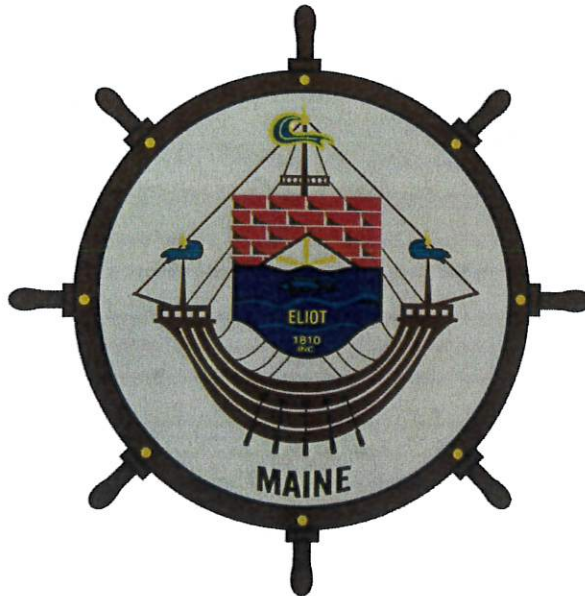


**Town Code Amendments of Chapter 1 – General Provisions,  
Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to  
Housing, Tiny Homes, and Accessory Dwelling Units**

**Town of Eliot, Maine**



**Date of Enactment: June 13, 2023**

***ENACTMENT BY THE LEGISLATIVE BODY***

Date of the vote to enact/amend this Ordinance:

June 13, 2023

Per the Charter of the Town of Eliot, Article 2(11) this Ordinance  
shall become ***effective on June 20, 2023.***

Certified by the Town Clerk:

On the 15<sup>th</sup> day of June, 20 23.

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

*Planning Board recommends (4-0)*

*Select Board recommends (5-0)*

**Short title**

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

**Ballot question #26 – Town Meeting Election and Referendum, June 13, 2023**

**ARTICLE #28:** Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units” 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 requirements of municipalities in recently-enacted state legislation.

LD1530, codified in state statute in 30-A M.R.S.A. §4363, requires that municipalities “permit a tiny home to be placed or erected on an individual house lot where single-family dwellings are allowed or as an accessory structure, subject to all applicable land use requirements as single-family dwellings or as an accessory structure”. The state law definition of “tiny home” in 29-A M.R.S.A. §101(80-C) refers to what is sometimes called a “tiny home on wheels”. This type of tiny home:

- is designed for use as permanent living quarters,
- is permanently constructed on a frame or chassis,
- is sized so that it can be legally towed on a roadway,
- is deemed a “vehicle without motive power” in the statute,
- complies with plumbing, propane, fire, and life safety standards for recreational vehicles, and
- requires a motor vehicle title.

The ordinance amendments accordingly make tiny homes on wheels allowable in Section 45-290, the table of permitted and prohibited uses in zoning districts, and in Section 44-34, the associated table for shoreland zoning districts, to the same extent that single-family dwellings are allowable in those tables. Proposed new Section 45-137 includes tiny home on wheels regulations, including rules for permanent installation, documentation of motor vehicle title, and temporary occupancy. A tiny home on wheels definition is added to Section 1-2 to reference the state statutory definition.

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

The Maine Uniform Building and Energy Codes (MUBEC) also provide certain building code exceptions for “tiny houses”, which are built on a foundation and must otherwise comply with the same codes and standards as a larger, more traditional dwelling unit. The ordinance amendments add a definition of a “foundation-built tiny home” to distinguish this type of tiny home from a tiny home on wheels and to reduce the potential for confusion. In accordance with the statute and building code, both types of tiny homes cannot exceed 400 square feet in gross floor area.

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. The ordinance amendments begin to address these requirements by focusing on changes to the Town’s current regulations on accessory dwelling units (ADUs). They change the Section 1-2 definition of ADUs to closely resemble state statute. Standards proposed to be removed include the requirement that a dedicated off-street parking space be provided for an ADU, the annual permit maximum for ADUs of 12, and, for the most part, the requirement that detached ADUs meet principal building yard and setback requirements (which are generally 30 ft. to the front and rear lot lines, and 20 ft. to the side lot lines). Most detached ADUs would only be required to meet accessory structure yard and setback requirements, which are generally 30 ft. to the front lot line, and 10 ft. to the side and rear lot lines.

Also proposed to address LD2003 is a lowering of the required minimum gross floor area of an ADU. Here, there is an apparent conflict in state law between LD2003, which mandates a minimum ADU size of 190 square feet, and LD1530, which requires the allowance of tiny homes on wheels as ADUs but does not prescribe any minimum size for them. The ordinance amendments do the best they can to navigate this ambiguity by establishing the LD2003 minimum size of 190 square feet (lowered from the current 300 square feet), but allowing exceptions to that minimum only for tiny homes on wheels and foundation-built tiny homes.

The amendments add short-term rental and transient rental platform definitions to Section 1-2, and they place certain restrictions on the use of tiny homes or ADUs for short-term rentals.

To reflect the above-described changes, the amendments make formatting and organizational changes to the existing dimensional standards table in Section 45-405. Tiny homes are added to the table but not given a minimum dwelling unit size. The dimensional standards for signage is broken out into a separate table for easier readability, and some rows in the table(s) are moved around for better organization. In some cases, footnote information is embedded into the table.

At the time of the Planning Board’s final review of these amendments and recommendation for the June 2023 Town Election, state rulemaking by the Maine Department of Economic and Community Development (DECD) to clarify the requirements of LD2003 is not yet finalized, and DECD technical assistance to help municipalities interpret the legislation and make changes to their codes is not yet available. Accordingly, the Town must defer certain aspects of addressing LD2003 to future elections. These aspects include: potential density changes, affordable housing developments, and requirements for water and sewer connections for those developments. The Chair of the Planning Board’s Ordinance Subcommittee and the Town Planner have submitted written comments to DECD asking for clarification on these items.

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

**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]*

*[...]*

~~*Accessory dwelling unit* means a separated living area which is part of an existing or new single family owner occupied residence, and which is clearly secondary to the existing single family use of the home~~ **self-contained dwelling unit located within, attached to or sharing a wall with, or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must meet** ~~and that meets the requirements of section 45-459.~~

*[...]*

**Short-term rental** means living quarters offered for rental through a transient rental platform for a rental term of 30 days or less.

**State law reference—30-A M.R.S.A. §4364-C**

*[...]*

**Tiny home, foundation-built** means a dwelling unit that:

- (1) does not exceed 400 square feet of gross floor area (excluding lofts);**
- (2) is constructed on a foundation; and,**
- (3) is constructed under the same codes and standards as a larger, more traditional dwelling unit, except as otherwise stated in Chapter 5 of the Maine Uniform Building and Energy Codes, International Residential Code, Appendix V: Tiny Houses.**

**Tiny home on wheels** means “tiny home” as defined by 29-A M.R.S.A. §101(80-C), as may be amended.

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

[...]

*Transient rental platform* means “transient rental platform” as defined by 36 M.R.S.A. §1752(20-C), as may be amended.

[...]

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

Sec. 44-34. – Table of land uses.

*[draft table, not yet updated to include November 2022 amendments]*

All land use activities, as indicated in table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in section 44-33 and other applicable ordinances. The district designated for a particular site shall be determined from the official zoning map.

Key to table 1:

Yes	-	Allowed (no permit required but the use must comply with all applicable land use standards)
No	-	Prohibited
SPR	-	Allowed with site plan review and approval by the planning board
CEO	-	Allowed with permit issued by the code enforcement officer
LPI	-	Allowed with permit issued by the local plumbing inspector

Abbreviations:

RP	-	Resource protection
LR	-	Limited residential
LC	-	Limited commercial
GD	-	General development
SP	-	Stream protection

The following notes are applicable to the land uses table on the following page:

Note: The term "functionally water-dependent use" as defined, includes a very diverse group of uses ranging from large, industrial facilities that receive shipments by water or use water for cooling, to traditional commercial fishing enterprises, and public shorefront parks.

Table 1. Land Uses in the Shoreland Zone

	Districts				
Land Uses	SP	RP	LR	LC	GD
Uses or Activities Without Structures					

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

(1)	Clearing of vegetation for activities other than timber harvesting	CEO	CEO <sup>1</sup>	CEO	CEO	CEO
(2)	>Emergency operations	yes	yes	yes	yes	yes
(3)	Fire prevention activities	yes	yes	yes	yes	yes
(4)	Forest management activities, except for timber harvesting and land management roads	yes	yes	yes	yes	yes
(5)	Mineral exploration	no	no	no	yes <sup>2</sup>	yes <sup>2</sup>
(6)	Mineral extraction, including sand and gravel extraction	no	no	no	SPR	SPR
(7)	Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
(8)	Nonintensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
(9)	Soil and water conservation practices	yes	yes	yes	yes	yes
(10)	Surveying and resource analysis	yes	yes	yes	yes	yes
(11)	Wildlife management practices	yes	yes	yes	yes	yes
<b>Principal Structures or Uses</b>						
(12)	Principal structures and uses:					
	a. One- and two-family residential	SPR <sup>4</sup>	SPR <sup>9</sup>	CEO	CEO	CEO
	<b>b. <u>Tiny home on wheels</u></b>	<b><u>SPR<sup>4</sup></u></b>	<b><u>SPR<sup>9</sup></u></b>	<b><u>CEO</u></b>	<b><u>CEO</u></b>	<b><u>CEO</u></b>
	<del>b.</del> Multifamily dwelling	no	no	SPR	SPR	SPR
	<del>c.</del>					
	<del>d.</del> Commercial (not listed elsewhere)	no <sup>13</sup>	no <sup>13</sup>	no <sup>13</sup>	SPR	SPR <sup>5</sup>
	<del>e.</del> Industrial	no	no	no	no	SPR

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

	e. f.	Governmental and institutional	no	no	no	SPR	SPR
	f. g.	Small nonresidential facilities for educational, scientific or nature interpretation purposes	SPR <sup>4</sup>	SPR	CEO	CEO	CEO
(13)		Agriculture	CEO	SPR	CEO	CEO	CEO
(14)		Aquaculture	SPR <sup>10</sup>	SPR <sup>10</sup>	SPR <sup>10</sup>	SPR	Yes
(15)		Auto graveyard	no	no	no	no	no
(16)		Auto hobbyist storage area	no	no	no	no	no
(17)		Auto junkyard	no	no	no	no	no
(18)		Auto recycling operation, limited	no	no	no	no	no
(19)		Auto recycling operation, principal	no	no	no	no	no
(20)		Bed and breakfast	no	no	SPR <sup>10</sup>	SPR <sup>10</sup>	SPR
(21)		Boardinghouse	no	no	SPR <sup>10</sup>	SPR	SPR
(22)		Campgrounds	no	no <sup>7</sup>	no	no	SPR
(23)		Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
(24)		Fireworks sales	no <sup>17</sup>	no <sup>17</sup>	no <sup>17</sup>	no <sup>17</sup>	no <sup>17</sup>
(25)		Gambling Casino	no	no	no	no	no
(26)		Marijuana establishment					
	a.	Marijuana store	no	no	no	SPR	SPR
	b.	Marijuana cultivation facility	no	no	no	SPR	SPR
	c.	Marijuana products manufacturing facility	no	no	no	no	SPR
	d.	Marijuana testing facility	no	no	no	SPR	SPR

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

(27)	Marinas						
	a.	Full service	no	no	no	no	SPR
	b.	Limited	no	no	no	SPR	SPR
(28)	Medical marijuana establishment						
	a.	Medical marijuana dispensary	no	no	no	SPR	SPR
	b.	Medical marijuana cultivation facility	no	no	no	SPR	SPR
	c.	Medical marijuana caregiver retail store	no	no	no	SPR	SPR
	d.	Medical marijuana products manufacturing facility	no	no	no	no	SPR
	e.	Medical marijuana testing facility	no	no	no	SPR	SPR
(29)	Off-site parking		no	no <sup>7</sup>	no	no	no
(30)	Public and private recreational areas involving minimal structural development		SPR	SPR	SPR	SPR	CEO
(30.5)	Solar energy system; larger-scale		no	no	no	no	no
<i>[^This numbering is how it looks in Municode now, but fixing the numbering was accomplished by November 2022 solar energy system ordinance amendments. Municode should be updated soon.]</i>							
Accessory Structures or Uses							
(31)	Structures accessory to allowed uses, not otherwise listed		SPR <sup>4</sup>	SPR	CEO	CEO	CEO
(32)	Essential services		SPR <sup>6</sup>	SPR <sup>6</sup>	SPR	SPR	SPR
	a.	Roadside distribution lines (34.5kV and lower)	CEO <sup>6</sup>	CEO <sup>6</sup>	yes <sup>12</sup>	yes <sup>12</sup>	yes <sup>12</sup>
	b.	Non-roadside or cross-country distribution lines	SPR <sup>6</sup>	SPR <sup>6</sup>	CEO	CEO	CEO

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

		involving ten poles or less in the shoreland zone					
	c.	Non-roadside or cross-country distribution lines involving 11 or more poles in the shoreland zone	SPR <sup>6</sup>	SPR <sup>6</sup>	SPR	SPR	SPR
	d.	Other essential services	SPR <sup>6</sup>	SPR <sup>6</sup>	SPR	SPR	SPR
(33)	Fences		yes <sup>11A</sup>	yes <sup>11A</sup>	yes <sup>11A</sup>	yes <sup>11A</sup>	yes <sup>11A</sup>
(34)	Filling and earthmoving of < 10 cubic yards		CEO	CEO	yes	yes	yes
(35)	Filling and earthmoving of > 10 cubic yards		SPR	SPR	CEO	CEO	CEO
(36)	Home business		no <sup>12A</sup>	no <sup>12A</sup>	SPR <sup>10A</sup>	SPR <sup>10A</sup>	no
(37)	Home occupations; regular and water-dependent		no	no	no	no	no
(38)	Home Office		CEO	no	CEO	CEO	CEO
(39)	Individual, private campsites		CEO	CEO	CEO	CEO	CEO
(40)	Piers, docks, wharves, bridges and other structures and uses and extending over or below the normal high-water line or within a wetland:						
	a.	Temporary	CEO <sup>11</sup>	CEO <sup>11</sup>	CEO <sup>11</sup>	CEO <sup>11</sup>	CEO <sup>11</sup>
	b.	Permanent residential	SPR	SPR	SPR	SPR	SPR
	c.	Permanent commercial	SPR <sup>14</sup>	SPR <sup>14</sup>	SPR <sup>14</sup>	SPR	SPR
	d.	Limited commercial	SPR <sup>5</sup>	SPR <sup>5</sup>	SPR <sup>5</sup>	SPR	no
(41)	Private sewage disposal systems for allowed uses		LPI	LPI	LPI	LPI	LPI
(42)	Road and driveway construction		SPR	no <sup>8</sup>	SPR	SPR	SPR
(43)	Service drops, as defined, to allowed uses		yes	yes	yes	yes	yes

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

(44)	Signs.	yes <sup>9A</sup>	yes <sup>9A</sup>	yes <sup>9A</sup>	yes <sup>9A</sup>	yes <sup>9A</sup>
(45)	Solar energy system, small-scale ground-mounted or roof mounted	CEO <sup>15</sup>	CEO <sup>15</sup>	CEO <sup>15</sup>	CEO <sup>15</sup>	CEO <sup>15</sup>
(46)	Small wind energy system	SPR <sup>16</sup>	SPR <sup>16</sup>	SPR <sup>16</sup>	SPR <sup>16</sup>	SPR <sup>16</sup>
(47)	Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
(48)	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
(49)	Uses similar to uses requiring a SPR permit	SPR	SPR	SPR	SPR	SPR
(50)	Waste containers	CEO <sup>5A</sup>	CEO <sup>5A</sup>	CEO <sup>5A</sup>	CEO <sup>5A</sup>	CEO <sup>5A</sup>

Footnotes:

<sup>1</sup> In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

<sup>2</sup> Requires permit from the code enforcement officer if more than 100 square feet of surface area, in total, is disturbed.

<sup>3</sup> In RP not allowed in areas so designated because of wildlife value.

<sup>4</sup> Provided that a variance from the setback requirement is obtained from the board of appeals.

<sup>5</sup> Functionally water-dependent uses and uses accessory to such water dependent uses only (see note on previous page).

<sup>5A</sup> Only as an accessory use to an allowed principal use on the lot. Must conform to the requirements of [section] 45-422, Waste containers.

<sup>6</sup> See further restrictions in subsection 44-35(1)(2), essential services.

<sup>7</sup> Except when area is zoned for resource protection due to floodplain criteria in which case a site plan review is required from the planning board.

<sup>8</sup> Except as provided in subsection 44-35(h).

<sup>9</sup> Single family residential structures may be allowed by special exception only according to the provisions of subsection 44-44(f), Special exceptions. Two-family residential structures are prohibited.

<sup>9A</sup> See sign ordinance section.

<sup>10</sup> Except for commercial uses otherwise listed in this table, such as marinas and campgrounds, that are allowed in the respective district.

<sup>10A</sup> Must conform to the requirements of section 45-456.1, Home business.

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

<sup>11</sup> Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

<sup>11A</sup> Must conform to the requirements of section 45-423, Fences.

<sup>12</sup> Permit not required, but must file a written "notice of intent to construct" with CEO.

<sup>12A</sup> "No" except in conjunction with aquaculture, small nonresidential facilities for educational, scientific or nature interpretation purposes or limited commercial piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.

<sup>13</sup> Use is "No" except when permitted under another specific land use entry.

<sup>14</sup> Only commercial aquaculture allowed on piers in this zone, with no other commercial pier uses. Pier must meet the requirements of a residential pier in these zones.

Note: A person performing any of the following activities shall require a permit from the department of environmental protection, pursuant to title 38, M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- a. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- b. Draining or otherwise dewatering;
- c. Filling, including adding sand or other material to a sand dune; or
- d. Any construction or alteration of any permanent structure.

<sup>15</sup> Must conform to the requirements of section 45-462.

<sup>16</sup> Must conform to the requirements of section 45-461.

<sup>17</sup> See chapter 12 for additional regulations pertaining to the sale and use of fireworks.

(T.M. of 11-06-2018(3); T.M. of 7-14-2020(4) ; T.M. of 6-8-2021(2) , art. 33; T.M. of 6-8-2021(3) , art. 36; T.M. of 6-8-2021(4) , art. 31; T.M. of 6-14-2022(2) , art. 25)

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

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

*[additional changes to this section are proposed by other draft 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
Agriculture, except animal breeding and care	yes	yes	yes	no
Animal breeding	yes <sup>1</sup>	12	SPR <sup>1&amp;8</sup>	no
Animal husbandry	yes <sup>1</sup>	yes <sup>1</sup>	yes <sup>1</sup>	no
Apartment house, see multiple-family dwelling	—	—	—	—
Apartment, see single-family dwellings	—	—	—	—
Aquaculture	13	13	SPR <sup>8</sup>	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 <sup>8</sup>	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 <sup>8</sup>	SPR

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

Boarding homes, see lodging businesses	—	—	—	—
Boarding kennel	no	no	no	SPR
Bulk oil fuel tanks	no	no	no	SPR <sup>2</sup>
Business office	14	14	SPR <sup>8</sup>	SPR
Campgrounds	SPR	no	no	no
Cemeteries	SPR	SPR	SPR	no
Clearing	yes	yes	yes	yes
Clinics	no	no	no	SPR
Clustered housing	SPR	no	no	no
Commercial adult enterprise	no	no	no	SPR
Commercial establishment, 2 or more where allowed	-	9	no	SPR
Day nurseries	SPR	16	SPR <sup>8</sup>	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 <sup>5</sup>	yes <sup>5</sup>	yes <sup>5</sup>	yes <sup>5</sup>
Firewood sales	yes	13	SPR <sup>8</sup>	yes
Fireworks sales	no <sup>19</sup>	no <sup>19</sup>	no <sup>19</sup>	no <sup>19</sup>
Forest management, except timber harvesting	yes	yes	yes	yes
Funeral establishment	no	no	SPR	SPR
Gambling casino	no	no	no	no

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

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 <sup>8</sup>	SPR <sup>8</sup>	SPR <sup>8</sup>	no
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 <sup>8</sup>	SPR
Manufacturing	SPR <sup>8</sup>	SPR <sup>8</sup>	SPR <sup>8</sup>	SPR
Marijuana establishment*	no	no	no	SPR <sup>20</sup>
Medical marijuana establishment*	no	no	no	SPR <sup>20</sup>
Mobile home parks	SPR/ SD <sup>7</sup>	SPR/SD <sup>7</sup>	SPR/SD <sup>7</sup>	no
Motel	no	no	no	SPR
Multiple-family dwelling	no	SPR	SPR	no
Museums	SPR	SPR	SPR	SPR

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

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 <sup>8</sup>	no
Nursing facility	no	SPR	SPR	SPR
Off-site parking	no	no	no	no
Parks	SPR	SPR	SPR	no
Places of worship	SPR	SPR	SPR	SPR
Playgrounds	SPR	SPR	SPR	no
Printing plant	14	14	SPR <sup>8</sup>	SPR
Produce and plants raised locally, seasonal sales	yes	yes	yes	no
Professional offices	14	14	SPR <sup>8</sup>	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 <sup>8</sup>	SPR
Restaurant, takeout	no	no	no	SPR
Retail stores, local, other	18	18	SPR <sup>8</sup>	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 <sup>6</sup>
Small wind energy system	SPR	SPR	SPR	SPR
Solar energy system, small-scale ground mounted or roof-mounted	CEO <sup>21</sup>	CEO <sup>21</sup>	CEO <sup>21</sup>	CEO <sup>21</sup>

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

Solar energy system, larger-scale	SPR <sup>21</sup>	SPR <sup>21</sup>	no	SPR <sup>21</sup>
Surveying and resource analysis	yes	yes	yes	yes
Timber harvesting	yes	yes	yes	yes
<b><u>Tiny home on wheels</u></b>	<b><u>CEO<sup>22</sup></u></b>	<b><u>CEO<sup>22</sup></u></b>	<b><u>CEO<sup>22</sup></u></b>	<b><u>no<sup>22</sup></u></b>
Truck terminals and storage	no	no	no	SPR
Two-family dwellings	CEO	CEO	CEO	no <sup>6</sup>
Veterinary hospital	15	15	No	SPR
Warehouse	no	no	no	SPR
Waste containers	CEO <sup>3</sup>	CEO <sup>3</sup>	CEO <sup>3</sup>	CEO <sup>3</sup>
Wholesale	no	no	no	SPR
Wholesale business facilities	no	no	no	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.

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

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.
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);

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

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)

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

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

Sec. 45-405. Dimensional standards.

*[DRAFT table]*

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

District	Rural	Suburban	Village	C/I	MHP
Min. lot size ( <del>acres or ft.<sup>2</sup></del> ), <b>acres (ac) or square feet (ft<sup>2</sup>)</b>	<b>3 ac</b>	<b>2 ac</b>	<b>1 ac</b>	<b>3 ac</b>	6,500 ft <sup>2</sup> <sub>n</sub> 12,000 ft <sup>2</sup> <sub>n</sub> 20,000 ft <sup>2</sup> <sub>n</sub>
<b>Min. street frontage (ft.)<sup>1</sup></b>	<b>200</b>	<b>150</b>	<b>100</b>	<b>300</b>	<b>50/75/100<sup>n</sup></b>
<b>Min. street frontage: back lots</b>	<b>m</b>	<b>m</b>	<b>m</b>		
<b>Min. area per dwelling unit, acres (ac)</b>					
<i>[The below min. area per dwelling unit rows have moved up in the table. Struckthrough rows are near the end of the table.]</i>					
<b>1 unit</b>	<b>3 ac</b>	<b>2 ac</b>	<b>1 ac</b>	<b>=</b>	<b>o</b>
<b>2 units</b>	<b>6 ac</b>	<b>4 ac</b>	<b>2 ac</b>	<b>=</b>	<b>=</b>
<b>Each additional unit</b>	<b>3 ac</b>	<b>1 ac</b>	<b>½ ac<sup>g</sup></b>	<b>=</b>	<b>=</b>
<b>Assisted living facility</b>	<b>=</b>	<b>s</b>	<b>s</b>	<b>s</b>	<b>=</b>
<b>Elderly housing</b>	<b>=</b>	<b>g</b>	<b>g</b>	<b>g</b>	<b>=</b>
<b>Life care facility</b>	<b>=</b>	<b>t</b>	<b>t</b>	<b>t</b>	<b>=</b>
<b>Min. yard dimensions (ft.)</b>					
Front yard	30	30 <sup>p</sup>	30 <sup>p</sup>	50 <sup>a,p</sup> 30	20 <sup>o</sup>
Side yards	20	20 <sup>p</sup>	20 <sup>p</sup>	20 <sup>p</sup> 100 <sup>b</sup>	20 <sup>o</sup>
Rear yard	30	30 <sup>p</sup>	30 <sup>p</sup>	20 <sup>p</sup> 100 <sup>b</sup>	10 <sup>o</sup>
<b>Accessory building<sup>c</sup></b>					

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

Front yard setback	30	30	30	50 <sup>a</sup> 30 <sup>a</sup>	5°
Side and rear yard setback	10	10	10	20 100 <sup>b</sup>	5°
Accessory dwelling unit	u	u	u	u	—
Max. height (ft.)	35	35	35	55 <sup>d</sup>	35
Max. lot coverage (%)	10	15 <sup>q</sup>	20 <sup>q</sup>	50 <sup>q</sup>	50°
Setback-normal high water mark (feet) <sup>e</sup>	75	75	75	75	75
Dwelling units:					
<b><u>Min. size (sq. ft. per unit):</u></b>					
Min. size (sq. ft. per unit)	650 <sup>g</sup>	650 <sup>g,f</sup>	650 <sup>g,t</sup>	r	650
<b><u>Accessory dwelling unit (ADU)</u></b>	<b><u>u</u></b>	<b><u>u</u></b>	<b><u>u</u></b>	<b><u>u</u></b>	<b><u>—</u></b>
<b><u>Assisted living facility</u></b>	<b><u>—</u></b>	<b><u>300</u></b>	<b><u>300</u></b>	<b><u>300</u></b>	<b><u>—</u></b>
<b><u>Federal or state elderly housing, other than assisted living facility</u></b>	<b><u>—</u></b>	<b><u>No min.</u></b>	<b><u>No min.</u></b>	<b><u>No min.</u></b>	<b><u>—</u></b>
<b><u>Mobile home park units</u></b>	<b><u>—</u></b>	<b><u>—</u></b>	<b><u>—</u></b>	<b><u>—</u></b>	<b><u>650</u></b>
<b><u>Tiny home on wheels or foundation-built tiny home</u></b>	<b><u>r</u></b>	<b><u>r</u></b>	<b><u>r</u></b>	<b><u>r</u></b>	<b><u>—</u></b>
<b><u>All other units</u></b>	<b><u>650</u></b>	<b><u>650</u></b>	<b><u>650</u></b>	<b><u>650</u></b>	<b><u>—</u></b>
Min. area (acres):					
1 unit	3	2	1	—	e
2 units	6	4	2	—	—
Each additional unit	3	1	1/2 <sup>g</sup>	—	—
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

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

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

*[The below rows have been separated out to this separate table. Struckthrough rows are included in the previous table.]*

<u>District</u>	<u>Rural</u>	<u>Suburban</u>	<u>Village</u>	<u>C/I</u>	<u>MHP</u>
Signs:					
Max. sign area (sq. ft.)	6	6	6	100	6
Max. sign area (sq. ft.), commercial establishments only	12	12	12	100 <sup>i</sup>	12
Max. sign area (sq. ft.), new residential subdivisions	50 <sup>j</sup>	50 <sup>j</sup>	50 <sup>j</sup>		50 <sup>l</sup>
Min. setback (ft.) (front lot line only)	8 <sup>k</sup>	8 <sup>k</sup>	8 <sup>k</sup>	-- <sup>k</sup>	8 <sup>k</sup>
Min. st. frontage (ft.) <sup>l</sup>	200	150	100	300	50/75/100 <sup>n</sup>
Backlots <sup>m</sup>					

*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.)
- 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.

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

~~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. 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.
- 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<sup>2</sup> if served by public sewer. Minimum lot width is 50 feet.
  - 12,000 feet<sup>2</sup> 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<sup>2</sup> per dwelling. Minimum lot width is 75 feet.
  - 20,000 feet<sup>2</sup> 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. ~~Each dwelling unit in an assisted living facility shall have a minimum of 300 square feet.~~  
**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

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

unit plus district acreage requirement (1-village, 2-suburban, 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.

(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))

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 Housing, Tiny Homes, and Accessory Dwelling Units**

*[Add a new section:]*

Sec. 45-137. – Tiny homes on wheels

- (a) Tiny homes on wheels:
  - (1) Shall be placed on a set, stable, and level location on the lot;
  - (2) Shall meet applicable standards in Section 45-405 and, if used as an accessory dwelling unit, Section 45-459;
  - (3) Shall be connected to a public water system or well; and
  - (4) Shall be served by a public sewer or a subsurface wastewater disposal system.
- (b) In addition to other permitting requirements, tiny home on wheels building permit applications shall:
  - (1) include documentation of motor vehicle title; and
  - (2) indicate whether the tiny home on wheels is proposed to be established as a principal dwelling unit or an accessory dwelling unit.
- (c) A tiny home on wheels established as a principal dwelling unit:
  - (1) shall not be used as a short-term rental; and
  - (2) is subject to the growth management and growth permit requirements of Chapter 29.
- (d) A person who temporarily locates a tiny home on wheels on a lot in the town shall notify the Code Enforcement Officer in writing. This notification shall indicate their intention for the use of the tiny home on wheels, how water and electrical service will be provided, and how wastewater will be disposed of. The Code Enforcement Officer may permit a temporary use or occupancy of the tiny home consistent with the Town Code and applicable building codes. However, in no case shall a tiny home be used for temporary residential occupancy on the same lot, or on a contiguous lot under the same ownership, for more than 180 days in a twelve-month period. For the purpose of this section, “temporary residential occupancy” means that the tiny home is being used as living quarters without meeting the requirements of subsection (a) of this section. A tiny home used for temporary residential occupancy, if permitted, shall not be used as a short-term rental.

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

Sec. 45-459 – Accessory dwelling unit

- (a) ~~An accessory dwelling unit (ADU) is a small apartment which is part of an existing or new single family owner-occupied home, and which is clearly secondary to the single family home. The accessory dwelling unit may be rented so that the owner-occupant may benefit from the additional income. The owner may also elect to occupy the accessory dwelling unit and rent the principal dwelling unit.~~
- (b) Owner-occupied means that either the principal dwelling unit or the accessory dwelling unit is occupied by a person who has a legal or equitable ownership interest in the property and bears all or part of the economic risk of decline in value of the property and who receives all or part of the remuneration, if any, derived from the lease or rental of the dwelling unit.
- (c) An accessory dwelling unit may be permitted as an accessory use to a single family home under the following conditions:
- (1) Only one accessory dwelling unit (ADU) is permitted per lot. The accessory dwelling unit shall be located in the same building as the principal dwelling unit, **attached to or sharing a wall with the principal dwelling unit**, or in a building accessory to the principal dwelling unit. ~~Any structure containing an accessory dwelling unit must meet minimum yard and setback requirements for principal structures.~~
  - (2) A building permit for the proposed construction of a new ADU or the creation of a new ADU within an existing building, must be issued by the CEO. Planning board approval is not required for an ADU.
  - (3) A building permit for a new single family home may include an ADU as long as the provisions of this section are met and the building conforms to all of the dimensional requirements for the zone in which it is being built. An ADU may be included in a new home constructed on a lawful nonconforming lot of record which may be built upon pursuant to section 45-194.
  - (4) The property owner must occupy either the principal dwelling unit or the ADU as their principal residence, and at no time receive rent for the owner-occupied unit. Principal residence must be proven by voter registration or other evidence acceptable to the CEO.
  - (5) The maximum gross floor area of an ADU shall be 1,000 square feet or 50 percent of the gross floor area of the principal dwelling unit, whichever is less. The minimum gross floor area of an ADU shall be ~~300~~ **190** square feet, **except that tiny home on wheels ADUs and foundation-built tiny home ADUs are not subject to a minimum gross floor area.** An ADU shall not have more than two bedrooms.

**State law reference – 30-A M.R.S.A. §4364-B**

- (6) Apartments built prior to November 2, 1982 and existing on March 16, 2002, shall be considered lawful nonconforming uses which may continue pursuant to section 45-191. Any apartments existing on (effective date of section 45-459) and built on or after November 2, 1982 shall not be considered lawful nonconforming uses, unless the property owners applies for a building permit for the ADU and brings the unit up to the health and safety provisions of the minimum housing code standards. A grace period

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

of one year from the adoption of this article will be allowed for homeowners to modify such unlawful non-conforming units. The CEO will have the authority to waive certain space and setback requirements for such unlawful nonconforming units where full compliance would be impractical. On March 16, 2003, all owners of unlawful nonconforming units who have not brought them up to the health and safety standards of the minimum housing code, will be in violation of this section and subject to fines per subsection 45-6(b).

- (7) When any property containing an accessory dwelling unit is sold or transferred, the new owner must continue to meet the requirements of this Section in order to continue the use of the accessory dwelling unit. Should the new owner not meet the requirements of this section, the use of the unit must be discontinued. However, any lease in effect at the time of transfer may be continued until it expires or up to one year from the date of the transfer, whichever is shorter. This subsection (7) does not apply to an apartment built before November 2, 1982 and existing on March 16, 2002.
- (8) To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the county registry of deeds a covenant in a form acceptable to the town attorney that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by a person who owns the property. It is also required that any owner of the property must notify a prospective buyer of the limitations of this section.
- (9) New accessory dwelling units are not subject to the requirements of the growth management ordinance, chapter 29. ~~However, the number of accessory dwelling units that may be issued building permits within a calendar year is limited to a total of 12, to be issued on a first-come, first-served basis in the order in which the code enforcement officer receives completed applications for building permits under section 45-127. If two or more applications are received simultaneously (as in as a single mail delivery), the code enforcement officer shall determine their order by random selection. The provisions of this paragraph are retroactive to January 1, 2003.~~
- (10) This provision shall not prohibit the conversion of a single family dwelling to a multifamily dwelling so long as said conversion complies with all current zoning requirements. However, if such conversion is approved, any accessory dwelling unit previously allowed under this section must be incorporated into and meet all the requirements for one of the units of the multifamily dwelling. Multifamily dwellings shall not include accessory dwelling units as defined in this section.
- (11) Design criteria:
  - a. An ADU, with the exception of a tiny home on wheels, shall be designed to maintain the architectural design, style, appearance, and character of the main building as a single-family residence. If an ADU extends beyond the existing footprint of the main building, such an addition must be consistent with the existing facade, roof pitch, siding, and windows.
  - b. Exterior stairs are restricted to the rear or sides of the structure.

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

- (12) Occupancy of an ADU shall be limited to the following: No more than two persons per bedroom are allowed, unless otherwise approved by the code enforcement officer and the fire chief or their respective designees. Increased occupancy limits may be granted after application to the code enforcement officer and inspection of the dwelling unit.
- ~~(13) One off-street parking space must be provided for the accessory dwelling unit in addition to the off-street parking required for the principal dwelling unit.~~
- ~~(14)~~**(13)** An occupancy permit must be issued by the CEO prior to occupancy of an accessory dwelling unit created or modified pursuant to this section 45-459.
- ~~(15)~~**(14)** The CEO shall prepare a biennial report to the planning board on accessory dwelling units which will include:
- a. The number of units established;
  - b. The geographic distribution of the units; and
  - c. The average size of the units.
- ~~The planning board shall reassess the provisions of this section allowing accessory dwelling units every five years or sooner if records show that 20 percent of single family homes have ADUs.~~
- ~~(16)~~**(15)** The code enforcement officer may inspect an accessory dwelling unit, with or without complaint with a minimum of 48 hours of receipt of notice of inspection to the property owner to ensure compliance with the section. Any property owner found in violation of this section shall have 30 days from the date of written notice to correct such violation. Failure to correct the violation shall result in the revocation of the accessory dwelling unit certificate of occupancy, as well as subjecting the property owner to the remedies and penalties provided in sections 45-101 and 45-102.

***(d) Lot line setbacks***

- (1) An ADU located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit shall meet minimum yard and setback requirements for principal structures.**
- (2) An ADU permitted in an accessory structure as of July 1, 2023, shall continue to meet minimum yard and setback requirements for principal structures, except that, if that ADU was permitted with a yard width or setback distance less than the requirements for principal structures relative to one or more lot lines, then, relative to those lot lines only, the ADU may continue to have its existing yard width or setback distance, but shall not be extended or moved closer to any of those lot lines. In such case, the total gross floor area of the ADU that is less than minimum yard and setback requirements for principal structures shall not be expanded.**
- (3) An ADU permitted in an accessory structure after July 1, 2023:**
- a. Shall meet minimum yard and setback requirements for accessory structures; and**

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

**b. Shall not be used as a short-term rental unless it meets minimum yard and setback requirements for principal structures.**

**State law reference – 30-A M.R.S.A. §4364-B**

(T.M. of 3-16-02, (art. 4); T.M. of 6-10-03; T.M. of 6-14-05; T.M. of 6-8-2021(1) , art. 34)

**Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units**

**Municipal Officers’ Certification of Official Text of a Proposed Ordinance**

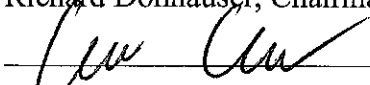
To the Town Clerk of the Town of Eliot, Maine:

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 ordinance entitled “Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units”, which is to be presented to the voters for their consideration on June 13, 2023

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of 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.

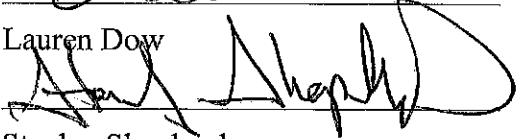
Dated: April 13, 2023

\_\_\_\_\_  
Richard Donhauser, Chairman

  
\_\_\_\_\_  
William Widi, Vice Chairman

  
\_\_\_\_\_  
Robert McPherson, Secretary

  
\_\_\_\_\_  
Lauren Dow

  
\_\_\_\_\_  
Stanley Shapleigh

Select Board, Eliot, Maine