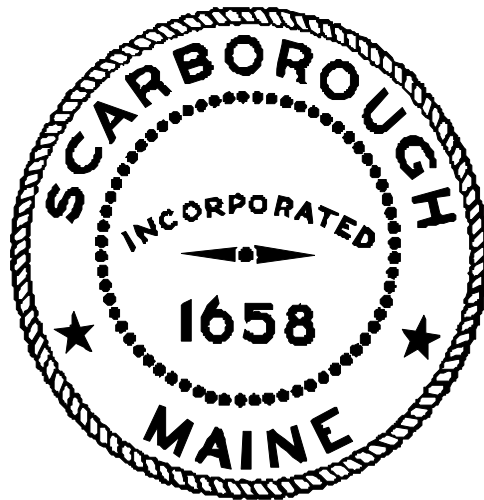


CHAPTER 411

TOWN OF SCARBOROUGH

SURVEY REQUIREMENTS

FOR LAND USE APPLICATIONS



ADOPTED FEBRUARY 21, 1996

1. PURPOSE.....	1
2. SUBDIVISIONS.....	1
3. SITE PLANS.....	1
4. VARIANCES.....	1
a. Lots Unimproved on Effective Date.....	1
b. Lots Improved on Effective Date.....	1
5. HOME OCCUPATIONS AND GROUP DAY CARE HOMES.....	2
6. NEW SINGLE FAMILY DWELLINGS.....	2
7. ADDITIONS TO SINGLE FAMILY DWELLINGS.....	2
a. Dwellings Constructed Before Effective Date.....	2
b. Dwellings Constructed After Effective Date.....	3
8. MINOR ACCESSORY STRUCTURES.....	3
a. Lots Improved Before Effective Date.....	3
b. Lots Improved After Effective Date.....	3
9. MAJOR ACCESSORY STRUCTURES.....	4
10. DEFINITIONS.....	4
a. “Class A Boundary Survey, Category 1, Condition 3”.....	4
b. “Mortgage Loan Inspection”.....	4
c. “Major Accessory Structure”.....	4
d. “Minor Accessory Structure”.....	4
e. “Professional Engineer”.....	5
f. “Professional Land Surveyor”.....	5

**CHAPTER 411
TOWN OF SCARBOROUGH
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1. PURPOSE.

The purpose of this ordinance is to insure that the municipal officials and boards required to decide applications for permits and approvals under the Town's land use ordinances have accurate information upon which to base those decisions. To that end, this ordinance establishes requirements for the types of survey information required to be provided with certain types of land use applications governed by the Town's ordinances.

2. SUBDIVISIONS.

Every application for any approval required under the ordinance entitled "Subdivision Regulations, Town of Scarborough, Maine" shall be accompanied by a Class A Standard Boundary Survey, Category 1, Condition 3. Plans showing engineering details submitted as part of the application may be prepared by either a professional land surveyor or a professional engineer.

3. SITE PLANS.

Every application for any approval required under the Town of Scarborough Site Plan Review Ordinance shall be accompanied by a Class A Standard Boundary Survey, Category 1, Condition 3. However, the Town Planner may waive the requirement of this Section 3 and accept a plan of a lower classification, category or condition, provided the scale remains at 1"=40', if the Planner determines that special characteristics of the site, such as large parcel size (50 acres or greater) or large street frontage (500 feet or greater) so warrant. Plans showing engineering details submitted as part of the site plan application may be prepared by either a professional land surveyor or by a professional engineer.

4. VARIANCES.

a. Lots Unimproved on Effective Date.

Every application to the Scarborough Board of Appeals for a variance for a lot not containing buildings or structures constructed before February 22, 1996 under the Zoning Ordinance of the Town of Scarborough, Maine or the Shoreland Zoning Ordinance for the Town of Scarborough, Maine shall be accompanied by a Class A Standard Boundary Survey, Category 1, Condition 3.

b. Lots Improved on Effective Date.

Every application to the Scarborough Board of Appeals for a variance for a lot containing buildings or structures constructed on or after February 22, 1996 under the Zoning Ordinance of the Town of Scarborough, Maine or the Shoreland Zoning Ordinance for the Town of Scarborough, Maine shall be accompanied by a Mortgage Loan Inspection

with existing pins located sufficient to determine the dimensions for which the variance is sought.

5. HOME OCCUPATIONS AND GROUP DAY CARE HOMES.

Every application to the Scarborough Board of Appeals for special exception approval of a home occupation or a group day care home under the Zoning Ordinance of the Town of Scarborough, Maine shall be accompanied by a Mortgage Loan Inspection with existing pins located sufficient for the Board to determine compliance with the requirements of the Zoning Ordinance for the use sought.

6. NEW SINGLE FAMILY DWELLINGS.

Every application for a permit under the Zoning Ordinance of the Town of Scarborough, Maine or the Shoreland Zoning Ordinance for the Town of Scarborough, Maine for the construction of a new single family dwelling shall be accompanied by a Class A Standard Boundary Survey, Category 1, Condition 3. In addition, the location of the foundation shall be set and pinned by a professional land surveyor before the Code Enforcement Officer approves the footing inspection if:

- a. any part of the structure is proposed to be located closer than 5 feet to the minimum front, side or rear yard setbacks required by the applicable zoning district regulations; or
- b. the Code Enforcement Officer determines that special conditions such as complex curves in the property lines, the presence of wetlands requiring setbacks under the Shoreland Zoning Ordinance for the Town of Scarborough or other unusual features of lot shape or topography require that the foundation be set and pinned by a professional land surveyor.

The Code Enforcement Officer may waive any of the requirements of this Section 6 in any case where the size of the lot exceeds the minimum lot area and the lot frontage exceeds the minimum frontage required by the applicable zoning district regulations.

7. ADDITIONS TO SINGLE FAMILY DWELLINGS.

a. Dwellings Constructed Before Effective Date.

Every application for a permit under the Zoning Ordinance of the Town of Scarborough, Maine or the Shoreland Zoning Ordinance for the Town of Scarborough, Maine for the construction of an addition to a single family dwelling which was constructed before February 22, 1996 shall be accompanied by a Class A Standard Boundary Survey, Category 1, Condition 3. In addition, the location of the foundation shall be set and pinned by a professional land surveyor before the Code Enforcement Officer approves the footing inspection if:

- (1) any part of the addition is proposed to be located closer than 5 feet to the minimum front, side or rear yard setbacks required by the applicable zoning district regulations; or

(2) the Code Enforcement Officer determines that special conditions such as complex curves in the property lines, the presence of wetlands requiring setbacks under the Shoreland Zoning Ordinance for the Town of Scarborough or other unusual features of lot shape or topography require that the foundation be set and pinned by a professional land surveyor.

b. Dwellings Constructed After Effective Date.

Every application for a permit under the Zoning Ordinance of the Town of Scarborough, Maine or the Shoreland Zoning Ordinance for the Town of Scarborough, Maine for the construction of an addition to a single family dwelling which was constructed on or after February 22, 1996 shall be accompanied by a Mortgage Loan Inspection with all proposed yard dimensions and setbacks shown on the plan.

The Code Enforcement Officer may waive any of the requirement of this Section 7 in any case where the size of the lot exceeds the minimum lot area and the lot frontage exceeds the minimum frontage required by the applicable zoning district regulations, or where the proposed addition will not increase the footprint of the existing dwelling.

8. MINOR ACCESSORY STRUCTURES.

a. Lots Improved Before Effective Date.

Every application for a permit under the Zoning Ordinance of the Town of Scarborough, Maine or the Shoreland Zoning Ordinance for the Town of Scarborough, Maine for the construction of a minor accessory structure, as defined in Section 11 of this ordinance, on a lot where the principal structure was constructed before February 22, 1996 shall be accompanied by a Class A Standard Boundary Survey, Category 1, Condition 3. In addition, the location of the foundation shall be set and pinned by a professional land surveyor before the Code Enforcement Officer approves the footing inspection if:

(1) any part of the structure is proposed to be located closer than 5 feet to the minimum front, side or rear yard setbacks required by the applicable zoning district regulations; or

(2) the Code Enforcement Officer determines that special conditions such as complex curves in the property lines, the presence of wetlands requiring setbacks under the Shoreland Zoning Ordinance for the Town of Scarborough or other unusual features of lot shape or topography require that the foundation be set and pinned by a professional land surveyor.

b. Lots Improved After Effective Date.

Every application for a permit under the Zoning Ordinance of the Town of Scarborough, Maine or the Shoreland Zoning Ordinance for the Town of Scarborough, Maine for the construction of a minor accessory structure, as defined in Section 11 of this ordinance, on a lot where the principal structure was constructed on or after February 22, 1996 shall be accompanied by a Mortgage Loan Inspection with all proposed yard dimensions and setbacks shown on the plan.

The Code Enforcement Officer may waive any of the requirements of this Section 8 in any case where the size of the lot exceeds the minimum lot area and the lot frontage exceeds the minimum frontage required by the applicable zoning district regulations.

9. MAJOR ACCESSORY STRUCTURES.

Every application for a permit under the Zoning Ordinance of the Town of Scarborough, Maine or the Shoreland Zoning Ordinance for the Town of Scarborough, Maine for the construction of a major accessory structure, as defined in Section 11 of this ordinance, shall be accompanied by a Class A Standard Boundary Survey, Category 1, Condition 3. In addition, the location of the foundation shall be set and pinned by a professional land surveyor before the Code Enforcement Officer approves the footing inspection if:

- a. any part of the structure is proposed to be located closer than 5 feet to the minimum front, side or rear yard setbacks required by the applicable zoning district regulations; or
- b. the Code Enforcement Officer determines that special conditions such as complex curves in the property lines, the presence of wetlands requiring setbacks under the Shoreland Zoning Ordinance for the Town of Scarborough or other unusual features of lot shape or topography require that the foundation be set and pinned by a professional land surveyor.

The Code Enforcement Officer may waive any of the requirements of this Section 9 in any case where the size of the lot exceeds the minimum lot area and the lot frontage exceeds the minimum frontage required by the applicable zoning district regulations.

10. DEFINITIONS.

The following terms used in this ordinance have the following meanings:

a. “Class A Boundary Survey, Category 1, Condition 3”

Means a survey performed by a professional land surveyor which conforms to the requirements of Category 1, Condition 3.

b. “Mortgage Loan Inspection”

Shall be performed by a professional land surveyor in accordance with the state rules and regulations of the Maine Board of Licensure for Professional Land Surveyors regarding Mortgage Loan Inspections.

c. “Major Accessory Structure”

Means any accessory structure which is not a minor accessory structure.

d. “Minor Accessory Structure”

Means: (i) a swimming pool, above ground or in-ground, with associated decks and patios; (ii) a satellite dish; or (iii) any structure with a footprint of less than 100 square feet.

e. “Professional Engineer”

Means an engineer licensed by the State of Maine to practice in the State of Maine.

f. “Professional Land Surveyor”

Means a surveyor licensed by the State of Maine to practice in the State of Maine.