

List of Proposed Zoning Ordinance Changes for Town Meeting

1. Article 3.2 DEFINITIONS

ATTACHED – Connected by a shared wall to the principal or accessory structure or having physically connected finished spaces.

DENSITY REQUIREMENTS – The maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

DIMENSIONAL REQUIREMENTS – Requirements which govern the size and placement of structures including, but not limited to, the following requirements: building height, lot area, minimum frontage, and lot depth.

DWELLING UNIT – A room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking, and eating. The term shall include mobile homes but shall not include travel trailers or recreational vehicles. It may also mean any part of a structure which is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

EXISTING DWELLING UNIT – A dwelling unit in existence on a lot at the time of submission of a permit application to build additional units on that lot.

YARD, FRONT – The area of land between the front lot property line extending to the depth of the required front setback or and the nearest part of the existing principal building and extending across the full width of the lot.

On non-waterfront property, the front of a structure is oriented to the road. On waterfront property, the orientation of the structure is to the water; the water side is considered the front yard, except that building setbacks from roads must still be met.

YARD, REAR – the area of land between the rear lot line and the nearest part of the principal building and extending across the full width of the lot.

2. Article 4.3.7.1

3. A front yard abutting a public road or private road serving any combination of three or more lots or dwelling units shall have a minimum depth of 25 feet from the front property line. right of way line or 50 feet from the center line, whichever distance is greater. Where a proposed structure is abutted on both sides by existing structures whose setback from the road is less than 25 feet, the setback of the proposed structure may be reduced to that of the abutting structures upon approval of the Planning Board in accordance with provisions of Article 6. A front yard abutting the shoreline of a lake, pond, river, or stream shall have a minimum depth of 100 feet from the normal high-water mark. The depth of any yard abutting

a public road, or private road serving any combination of three or more lots or dwelling units, ~~or any water body~~ shall conform to the front yard requirements.

3. Article 4.4.7.1

3. A front yard abutting a public road or private road serving any combination of three or more lots or dwelling units shall have a minimum depth of 50 feet from the front property line. ~~right of way line or 75 feet from the center line, whichever distance is greater.~~ A front yard abutting the shoreline of a lake, pond, river, or stream shall have a minimum depth of 100 feet from the normal high-water mark. The depth of any yard abutting a public road, or private road serving any combination of three or more lots or dwelling units, ~~or any water body~~ shall conform to the front yard requirements.

4. Article 4.5.7.1

3. A front yard abutting a public road or private road serving any combination of three or more lots or dwelling units shall have a minimum depth of 50 feet from the front property line. ~~right of way line or 75 feet from the center line, whichever distance is greater.~~ The depth of any yard abutting a public road or private road serving any combination of three or more lots or dwelling units, ~~or any water body~~ shall conform to the front yard requirements. ~~For lots extending into the shoreland zone, see the Shoreland Zoning Ordinance. [Amended 3/6/2010]~~

5. Article 4.6.7.1

MINIMUM FRONTAGE 100/200 feet; see (2) Refer to (2.) below.

MINIMUM YARD DIMENSIONS

Front setback 75 50 feet (2 Refer to 3 below) / 250 feet (3 Refer to 3 below)

Side setback 20 feet (4)

Rear setback 30 feet

MAXIMUM LOT COVERAGE 30%

2. Road and shoreline frontage shall meet the requirements of the underlying districts.

3. A front yard abutting a public road or private road serving any combination of three or more lots, principal buildings, or dwelling units shall have a minimum depth of 50 feet from the front property line. ~~right of way line or 75 feet from the center line, whichever distance is greater.~~ A front yard abutting the shoreline of a lake, pond, river, or stream shall have a minimum depth of ~~250~~ 100 feet from the normal high-water mark. The depth of any yard abutting a public or private road serving any combination of three or more lots or dwelling units, ~~or any water body~~ shall conform to the front yard requirements.

6. Article 5.1 ~~ACCESSORY APARTMENT~~

Recommend DELETE the entire existing article and replace with the following text: Articles 5.1(A) and 5.1(B) set forth provisions to allow for:

- (1) One accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where housing is permitted.
- (2) Multiple dwelling units on lots designated for housing.

5.1(A) ACCESSORY DWELLING UNIT (ADUs) (30-A MRSA § 4364-B)

Accessory Dwelling Units (ADUs) ADUs shall be permitted on the same lot as a single-family dwelling unit on all lawfully conforming and nonconforming lots with legal residential uses, including as a Conditional Use. ADUs are exempt from zoning density requirements but shall comply with all dimensional standards, excluding lot area and road frontage, of the underlying zone unless otherwise provided below.

1. Only one (1) ADU shall be allowed on any lot where a single-family dwelling unit is the principal structure. The addition of an ADU on a lot with an existing single-family home is exempt from any minimum lot area and road frontage requirements.
2. On a parcel having an existing two-unit dwelling or two separate existing dwellings, no new ADU may be built.
3. If more than one ADU has been constructed on a lot as a result of the allowance pursuant to this article (Article 5.1), the lot is not eligible for any additional units or increase in density.
4. This Article does not revoke or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this Ordinance, as long as the agreement does not abrogate or abolish rights pursuant to the United States Constitution or the Maine State Constitution.
5. This article may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land as set forth in the town's Subdivision Ordinance per Title 30-A Chapter 187 subchapter 4.
6. The developer of an ADU shall record a deed restriction requiring that the ADU and the principal dwelling unit remain under common ownership within 30 days of issuance of Occupancy Permit for the ADU.
7. An accessory dwelling unit may be constructed within an existing single-family dwelling on the lot; attached to or sharing a wall with the single-family dwelling; in an existing accessory building or secondary building or garage; or as a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

8. ADUs are exempt from zoning density requirements. Dimensional requirements shall not exceed those of the single-family dwelling unit.
9. An ADU is allowed on a non-conforming lot (including in the Shoreland Zone) if the ADU does not further increase the nonconformity, meaning the ADU does not further cause deviation from the dimensional standard(s) creating the nonconformity, excluding lot area and road frontage.
10. For ADU's in an accessory structure, all the dimensional requirements including setback requirements, for such a structure apply.
11. The addition of the ADU must meet the state subsurface wastewater disposal system minimum lot size requirements per 12 M.R.S. § 423-A.
12. For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to a single-family dwelling unit, the dimensional requirements and setback requirements must be the same as the dimensional requirements and setback requirements of the single-family dwelling unit.
 - a. For an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, the required setback requirements of the existing accessory building apply.
13. More permissive dimensional and set-back requirements for an accessory dwelling unit may be approved by means of a variance through the Appeals Board per 30-A M.R.S. §4353(4)(A), (B), or (C).
14. An accessory dwelling unit may not be subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.
15. ADUs located within the Shoreland Zone must meet the same requirements as the primary structure on the lot. An accessory dwelling unit must comply with Shoreland Zoning requirements established by the Department of Environmental Protection under Title 38, Chapter 3, and Town of Hiram Shoreland Zoning Ordinance.
16. Accessory dwelling units must meet the minimum size standard of 190 square feet unless the Technical Building Codes and Standards Board, pursuant to 10 M.R.S. § 9722, adopts a different minimum standard; if so, that standard applies.
17. The ADU must be clearly subordinate to the principal structure in size, scale, and position in relationship with the street and principal structure and shall be limited to a gross floor area of 1000 square feet.
18. The owner of an accessory dwelling unit must provide written verification to the municipality that the accessory dwelling unit is connected to adequate water and

wastewater services prior to certification of the accessory dwelling unit for occupancy. Written verification must include the following:

- a. If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal system must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.
- b. If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit is required.
- c. If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards* is required. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

5.1(B) DWELLING UNIT ALLOWANCE (30-A M.R.S. § 4364-A)

This article allows multiple dwelling units on parcels where housing is allowed, subject to the requirements below.

1. All dwelling units require the same minimum lot area per dwelling unit as described in Hiram's zoning ordinance; the lot area required may not be less for the first unit than for subsequent units.
2. If a lot does not contain an existing dwelling unit, up to two (2) dwelling units per lot are allowed, provided that the requirements in 12 M.R.S. Ch. 423-A are met. The two dwelling units may be within one structure or two separate structures.
3. If a lot contains one (1) existing dwelling unit, up to two (2) more dwelling units are allowed.
 - a. One unit within or attached to an existing structure.
 - b. One detached from the existing structure; or
 - c. One of each.

4. If a lot contains two (2) existing dwelling units , no other dwelling units may be built on the lot.
5. If more than one dwelling unit has been constructed on a lot as a result of the allowance under this section (Article 5.1.1), the lot is not eligible for any additional units or increases in density.
6. In cases where any dwelling unit is torn down resulting in an empty lot, the newly created empty lot shall be treated as a lot that does not contain an existing dwelling unit.
7. Dimensional or setback requirements for dwelling units allowed under this article may not be greater than dimensional or setback requirements for single-family housing units. Requirements for lot area per dwelling unit allowed under this article shall remain as described in Hiram’s Zoning Ordinance as long as the required lot area for subsequent units on a lot are not greater than the required lot area for the first unit.
8. The owner of a housing structure must provide written verification to the municipality that the structure is connected to adequate water and wastewater services before the municipality may certify the structure for occupancy.

Written verification under this subsection must include:

- a. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. § 4221. Plans for subsurface wastewater disposal system must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.
 - b. If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the structure, proof of payment for the connection and the volume and supply of water required for the structure is required.
 - c. If a housing structure is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch.10 section 10.25(J), *Land Use Districts and Standards*. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
9. A housing structure must comply with Shoreland Zoning requirements established by the Department of Environmental Protection under Title 38, Chapter 3 and municipal shoreland zoning ordinances.
 10. This article may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land as set forth in the town’s Subdivision Ordinance.

11. This section may not be construed to interfere with, revoke or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

Article 5.2 ACCESSORY BUILDINGS

~~No garage or other accessory building shall be located in a required front yard. When located to the rear of the main building, the accessory building shall be set back at least 10 feet from the side or rear lot lines, provided that all accessory buildings, other than a boathouse, shall be set back at least 100 feet from the normal high water mark of a waterbody.~~

Accessory buildings shall meet the front setback requirements as prescribed in the appropriate zoning district. When located to the rear or side of the main building, accessory buildings shall be set back 10 feet from the side and rear lot lines. Accessory buildings located in the Shoreland Zone shall follow the requirements prescribed in the town's Shoreland Zoning Ordinance.

7. Article 5.8 HOME OCCUPATIONS

2. At least one individual residing on the premises must be employed in the occupation. No more than ~~two~~ four persons outside the family not residing on premises shall be employed in the same home occupation.
4. ~~No nuisance waste discharge, offensive noise vibration, smoke, dust, odors, heat, glare or radiation shall be generated.~~ Home occupations shall not have a significant detrimental effect on the use and peaceful enjoyment of adjacent or nearby property as deemed by a reasonable person. Excessive noise, vibration, fumes, odors, dust, light glare, waste discharge or other aspects that detract or otherwise create a disturbance or annoyance are prohibited.
5. Merchandise produced or manufactured on the premises is typically inherent to a home occupation; however, if retail or other sales of said merchandise occurs on the same premises, then a Conditional Use Permit from the Planning Board is required.

8. Article 5.13.2 APPLICATION FOR CONDITIONAL USE PERMIT

2. ~~For all other proposed shoreland construction or alteration, application to the Planning Board shall be made on forms provided for the purpose.~~ All other proposed shoreland construction or uses shall be made on forms provided for the purpose and approved as prescribed in Table 1 (LAND USES IN THE SHORELAND ZONE) of the town's Shoreland Zoning Ordinance.

9. Article 5.15.3 SUBSURFACE SEWAGE DISPOSAL

Recommend DELETE all existing text and replace with the following statement:

“See latest amended version of State of Maine Subsurface
Wastewater Disposal Rules (Chapter 241)”

This rule governs the siting, design, construction, and inspection of subsurface wastewater disposal systems in order to protect the health, safety and welfare of the citizens of Maine. Approved procedures, design and siting requirements, materials, methods and administrative polices are described in detail.

10. Article 5.15.4 PRIVIES

Recommend DELETE (See change #9 above)

11. Article 5.15.5 HOLDING TANKS

Recommend DELETE (See change #9 above)

12. Article 5.15.6 OTHER SYSTEMS

Recommend DELETE (See change #9 above)

13. Article 5.15.7 SETBACKS

Recommend DELETE (See change #9 above)

14. Article 6.7.2.3

2. VARIANCE APPEALS: to hear and decide, upon appeals, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. ~~The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.~~

As used in this Ordinance, a variance is authorized only for height, area, and size of structures or size of yards or open spaces. A variance may be granted only for a use permitted in a particular zone.

Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning

District or uses in adjoining Zoning Districts. The Board of Appeals shall grant a variance only by concurring vote of at least 4 members and in so doing, may prescribe conditions and safeguards as are appropriate under this ordinance.

Except as provided in subsections 2-A, 2-B, 2-C, and 3, the board may grant a variance only when strict application of the ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- A. The land in question cannot yield a reasonable return unless a variance is granted.
- B. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.
- C. The granting of a variance will not alter the essential character of the locality; and
- D. The hardship is not the result of action taken by the applicant or a prior owner.

2-A. DISABILITY VARIANCE for Access to/Egress from a dwelling, and Storage/Parking of Non-commercial vehicle.

A disability variance may be granted in accordance with 2-A (a) and/or 2-A(b).

- a. The board may grant a variance to the owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling.
 - 1. The board shall restrict any variance granted under this paragraph solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability.
 - 2. The board may impose conditions on the variance granted pursuant to this paragraph, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling.
 - 3. For the purposes of this paragraph, the term "structures necessary for access to or egress from the dwelling" is defined as ramps and associated railings, walls, or roof systems necessary for the safety or effectiveness of the structure.
- b. The board may grant a variance to an owner of a dwelling who resides in the dwelling and who is a person with a permanent disability for the construction of a place of storage and parking for a noncommercial vehicle owned by that person and no other purpose.
 - 1. The width and length of the structure may not be larger than 2 times the width and length of the noncommercial vehicle.
 - 2. The owner shall submit proposed plans for the structure along with the variance application form to the board.
 - 3. The person with the permanent disability shall prove by a preponderance of the evidence that the person's disability is permanent.
 - 4. For the purposes of this paragraph, a "noncommercial vehicle" means a motor vehicle with a gross vehicle weight of no more than 6,000 pounds, bearing a disability registration plate and owned by the person with the permanent disability.
 - 5. The board may impose conditions on the variance granted.

6. All medical records submitted to the board and any other documents submitted for the purpose of describing or verifying a person's disability are confidential.

7. For purposes of this subsection, "disability" has the same meaning as a physical or mental disability under Title 5, Section 4553-A.

2-B. SET-BACK VARIANCE for single-family dwellings.

The board may grant a set-back variance for a single-family dwelling only when strict application of the zoning ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

A. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

B. The granting of a variance will not alter the essential character of the locality.

C. The hardship is not the result of action taken by the applicant or a prior owner.

D. The granting of the variance will not substantially reduce or impair the use of abutting property.

E. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

The granting of a variance from the set-back requirement for a single-family dwelling is strictly limited to the primary year-round residence of the petitioner.

2-C. VARIANCE from DIMENSIONAL STANDARDS.

The board may grant a variance from the dimensional standards of the zoning ordinance when strict application of the ordinance to the petitioner and the petitioner's property would cause a "practical difficulty" and when the following conditions exist:

A. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood.

B. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties.

C. The practical difficulty is not the result of action taken by the petitioner or a prior owner.

D. No other feasible alternative to a variance is available to the petitioner.

E. The granting of a variance will not unreasonably adversely affect the natural environment; and

F. The property is not located in whole or in part within the Shoreland Zone.

As used in this subsection, "dimensional standards" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage, and setback requirements.

As used in this subsection, "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

The board may not authorize the reduction of dimensional standards required under the mandatory Shoreland Zoning laws.

3. Code Enforcement Officer; authority for disability structures permit

The code enforcement officer is authorized to issue a permit to an owner of a dwelling for the purpose of making a dwelling accessible to a person with a disability who resides in or regularly uses the dwelling.

- A. If the permit requires a variance, the permit is deemed to include that variance solely for the installation of equipment or the construction of structures necessary for access to or egress from the dwelling for the person with a disability.
- B. The code enforcement officer may impose conditions on the permit, including limiting the permit to the duration of the disability or to the time that the person with a disability lives in the dwelling.
- C. All medical records submitted to the code enforcement officer and any other documents submitted for the purpose of describing or verifying a person's disability are confidential.
- D. For the purposes of this section, the term "structures necessary for access to or egress from the dwelling" includes ramps and associated railings, walls, or roof systems necessary for the safety or effectiveness of the ramps.
- E. For the purposes of this section, "disability" has the same meaning as a physical or mental disability under Maine Statute Title 5, section 4553-A.

4. Variance Recorded

- A. If the board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form.
- B. This certificate must be recorded in the local registry of deeds within 90 days of the date of the final written approval of the variance or the variance is void.
- C. The variance is not valid until recorded as provided in this subsection and a copy shall be provided to the Code Enforcement Officer to be placed in the property history file.

For this subsection, the date of the final written approval shall be the date stated on the written approval.