

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: IN PERSON WITH REMOTE OPTION
PLACE: TOWN HALL/ZOOM

DATE: Tuesday, July 18, 2023
TIME: 6:00 P.M.

PLEASE NOTE: IT IS THE POLICY OF THE PLANNING BOARD THAT THE APPLICANT OR AN AGENT OF THE APPLICANT MUST BE PRESENT IN ORDER FOR REVIEW OF THE APPLICATION TO TAKE PLACE.

- 1) **ROLL CALL**
 - a) Quorum, Alternate Members, Conflicts of Interest
- 2) **PLEDGE OF ALLEGIANCE**
- 3) **MOMENT OF SILENCE**
- 4) **NEW BUSINESS**
 - a) Housing/LD2003 – Presentation, Q&A, and Discussion with Maine Department of Economic & Community Development Staff
- 5) **OTHER BUSINESS / CORRESPONDENCE**
 - a) Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town Planner, Board Members
- 6) **SET AGENDA AND DATE FOR NEXT MEETING**
- 7) **ADJOURN**

NOTE: All Planning Board Agenda Materials are available on the Planning Board/Planning Department webpages for viewing.

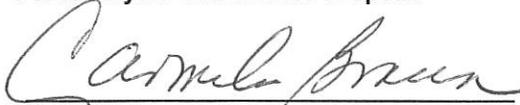
To view a live remote meeting: (Instructions can also be found on the Planning Board webpage)

- a) Go to www.eliotme.org
- b) Click on "Meeting Videos" – Located in the second column, on the left-hand side of the screen.
- c) Click on the meeting under "Live Events" – The broadcasting of the meeting will start at 6:00pm (Please note: streaming a remote meeting can be delayed up to a minute)

Instructions to join remote meeting:

To participate please call into meeting 5 minutes in advance of meeting start time. Please note that Zoom does state that for some carriers this can be a toll call. You can verify by contacting your carrier.

- a) Please call **1-646-558-8656**
 1. When prompted enter meeting number ID: **814 7882 0022**
 2. When prompted to enter Attendee ID
 3. When prompted enter meeting password: **336176**
- b) Members of the Public calling in, will be first automatically be placed in a virtual waiting room until admitted by one of the members of the Planning Board. Members of the public will be unmuted one at a time to allow for input. Please remember to state your name and address for the record.
- c) Press *9 to raise your virtual hand to speak



Carmela Braun – Chair

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Residential Density and Affordable Housing Developments

Planning Board recommends _____ (#-#)

Select Board recommends _____ (#-#)

DRAFT for July 18, 2023 Planning Board discussion

Short title

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Residential Density and Affordable Housing Developments

Ballot question – Town Referendum, November 7, 2023

ARTICLE #__ : Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Residential Density and Affordable Housing Developments” be enacted?

(A copy of this ordinance is available in the Town Clerk’s Office)

Background and rationale

These ordinance amendments seek to address the remaining requirements of municipalities in recently enacted state legislation.

LD2003, codified in state statute primarily in 30-A M.R.S.A. §§4364, 4364-A, 4364-B, and 4364-C, requires municipalities to change certain zoning and land use regulations toward increasing housing opportunities. Changes relating to accessory dwelling units (ADUs) approved by voters at the Town Meeting Election and Referendum on June 13, 2023, addressed the requirements of 30-A M.R.S.A. §4364-B. These additional proposed ordinance amendments would align the zoning and land use regulations with the requirements of §4364, “Affordable housing density”, and §4364-A “Residential areas, generally”.

§4364-A requires municipalities to allow additional residential units within all zones allowing residential units, “by right”, meaning that a property owner or builder is not required to seek Planning Board approval but can simply apply for permits through the Code Enforcement office. For many years, the Town Code has allowed single-family and two-family dwellings by right in all zones that allow residential uses. Footnote h of the Dimensional Standards Table (Section 45-405) states: “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”. This means that the additional residential structures meet the dimensional standards set forth in 45-405. Per the new state statute, on lots without any residential structures, up to two such structures may be built “by right” in all residential zones (Village, Suburban & Rural). Our Table of Dimensional Standards does not limit this number and no changes are proposed. This new statute expands this right to four units in a “designated growth area”.

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In 2009, the voters of Eliot approved the Town’s current Comprehensive Plan, which required that a Rural and Designated Growth Area be established. The Village Zone was chosen to be the designated growth area because some infrastructure existed at the time (public water supply and sewer) in a portion of this zone that could accommodate more dense development and smaller lots.

After adoption of the 2009 Comprehensive Plan, the State certified it as consistent with the State’s Growth Management Act. Because the Town did not choose to expand the sewer throughout the Village as proposed in the Comprehensive Plan, the Planning Board refrained from formally changing the Village Zone to be our designated growth area. Now LD2003 grants specific development rights to this area and we must implement this change.

LD2003 allows municipalities to require a certain amount of acreage for each dwelling unit, “as long as the required lot area for subsequent units on a lot is not greater than the required lot area for the first unit”. Section 45-405 already has such requirements that comply with this standard. For example, 3 acres are needed to build a single-family dwelling in the Rural district, and an additional 3 acres are needed for each additional unit. In the Suburban and Village districts, a density bonus is offered for each additional unit after the second unit, requiring only half as much additional acreage (e.g. in the Village district, 1 acre for 1 unit, 2 acres for 2 units, 2.5 acres for 3 units, and so on).

The proposed ordinance amendments modify Section 45-288 to designate the Village zoning district as our growth area and modify Section 45-405 Dimensional Standards to reduce the minimum lot size for lots served by water and sewer from 1 acre to ½ acre.

LD2003 also permits lots with an existing residential unit up to 2 more residential units, by-right. The Planning Board desires to maintain our ADU ordinance, which allows only one ADU per principal residential structure, as written and adopted. To comply with the requirements of the new State statute and maintain our ADU ordinance, a proposed amendment to the Dimensional Standards table creates note f that allows an existing single family residence to be converted to a two-family unit without requiring additional acreage, if the second unit is wholly contained within the footprint of the existing residential structure. Such a conversion is typically known as a duplex, and a new definition is added to Section 1-2, “Definitions and rules of construction”.

30-A M.R.S.A. §4364, requires that municipalities “shall allow an affordable housing development where multifamily dwellings are allowed to have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in that location and may not require more than 2 off-street parking spaces for every 3 units”. Affordable housing developments are a type of multifamily dwellings where a majority, meaning more than half, of the units are restricted to be either rented or owned by persons who meet certain income eligibility requirements. Multifamily dwellings are allowed in the Village and Suburban Districts, and no change is proposed.

To reflect the above-described changes, the amendments make formatting and organizational changes to the existing dimensional standards table in Section 45-405. The dimensional standards for affordable housing developments are broken out into a separate table for easier readability. In some cases, footnote information is embedded into the table.

[add summary of water/sewer and parking requirement changes]

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Residential Density and Affordable Housing Developments

New text underlined in bold

~~Deleted text in strikethrough~~

[Text in brackets, bold, and italics introduces a large block of new text:]

[Text in brackets and italics is a temporary explanatory note]

Sec. 1-2. - Definitions and rules of construction.

[abridged to only show changes]

[...]

Affordable housing development means a development in which a majority of the units are priced such that:

- a) **For rental housing, a household whose income, at the time of initial occupancy, does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford to rent the unit without spending more than 30% of the household's monthly income on housing costs, and**
- b) **For owned housing, a household whose income, at the time of initial occupancy, does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford the unit without spending more than 30% of the household's monthly income on housing costs.**

State law reference – 30-A M.R.S.A. 4364(1)

[...]

Area median income means the midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

[...]

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Centrally managed water system means a water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This water system may be privately owned.

[...]

Density means the ratio of a particular feature on the land per a given area of land.

[...]

Designated growth area means an identified area designated in an adopted municipal Comprehensive Plan pursuant to 30-A M.R.S.A. 4326 where needed public services are available to accommodate residential, commercial or industrial growth.

[...]

Duplex means a single residential structure containing two separate dwelling units under single ownership.

[...]

Engineered subsurface disposal system means a domestic wastewater system designed to treat average daily flows in excess of 2,000 gallons per day. The design and location of these systems are regulated by 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules and require review by the Maine Department of Health and Human Services prior to issuance of permit by the Local Plumbing Inspector (Code Enforcement Officer).

[...]

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Residential Density and Affordable Housing Developments

Sec. 33-183. Multifamily dwellings.

- (a) A multifamily dwelling is a structure or portion that is principally designed, adapted or used for occupancy by three or more families, each living in its own separate quarters. Each individual unit which functions as a separate living quarter shall be deemed to be a dwelling unit.
- (b) A maximum of eight dwelling units shall be permitted in any one multifamily building.
- (c) Residential buildings containing multifamily dwelling units shall be located at least 100 feet apart from each other.
- (d) Garages or other accessory buildings shall not be located between the multifamily residential buildings and the front lot line. Accessory buildings shall be located so as not to inhibit the access of emergency vehicles and fire apparatus to any side of a residential building.
- (e) No multifamily residential building shall exceed two floors above grade, or 35 feet from the average ground grade to the eaves.
- (f) The proposed development shall provide for safe access to and from public and private roads. Safe access shall be ensured by providing an adequate number and location of access points, with respect to sight-distances, intersections, schools, and other traffic generators. All corner lots shall be kept clear from visual obstructions, higher than three feet above ground level.
- (g) The proposed development shall not have an unreasonable adverse impact on the town road system, and shall assure safe interior circulation within its site, by separating pedestrian and vehicular traffic and by providing adequate parking and turnaround areas. Street entrances and exits shall be limited to one per street; however, developments containing 16 or more units shall have two entrances to town ways. All driveways and parking areas within the site shall be constructed in accordance with the standards in 37-51 et seq.
- (h) All multifamily residential buildings on a single lot shall be connected to a common water supply and distribution system, either private or public, at no expense to the town. Prior to the issuance of any building permit, the applicant shall demonstrate by actual test or by a signed affidavit from an authorized representative of the servicing water company that water can be supplied at the rate of at least 250 gallons per day per dwelling unit and at an adequate pressure for firefighting purposes before starting construction of any building.
- (i) All principal buildings shall have sprinklers or an approved fire alarm system installed pursuant to NFPA standards. Either system shall be connected to the municipal fire alarm system or dispatching panel.
- (j) All multifamily dwellings shall be connected to a municipal sewer system, if available. **have adequate wastewater disposal. If available, public sewer connections shall be governed by Chapter 18. If a private wastewater disposal system will be utilized, the system shall be designed, installed, and maintained consistent with Section 45-416, and the owner (or designee) shall submit a maintenance schedule to the local plumbing**

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inspector. If the proposed development is a subdivision, sewage disposal shall also be governed by Section 41-218.

(k) It shall be the responsibility of the owner to provide for rubbish disposal, snow removal and site maintenance.

(l) Multifamily dwellings that are affordable housing developments will be granted a density bonus of 2.5 times the base density of the district where they are sited. Affordable housing developments will be required to verify the income eligibility of renters or owners at the initiation of a lease or sale and those units will have restrictive covenants recorded with the York County Registry of Deeds. [need to add clause about the Select Board role and the third party enforcement].

Note: In reviewing any development of multifamily housing which is classified as elderly housing, an assisted living facility or a life care facility under chapter 45, section 45-1 of this Code, the planning board may waive any of the standards of this section which the board determines are not applicable because of the nature and circumstances of the proposed development the planning board must vote separately on each standard waived and the reasons for each waiver must appear in the board's minutes.

(T.M. of 11-2-82; T.M. of 3-19-88; T.M. of 12-20-89, (§ 408); Ord. of 3-25-00(1))

Cross reference(s)—District regulations, § 45-286 et seq.

Sec. 45-288 Village district

The purpose of the village district is to:

- (1) Preserve the physical, aesthetic and social quality of the town's village area.
- (2) Provide for the location of residential uses close to the services provided by the town.
- (3) Provide space for small, local retail sales, commercial services, and office uses which are needed or may be desirable and are in keeping with the scale and character of the neighborhood, while minimizing the problems and interruption created by such development.

(4) Act as the town's designated growth area pursuant to M.R.S.A 30-A §4326(3-A).

(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, (§ 205.4);....)

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Sec. 45-290. – Table of permitted and prohibited uses.

[reflects the additional changes to this section proposed by these ordinance amendments]

The following table of land uses designates permitted uses by a yes and prohibited uses by a no. Any use not listed is a prohibited use. The letters CEO, SPR, and SD are explained in section 45-402.

Table of Land Uses

Land uses	R	S	V	C/I
Accessory dwelling unit	CEO	CEO	CEO	CEO
Affordable housing development	no	SPR	SPR	no
Agriculture, except animal breeding and care	yes	yes	yes	no
Animal breeding	yes ¹	12	SPR ^{1&8}	no
Animal husbandry	yes ¹	yes ¹	yes ¹	no
Apartment house, see multiple-family dwelling	—	—	—	—
Apartment, see single-family dwellings	—	—	—	—
Aquaculture	13	13	SPR ⁸	no
Assisted living facility	no	SPR/SD	SPR/SD	SPR/SD
Auto graveyards	SPR	no	no	no
Auto hobbyist storage area	SPR	SPR	no	no
Auto junkyard	no	no	no	no
Auto recycling business	9	9	no	SPR
Auto recycling operation, principal	9	no	no	SPR
Auto recycling operation, limited	9	9	no	SPR
Auto repair garages	14	14	SPR ⁸	SPR
Auto service stations	no	9	no	SPR
Banks	no	no	SPR	SPR
Bathhouse	11	11	no	no
Bathing beach	yes	yes	yes	no
Bed and breakfasts	14	14	SPR ⁸	SPR
Boarding homes, see lodging businesses	—	—	—	—
Boarding kennel	no	no	no	SPR
Bulk oil fuel tanks	no	no	no	SPR ²
Business office	14	14	SPR ⁸	SPR
Campgrounds	SPR	no	no	no
Cemeteries	SPR	SPR	SPR	no
Childcare facility	16	16	16	SPR
Childcare provider, family	SPR ⁸	SPR ⁸	SPR ⁸	SPR
Clearing	yes	yes	yes	yes
Clinics	no	no	no	SPR

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Clustered housing	SPR	no	no	no
Commercial adult enterprise	no	no	no	SPR
Commercial establishment, 2 or more where allowed	-	9	no	SPR
Earth material removal, less than 100 cubic yards 100 cubic yards or greater	yes SPR	yes SPR	yes SPR	yes SPR
Elderly housing	no	SPR/SD	SPR/SD	SPR/SD
Emergency operations	yes	yes	yes	yes
Equipment storage, trucks, 3 or more	no	no	no	yes
Essential services	yes	yes	yes	yes
Expansion of an existing telecommunication structure or collocation of antenna on a existing telecommunication structure or alternate tower structure	CEO	CEO	CEO	CEO
Farm equipment stores	SPR	10	no	SPR
Fences	yes ⁵	yes ⁵	yes ⁵	yes ⁵
Firewood sales	yes	13	SPR ⁸	yes
Fireworks sales	no ¹⁹	no ¹⁹	no ¹⁹	no ¹⁹
Forest management, except timber harvesting	yes	yes	yes	yes
Funeral establishment	no	no	SPR	SPR
Gambling casino	no	no	no	no
Gardening	yes	yes	yes	yes
Gasoline stations	no	9	no	SPR
Governmental buildings or uses	SPR	SPR	SPR	SPR
Grain or feed stores	SPR	10	no	SPR
Harvesting wild crops	yes	yes	yes	yes
Home business	SPR ⁸	SPR ⁸	SPR ⁸	SPR ⁸
Home occupations	10	10	no	no
Home office	CEO	CEO	CEO	CEO
Hospitals	no	no	no	SPR
Indoor commercial, recreational and amusement facilities	no	no	no	SPR
Industrial and business research laboratory	no	no	no	SPR
Industrial establishments and uses	no	no	no	SPR
Institutional buildings and uses, indoor	no	9	no	no
Junkyards	no	no	no	no
Landfill, dump	no	no	no	no
Libraries	SPR	SPR	SPR	SPR
Life care facility	no	SPR/SD	SPR/SD	SPR/SD
Lodging businesses, including bed and breakfasts, boarding homes or houses, hotels, inns, lodginghouses, rooming homes, and the like	14	14	SPR ⁸	SPR
Manufacturing	SPR ⁸	SPR ⁸	SPR ⁸	SPR

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Marijuana establishment*	no	no	no	SPR ²⁰
Medical marijuana establishment*	no	no	no	SPR ²⁰
Mobile home parks	SPR/ SD ⁷	SPR/SD ⁷	SPR/SD ⁷	no
Mobile vendor site	no	no	SPR	SPR
Motel	no	no	no	SPR
Multiple-family dwelling	no	SPR	SPR	no
Museums	SPR	SPR	SPR	SPR
New construction of telecommunication structure 70 feet and higher	9	9	no	SPR
New construction of telecommunication structure less than 70 feet high	CEO	CEO	CEO	CEO
Nurseries, plants	CEO	17	SPR ⁸	no
Nursing facility	no	SPR	SPR	SPR
Off-site parking	no	no	no	no
Outdoor education program	yes	yes	yes	yes
Parks	SPR	SPR	SPR	no
Places of worship	SPR	SPR	SPR	SPR
Playgrounds	SPR	SPR	SPR	no
Printing plant	14	14	SPR ⁸	SPR
Produce and plants raised locally, seasonal sales	yes	yes	yes	no
Professional offices	14	14	SPR ⁸	SPR
Public utility facilities	SPR	SPR	SPR	SPR
Recreational facilities, nonintensive	SPR	SPR	SPR	no
Recreational use not requiring structures	SPR	yes	yes	no
Restaurant	9	9	SPR ⁸	SPR
Restaurant, takeout	no	no	no	SPR
Retail stores, local, other	18	18	SPR ⁸	SPR
Road construction	CEO	CEO	CEO	SPR
Schools	SPR	SPR	SPR	SPR
Sewage disposal systems, private	CEO	CEO	CEO	CEO
Signs, 6 square feet	CEO	CEO	CEO	CEO
Signs, other	CEO	CEO	CEO	CEO
Single-family dwellings	CEO	CEO	CEO	no ⁶
Small wind energy system	SPR	SPR	SPR	SPR
Solar energy system, small-scale ground mounted or roof-mounted	CEO ²¹	CEO ²¹	CEO ²¹	CEO ²¹
Solar energy system, larger-scale	SPR ²¹	SPR ²¹	no	SPR ²¹
Surveying and resource analysis	yes	yes	yes	yes
Timber harvesting	yes	yes	yes	yes
Tiny home on wheels	CEO ²²	CEO ²²	CEO ²²	no ²²
Truck terminals and storage	no	no	no	SPR

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Two-family dwellings	CEO	CEO	CEO	no ⁶
Veterinary hospital	15	15	No	SPR
Warehouse	no	no	no	SPR
Waste containers	CEO ³	CEO ³	CEO ³	CEO ³
Wholesale	no	no	no	SPR
Wholesale business facilities	no	no	no	SPR
Youth camp	SPR	SPR	SPR	SPR
Uses similar to allowed uses	CEO	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
Uses similar to uses requiring a planning board permit	SPR	SPR	SPR	SPR

*Marijuana establishment and medical marijuana establishment are defined in section 11-3 of this Code.

Notes:

1. Buildings housing animals shall be no less than 100 feet from property lines.
2. Each bulk oil fuel tank shall not exceed 50,000 gallons in size and use shall be limited to local use only.
3. Only as an accessory to an allowed principal use on the lot. Must conform to the requirements of 45-422, Waste containers.
4. Individual stores shall not have more than 2,500 square feet of gross floor area, except stores located on Route 236 may have up to 5,000 square feet. Customer sales areas shall be confined to one floor.
5. Must conform to the requirements of section 45-423.
6. See section 45-192(b) for an exception on accessory uses and structures.
7. See division 2 of article V of chapter 41 of this Code for specific areas where mobile home parks are allowed.
8. Must conform to the requirements of section 45-456.1 Home business.
9. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
10. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
11. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) non-commercial properties.
12. Use is "SPR 1 & 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 1" and must be visually screened from abutting (same street side) non-commercial properties.

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13. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "yes" and must be visually screened from abutting (same street side) non-commercial properties.
14. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
15. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties in accordance with Sec. 33-175(a). Overnight boarding and outdoor kenneling of animals is prohibited in the rural and suburban zoning districts.
16. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) noncommercial properties.
17. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) noncommercial properties.
18. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 4" and must be visually screened from abutting (same street side) noncommercial properties.
19. See chapter 12 for additional regulations pertaining to the sale and use of fireworks.
20. Must conform to the requirements of section 33-190. Marijuana establishments and medical marijuana establishments may only be authorized as principal uses, and not as accessory uses.
21. Must conform to the requirements of section 45-462.
22. May be permitted as a principal residential unit or as an accessory dwelling unit. All tiny homes shall conform to the requirements of Section 45-137. Accessory dwelling unit tiny homes shall also conform to the requirements of Section 45-459. For tiny homes in the C/I zoning district, reference footnote 6.

(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, (§ 207); T.M. of 12-15-93; Amend. of 3-25-95; T.M. of 3-27-99(1), § 5; Ord. of 3-25-00(1); T.M. of 3-16-02, (art. 3), (art. 4); T.M. of 6-19-01, (art. 6), (art. 7); T.M. of 11-5-02; T.M. of 11-4-03; T.M. of 11-4-03; T.M. of 3-20-04; T.M. of 6-14-08; T.M. of 6-12-2010(3); T.M. of 6-18-2011(6); T.M. of 11-8-2011; T.M. of 6-16-2012(1); T.M. of 6-16-2012(2); T.M. of 11-5-2019(5); T.M. of 7-14-2020(5) ; T.M. of 6-8-2021(2) , art. 33; T.M. of 6-8-2021(4) , art. 31; T.M. of 11-2-2021(4) , art. 5; T.M. of 6-14-2022(2) , art. 25; **T.M. of 6-13-2023, art. 26, art. 28 & art. 29**)

Cross reference(s)—Review procedures and standards for site review requirements in the zoning table of uses, § 33-56 et seq.

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Sec. 45-405. Dimensional standards.

[ADOPTED Table T.M 06-13-2023]

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

District	Rural	Suburban	Village		C/I	MHP
			<u>No water or no sewer^y</u>	<u>Water & sewer^y</u>		
Min. lot size, acres (ac) or square feet (ft ²)	3 ac	2 ac	1 ac	<u>½ ac</u>	3 ac	6,500 ft ² ⁿ 12,000 ft ² ⁿ 20,000 ft ² ⁿ
Min. street frontage (ft.) ^l	200	150	100	<u>75</u>	300	50/75/100 ⁿ
Min. street frontage: back lots	m	m	m	<u>m</u>		
	Min. area per dwelling unit, acres (ac)					
1 unit	3 ac	2 ac	1 ac	<u>½ ac</u>	—	o
2 units ^f	6 ac	4 ac	2 ac	<u>1 ac</u>	—	—
Each additional unit	3 ac	<u>±2</u> ac	<u>½±1</u> ac ^g	<u>½ ac</u>	—	—
Assisted living facility	—	s	s	<u>s</u>	s	—
Elderly housing	—	g	g	<u>g</u>	g	—
Life care facility	—	t	t	<u>t</u>	t	—
	Min. yard dimensions (ft.)					
Front yard	30	30 ^p	30 ^p	<u>25^p</u>	50 ^{a,p} 30	20°
Side yards	20	20 ^p	20 ^p	<u>15^p</u>	20 ^p 100 ^b	20°
Rear yard	30	30 ^p	30 ^p	<u>25^p</u>	20 ^p 100 ^b	10°
	Accessory building ^c					
Front yard setback	30	30	30		50 ^a 30 ^a	5°

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Side and rear yard setback	10	10	10		20 100 ^b	5°
Accessory dwelling unit	u	u	u	<u>u</u>	u	—
Max. height (ft.)	35	35	35	<u>35</u>	55 ^d	35
Max. lot coverage (%)	10	15 ^q	20 ^q	<u>20, 25</u>	50 ^q	50°
Setback-normal high water mark (feet) ^e	75	75	75	<u>75</u>	75	75
	Dwelling units:					
	Min. size (sq. ft. per unit):					
Accessory dwelling unit (ADU)	u	u	u	<u>u</u>	u	—
Assisted living facility	—	300	300	<u>300</u>	300	—
Federal or state elderly housing, other than assisted living facility	—	No min.	No min.	<u>No min.</u>	No min.	—
Mobile home park units	—	—	—	<u>—</u>	—	650
Tiny home on wheels or foundation-built tiny home	r	r	r	<u>r</u>	r	—
All other units	650	650	650	<u>650</u>	650	—
Max. number of principal structures per lot	h	h	h	<u>h</u>	v	1

(b) Signs in all districts shall meet or exceed the following minimum requirements:

Signs:					
District	Rural	Suburban	Village	C/I	MHP
Max. sign area (sq. ft.)	6	6	6	100	6
Max. sign area (sq. ft.), commercial establishments only	12	12	12	100 ⁱ	12

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Max. sign area (sq. ft.), new residential subdivisions	50 ^j	50 ^j	50 ^j		50 ^l
Min. setback (ft.) (front lot line only)	8 ^k	8 ^k	8 ^k	-- ^k	8 ^k

(c) Affordable housing developments

			<u>Village District</u>		<u>Suburban District</u>	
			Multi family (acres required)	<u>Affordable housing development (acres required)</u>	<u>Multi family (acres required – base density) ^x</u>	<u>Affordable housing development (acres required-density bonus applied) ^x</u>
<u>Dwelling units (#)</u>	<u>Min. affordable units (#)</u>	<u>Buildings required (#) (see 33-183)</u>	<u>Base density ^x</u>	<u>With density bonus ^x</u>		
<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>2</u>
<u>2</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>4</u>	<u>2</u>
<u>3</u>	<u>2</u>	<u>1</u>	<u>2.5</u>	<u>1</u>	<u>5</u>	<u>2</u>
<u>4</u>	<u>3</u>	<u>1</u>	<u>3</u>	<u>1.2</u>	<u>6</u>	<u>2.4</u>
<u>5</u>	<u>3</u>	<u>1</u>	<u>3.5</u>	<u>1.4</u>	<u>7</u>	<u>2.8</u>
<u>6</u>	<u>4</u>	<u>1</u>	<u>4</u>	<u>1.6</u>	<u>8</u>	<u>3.2</u>
<u>7</u>	<u>4</u>	<u>1</u>	<u>4.5</u>	<u>1.8</u>	<u>9</u>	<u>3.6</u>
<u>8</u>	<u>5</u>	<u>1</u>	<u>5</u>	<u>2</u>	<u>10</u>	<u>4</u>
<u>9</u>	<u>5</u>	<u>2</u>	<u>5.5</u>	<u>2.2</u>	<u>11</u>	<u>4.4</u>
<u>10</u>	<u>6</u>	<u>2</u>	<u>6</u>	<u>2.4</u>	<u>12</u>	<u>4.8</u>
<u>11</u>	<u>6</u>	<u>2</u>	<u>6.5</u>	<u>2.6</u>	<u>13</u>	<u>5.2</u>
<u>12</u>	<u>7</u>	<u>2</u>	<u>7</u>	<u>2.8</u>	<u>14</u>	<u>5.6</u>
<u>13</u>	<u>7</u>	<u>2</u>	<u>7.5</u>	<u>3</u>	<u>15</u>	<u>6</u>
<u>14</u>	<u>8</u>	<u>2</u>	<u>8</u>	<u>3.2</u>	<u>16</u>	<u>6.4</u>
<u>15</u>	<u>8</u>	<u>2</u>	<u>8.5</u>	<u>3.4</u>	<u>17</u>	<u>6.8</u>

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<u>16</u>			<u>9</u>	<u>3.8</u>	<u>18</u>	<u>7.2</u>
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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. 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. Setbacks and setback measurements in shoreland zones shall follow requirements of chapter 44.
- f. (Reserved.) Conversion of an existing single family dwelling to a two family dwelling will not require additional acreage if the additional unit is wholly contained within the existing footprint [or % expansion allowance] of the single family dwelling unit and remains under single legal ownership.**
- 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.
- 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. See section 45-532 for additional sign placement 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.

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- m. Back lot requirements are contained in section 45-466.
- n. Lots within a mobile home park shall be a minimum of:
 - 6,500 feet² if served by public sewer. Minimum lot width is 50 feet.
 - 12,000 feet² 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 feet² per dwelling. Minimum lot width is 75 feet.
 - 20,000 feet² 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, whichever 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. Tiny homes on wheels shall conform to the requirements of Section 45-137. Accessory dwelling unit tiny homes on wheels and foundation-built tiny homes shall also conform to the requirements of Section 45-459.
- 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. 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.
- x. **Base density refers to the acreage required in each zone for additional dwelling units. Density bonus is the 2.5 allowed increase in density for eligible affordable housing developments where more than half of the units meet income requirements.**

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y. For the purpose of this table, “Water & sewer” means that the lot and all dwelling units thereon are served by connections to both a public water system and a public sewer system. “No water or no sewer” means that the lot or at least one dwelling unit thereon are not served by a public water system, a public sewer system, or both.

(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); T.M. of 11-6-2018(5); **T.M. of 6-13-2023 (art.26).....**)

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

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Residential Density and Affordable Housing Developments

Sec. 45-416. Sanitary standards for sewage.

All subsurface sewage disposal facilities shall be installed in conformance with the state plumbing code and the following:

- (1) All subsurface sewage disposal systems shall be located in areas of suitable soil of at least 1,000 square feet in size.
- (2) The minimum setback for subsurface sewage disposal facilities shall be no less than 100 horizontal feet from the normal high water mark of a waterbody. This requirement shall not be reduced by variance.
- (3) **A subsurface sewage disposal system that receives in excess of 2,000 gallons per day shall be:**
 - a. an engineered subsurface disposal system;**
 - b. reviewed by a technical consultant pursuant to Section 33-128 or Section 41-142, as applicable;**
 - c. submitted to the Maine Department of Health and Human Services for review.**

(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, (§ 317))

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Sec. 45-495. - Schedule of minimum required offstreet parking spaces.

[section was amended by June 2023 ordinance amendments; not yet updated in Municode]

	Use	Standards
(1)	Dwelling units	<u>Affordable housing developments—2/3 of a space per dwelling unit, rounded up to the nearest whole number</u>
		<u>All other units</u> —alternately, 2 for the first unit, 3 for the second unit, 2 for the third unit, and so on
(2)	Lodging business and motels	1 space for each sleeping room and for each person anticipated to be employed on the largest shift
(3)	Home occupation	1 for each employee and customer up to 10 maximum, not counting residential use
(4)	Camper park	1 space per site
(5)	Takeout restaurant	minimum 25 parking spaces plus 1 space for each 50 square feet (or fraction thereof) of floor space in excess of 900 square feet, and 1 space for every exterior table
(6)	Other restaurants or places serving food	1 space for each 3 seats, permanent or otherwise
(7)	Wholesale or retail sales, or service establishment	1 space for each 150 square feet of retail floor area; 1 space for each 100 square feet of retail floor area (minimum 10 spaces) for marijuana retail stores)
(8)	Automobile, truck and tractor repair and filling stations	1 parking space for each regular employee plus 1 space for each 50 square feet of floor area used for service work
(9)	Public building and professional offices (excluding medical and dental offices), nonprofit medical marijuana dispensaries	1 parking space for each 200 square feet, or major fraction thereof, of floor area exclusive of bulk storage areas
(10)	Medical and dental offices	7 parking spaces for each physician, dentist or other medical practitioner

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(11)	Commercial and industrial uses not specifically enumerated	1 space for each person employed or anticipated to be employed on the largest shift
(12)	Schools	Day nursery—2 parking spaces for each nursery room plus 1 space for each adult instructor
		Elementary and junior high schools—1 parking space for each adult employee plus 15 parking spaces for each 100 students, or major fraction thereof, of total enrollment
(13)	Theaters, auditoriums, churches, arenas, and libraries	1 parking space for every 4 seats, or for every 100 square feet of assemblage space if no fixed seats
(14)	Hospital, sanitariums or nursing homes	1 space for each 500 square feet (or major fraction thereof) of floor area, exclusive of basement
(15)	Adequate spaces shall be provided to accommodate customers, patrons, and employees for permitted uses not listed above	

(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, (§ 333.3); T.M. of 6-18-2011(6); T.M. of 6-14-2022(3) , art. 26)