"Amendment to Section 45-405 of the Municipal Code of Ordinances of the Town of Eliot, Maine"

Town of Eliot, Maine

Date of Enactment: November 6, 2018

ENACTMENT BE THE LEGISLATIVE BODY

Date of the vote to enact/amend this Ordinance:
November 6, 2018

Per the Charter of the Town of Eliot, Article 2(11) this Ordinance shall become effective on November 6, 2018..

Certified by the Town Clerk: _____

On the 7th day of November, 2018.

Municipal Officers' Certification of Official Text of Amendments to an Ordinance

To: Wendy J. Rawski, Town Clerk of Eliot, Maine

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an amendment to the ordinance entitled "Section 45-405 of the Municipal Code of Ordinances of the Town of Eliot, Maine", to delete reference to repealed section 33-174, delete note e and reference to note e, and add note f, which is to be presented to the voters for their consideration on November 6, 2018.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the amendments to the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: August 23, 2018

John Murphy, Chairman

Philip Lytle, Vice Chairman

Richard Donhauser, Secretary

Alexandros Orestis, Selectman

Select Board
Town of Eliot, Maine

Sec. 45-405. - Dimensional standards.

Lots and structures in all districts shall meet or exceed the following minimum requirements:

District	Rural	Suburban	Village	C/I	MHP
Min. lot size (acres or ft.^{2})	3	2	1	3	6,500 ft^2 [n] 12,000 ft^2 [n] 20,000 ft^2 [n]
Min. yard dimensions (ft.)					
Front yard	30	30 [p]	30 [p]	50 [a,p] 30	20 [o]
Side yards	20	20 [p]	20 [p]	20 [p] 100 [b]	20 [o]
Rear yard	30	30 [p]	30 [p]	20 [p] 100 [b]	10 [o]
Accessory building [c]					
Front yard setback	30	30	30	50 [a] 30 [a]	5 [o]
Side and rear yard setback	10	10	10	20 100 [b]	5 [o]
Accessory dwelling unit	u	u	u	u	—
Max. height (ft.)	35	35	35	55 [d]	35
Max. lot coverage (%)	10	15 [q]	20 [q]	50 [q]	50 [o]
Setback-normal high water mark (feet)[f]	75	75	75	75	75
Dwelling units:					

Min. size (sq. ft. per unit)	650 [g]	650 [g,r]	650 [g,r]	r	650
Min. area (acres):					
1 unit	3	2	1	—	o
2 units	6	4	2	—	—
each add'l unit	3	1	½ [g]	—	—
Assisted living facility	—	s	s	s	—
Elderly housing	—	g	g	g	—
Life care facility	—	t	t	t	—
Max. number of principal structures per lot	h	h	h	v	1
Signs (sq. ft.)	6	6	6	100	6
Commercial establishments only	12	12	12	100 [i]	12
New residential subdivisions	50 [j]	50 [j]	50 [j]		50 [j]
Min. setback (front lot line only)	8 [k]	8 [k]	8 [k]		8 [k]
Min. st. frontage (ft.) [l]	200	150	100	300	50/75/100 [n]
Backlots [m]					

Notes:

a. A front yard abutting a state or town road shall have a minimum depth of 50 feet from the right-of-way line. A front yard abutting an interior street within the proposed site shall have a minimum depth of 30 feet from the right-of-way line. All parking areas shall conform to setback requirements.

b. All side and rear yards abutting an existing residential use shall have a minimum depth of 100 feet from the side or rear lot lines.

c. Accessory buildings shall be located no less than 30 feet from any principal buildings on adjacent property.

d. ~~Must conform to the requirements of section 33-174.~~ Rooftop antennas and other telecommunications structures shall conform to the requirements of sections 33-185 and 45-460. Steeples and spires shall be exempt from maximum height requirements.

e. ~~Maximum lot coverage shall include a 25 percent potential for expansion of floor space and 50 percent for expansion of parking areas.~~

f. ~~(Reserved.)~~ ***Setbacks and setback measurements in Shoreland Zones shall follow requirements of Chapter 44.***

g. The minimum acreage for elderly housing in all districts, where allowed, shall be one acre for the first dwelling unit and one quarter acre for each additional unit. Minimum acreage requirements shall revert back to dwelling unit requirements if elderly housing is discontinued. Dwelling unit minimum size (square feet per unit) requirements do not apply to federal or state elderly housing.

h. In the rural, suburban and village districts, more than one principal structure may be located on a single lot, provided each such structure is located in such a fashion that it could be separately conveyed on a separate lot in compliance with all dimensional requirements of the district (except that any lawfully existing structure which does not meet all minimum dimensional requirements may continue that nonconformity).

i. See section 45-528(c) for other requirements applicable to two or more commercial or industrial establishments under separate ownership on one parcel within the commercial/industrial district.

j. Signs identifying subdivisions of ten or more lots shall be posted at the entrance of the subdivision and shall be approved by the planning board. Signs shall contain only the name of the subdivision.

k. A sign shall not be located nearer than eight feet from the right-of-way boundary or nearer than eight feet from the edge of the travelled way. See section 45-532(h) for other requirements.

l. Street frontage shall be measured along one street. The planning board is authorized to vary frontage requirements for new subdivisions according to section 41-255(g). Such lots shall be treated as conforming lots for the purpose of this chapter.

m. Back lot requirements are contained in section 45-466.

n. Lots within a mobile home park shall be a minimum of:

6,500 feet ^{2} if served by public sewer. Minimum lot width is 50 feet.

12,000 feet ^{2} if served by central subsurface wastewater disposal approved by the state department of human services. Overall density of park, including road rights-of-way and buffer strips shall be 20,000 feet ^{2} per dwelling. Minimum lot width is 75 feet.

20,000 feet ^{2} if served by onsite subsurface wastewater disposal. Minimum lot width is 100 feet.

o. See section 41-276 et seq. for specific requirements.

p. Elderly housing, nursing facility, assisted living facility and life care facility shall have setbacks of 50 feet from lot line or 100 feet from residential dwelling unit, which ever is greater.

q. Life care facility shall have a maximum lot coverage of 50 percent. Elderly housing, nursing facility or assisted living facility individually shall have a maximum lot coverage of 35 percent.

r. Each dwelling unit in an assisted living facility shall have a minimum of 300 square feet.

s. One acre for the first dwelling unit and then one-fifteenth acre for each additional dwelling unit provided all other dimensional requirements are met.

t. One acre for the first dwelling unit and then one-fifteenth acre for each additional assisted living facility dwelling unit plus one-fourth acre for each additional elderly housing dwelling unit plus district acreage requirement (1-village, 2-surburban, 3-C/I) for each single family dwelling unit provided all other dimensional requirements are met.

Example: A 15-acre suburban district lot could contain three single family dwelling units (five acres) plus 61 assisted living facility dwelling units (five acres) plus 17 elderly housing dwelling units (five acres) plus a nursing facility (0 acres) provided all dimensional requirements are met.

u. See section 45-459 for requirements.

v. In the C/I district, more than one principal structure may be located on a single lot which meets the minimum lot size and street frontage requirements for the district. Each such structure must maintain required yards adjacent to the front, side, and rear lot lines and must be located no closer than 20 feet (as viewed from the front lot line) to any other such structure on the lot. Such structures need not comply separately with the minimum lot size and frontage requirements, but the aggregate of all the structures on the lot shall not exceed the maximum lot coverage requirement ~~(see note e.)~~. Nonconforming lots of record, with existing commercial structures, at the time of adoption of this section change may also contain more than one principal structure provided the setback and expansion requirements are met. Separation of structures shall not be less than 20 feet.

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 305); T.M. of 12-15-93; Amend. of 3-26-94; Ord. of 3-25-00(1); T.M. of 6-19-01, (art. 8); T.M. of 3-16-02, (art. 4); T.M. of 11-5-02; T.M. of 6-14-05; T.M. of 6-18-2011(5); T.M. of 6-14-2016(1))

Cross reference— Requirements unique to mobile home park subdivisions, § 41-276 et seq.; other district regulations, § 45-286 et seq.