*Applicant First Name
  - b. Applicant Middle Name
  - c. \*Applicant Last Name
3. The application will include the following 'Required Documentation' information provided below will be included except when the Code Enforcement Officer determines that it is not necessary:
  - ~~a. The name and address of the property owner.~~
  - ~~b. The name, address, and telephone number of the person, firm, or firms involved in the construction on the property.~~
  - ~~c. The value of the proposed construction.~~
  - ~~d. A statement of the proposed use for any new or moved structure or altered portion of an existing structure.~~
  - e.a. Any other information deemed necessary by the Code Enforcement Officer to determine whether the proposed construction will conform to this Ordinance, other local ordinances and state law.
  - f.b. If the property is not served by a public sewer a valid plumbing permit, including the site evaluation approved by the plumbing inspector, shall be submitted.
  - g.c. For structures to be erected, structures to be moved, and exterior additions to existing structures:
    - i. The shape, size, and location of the lot for which application is made.
    - ii. The shape, size, and location on the lot of the proposed structure or additions, precisely located and noted as to distances and dimensions.
    - iii. The shape, size, and location of any other existing structures on the lot.
    - iv. The approximate location of adjacent structures on adjacent lots, with reference to the distance from the lot line.
    - v. A certification that the information in the application is complete and correct to the best of the applicant's knowledge and belief.
4. Applications must include a non-refundable fee paid in accordance with a fee schedule established by this ordinance, and may not be altered or waived except by vote of a town meeting.
5. All applications shall be signed by the property owner or the owner's authorized agent.
6. All applications shall be dated, and the Code Enforcement Officer shall note upon each application the date received at his/her office.
7. Upon receipt of a permit application the Code Enforcement Officer (CEO) shall:
  - a. Decide whether the information in the application is sufficient to determine whether, under this Ordinance, the permit should be issued, or if the application is otherwise inadequate. If the application is insufficient or inadequate, the CEO shall at once notify the applicant in written,

# Town of Benton, Maine – Land Use Ordinance

- including what necessary information is required to correct the application. If the application is not so corrected, it shall be denied.
- b. Determine whether an application is satisfactory. An application is satisfactory if it is a permitted use within the district in which it is located, if it conforms to the provisions of this Ordinance and other codes and ordinances of the town, and if it is accompanied by the required fee. If the application is satisfactory, the CEO shall within ten (10) days of its receipt issue the permit, notify the Tax Assessor, and file a copy of the application/permit in a permanent file in the town office.
  - c. If the application is unsatisfactory, within ten (10) days deny the permit in writing, stating therein the reasons for such denial.
  - d. If the application requires a review by other authorities or boards, refer the application to the appropriate authority or board for review, approval, or denial. Upon the receipt of the decision of the reviewing authority or board, in writing, and if such decision is an approval, the Code Enforcement Officer shall issue the permit with any conditions prescribed by the reviewing authority or board.
8. No construction shall commence until the applicant demonstrates that he has obtained all necessary permits, e.g. plumbing permits, road opening permits.
  9. The Code Enforcement Officer shall deny any Land Use Permit if he has knowledge that a particular structure would be located in an unapproved subdivision, and/or if the structure would be in apparent violation of a particular State law for which the municipality has enforcement responsibilities, or local ordinance.
  10. Following the issuance of a permit, if no substantial start is made on the construction within two (2) years of the date of the permit, it shall lapse and become void. Thereafter no further work on such construction can be made until a new application has been made and approved as aforesaid. A complete submission may be waived for renewing lapsed permits.
  11. Any permit issued which is not in conformity with the provisions of this Ordinance confers no rights and is void.