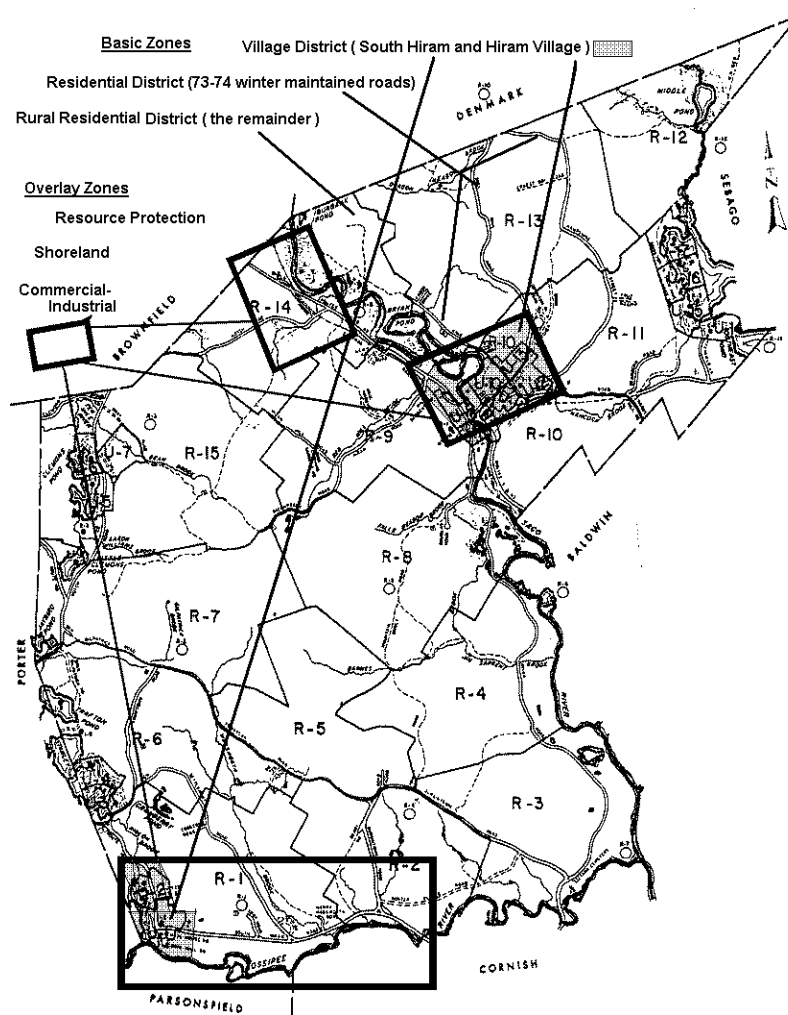


TOWN OF HIRAM



ZONING ORDINANCE

ADOPTED 9/14/1974
AMENDED 3/3/2012
AMENDED 3/5/2022
AND AT VARIOUS PRIOR DATES

I, Marylou F. Stacey, Town Clerk for the Town of Hiram, hereby attest this copy to be a true copy of the complete document as amended by the Town at a Town Meeting 3/5/2022

Marylou F. Stacey
Town Clerk
Town of Hiram

ZONING ORDINANCE OF THE MUNICIPALITY OF HIRAM, ME

**Adapted for the Town of Hiram, Maine.
By the Hiram Planning Board from material
Prepared by the Southern Maine Regional
Planning Commission, Acts of the State
Legislature, Hiram Comprehensive Plan and
various other sources.**

Amended and adopted at a Town Meeting on

SEPTEMBER 14, 1974

**Amended at a Town Meeting on September 25, 1976
Amended at a Town Meeting on October 13, 1978
Amended at a Town Meeting on March 3, 1979
Amended at a Town Meeting on November 14, 1980
Amended at a Town Meeting on March 3, 1984
Amended at a Town Meeting on January 29, 1987
Amended at a Town Meeting on May 5, 1987
Amended at a Town Meeting on March 3, 1990
Amended at a Town Meeting on March 2, 1991
Amended at a Town Meeting on December 9, 1991
(Bldg Codes) Amended at Special Town Meeting on July 16, 1992
(Bldg Codes & ZONING) Amended at Town Meeting on March 5, 1994
(Bldg Codes) Amended at a Special Town Meeting on May 4, 1995
Amended at a Special Town Meeting on May 30, 1996
Amended at a Town Meeting on March 7, 1998
Amended at Annual Town Meeting on March 2, 2002
(Bldg Codes) Amended at annual Town Meeting on March 2, 2002
Amended at Annual Town Meeting on March 6, 2004
Amended at a Special Town Meeting on July 21, 2005
Amended at a Special Town Meeting on August 10, 2006
Amended at Annual Town Meeting on March 6, 2010
Amended at Special Town Meeting November 18, 2010
Amended at Annual Town Meeting, March 3, 2012
Amended at Special Town Meeting, Sept. 13, 2018
Amended at Annual Town Meeting, March 5, 2022
SEE APPENDIX D**

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ARTICLE 1 GENERAL

1.1 SHORT TITLE

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Municipality of Hiram, Maine," and will be referred to herein as this "Ordinance".

1.2 PURPOSE

To further the maintenance of safe and healthful conditions and the general welfare, prevent and control water pollution protect spawning grounds, fish, aquatic life, bird and other wildlife habitat, control building sites, placement of structures and land uses, and conserve shore cover, visual as well as actual points of access to waters and natural beauty.

This Ordinance does not grant any property rights; it does not authorize any person to trespass, infringe upon or injure the property of another; it does not excuse any person of the necessity of complying with other applicable laws and regulations.

1.3 BASIC REQUIREMENTS

1.3.1 GENERAL REQUIREMENTS

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and uses of premises in the Municipality of Hiram shall be in conformity with the provisions of this Ordinance. No building, structure, land or water area shall be used for any purposes or in any manner except as permitted within the District in which such building, structure, land, or water area is located.

1.3.2 REQUIREMENTS FOR GRANTING PERMITS

The Planning Board shall grant Conditional Use Permits for uses allowed under this Ordinance upon a showing by the applicant that the soils are suitable for the proposed use and that it will be in compliance with all applicable performance standards and requirements established under this Ordinance. The Planning Board shall also find that the proposed use will not involve any unreasonable:

1. Degradation of air and water quality;
2. Harmful alteration of wetlands;
3. Increase in erosion or sedimentation;
4. Danger of increased flood damage;
5. Obstruction of Flood flow;
6. Damage to fish and wildlife habitat
7. Despoliation of the scenic, rural and open space character of the area;
8. Overcrowding;
9. Excessive noise;
10. Obstructions to navigation or;
11. Interference with the educational, scenic, scientific, historic or archaeological values of those areas designated and approved for inclusion within the Resource Protection District.

The burden of proof shall be upon the applicant to show entitlement of a Permit under this section, but if the applicant makes the requisite showing, a permit shall be issued by the Planning Board.

1.3.3 PERMITS WITH CONDITIONS

Conditional Use Permits granted under this Ordinance may be made subject to such reasonable conditions concerning setback, location, spacing, size of structure or development, type of construction, time of completion, landscaping, retention of trees, screening, reclamation, erosion control, noise level, quantity and quality of discharge, sewage disposal and manner and method of operation, as the Planning Board deems necessary to avoid the dangers enumerated in Article 1.3.2. For the purpose of enforcement, permits issued by the Planning Board and conditions thereof shall be considered as orders of the Planning Board.

1.4 NON-CONFORMING USES

1.4.1 CONTINUANCE OF NON-CONFORMING USES

1.4.1.1 LAWFULL AT TIME OF ADOPTION

The use of land, building or structure, lawful at the time of adoption or subsequent amendment of this Ordinance, may continue although such use does not conform to the provisions of this Ordinance.

1.4.1.2 REPAIR, MAINTENANCE, IMPROVEMENTS

A non-conforming building or structure may be repaired, maintained, or improved, but the area in non-conforming use may not be extended or expanded except in conformity with the provisions of this Ordinance.

1.4.1.3 EXPANSION OR ENLARGEMENT

Expansion or enlargement of a non-conforming use, building or structure may be allowed by a Conditional Use Permit only upon a showing of necessity by the applicant. Furthermore, no expansion or enlargement shall be permitted which will result in either of the following:

1. Changing any dimensions of frontages, set-backs and/or building heights so that they become non-conforming;
2. Changing any dimensions so that non-conforming frontages and/or set-backs are further reduced, or changing any dimensions so that non-conforming structure heights are further increased.

1.4.2 DISCONTINUANCE OF NON-CONFORMING USES

A non-conforming use which is discontinued for a period of two (2) years may not be resumed. The uses of the land, building or structure shall thereafter conform to the provisions of this Ordinance.

1.4.3 RULE OF PRECEDENCE

Whenever a non-conforming use is superseded by a permitted use of a structure, or structure and land in combination, such structure or combination of land and structure shall thereafter conform to the provisions of this Ordinance and the non-conforming use may not thereafter be resumed.

1.4.4 TRANSFER OF OWNERSHIP

Ownership of land and structures which remain lawful but become non-conforming by the adoption or amendment of this Ordinance may be transferred and the new owner may continue the non-conforming uses subject to the provisions of this Ordinance.

1.4.5 NON-CONFORMING LOTS OF RECORD

1.4.5.1 SINGLE LOTS

A single lot of record which, at the effective date of adoption of this ordinance (September 14, 1974), does not meet the area or width requirements, or both, of the district in which it is located, may be built upon providing that all other provisions of this ordinance shall be met; provided, further, that any unimproved lot of record from a subdivision approved by the Planning Board on or after September 14, 1974 but prior to March 1, 1975, which does not meet the area or width requirements, or both, may be built upon providing that all other provisions of this ordinance shall be met. Variance of yard or other requirements involving area or width shall be obtained only by action of the Board of Appeals. (as amended 5/30/96)

1.4.5.2 CONTIGUOUS LOTS

(eliminated per vote 3/5/94)

1.4.6 RESTORATION OF UNSAFE PROPERTY

Nothing in this Ordinance shall prevent the strengthening or restoring to safe condition any part of any building or structure declared unsafe by the Code Enforcement Officer.

1.4.7 PENDING APPLICATION FOR BUILDING PERMITS

Nothing in this Ordinance shall require any change in the plans, construction, size, or designated use for any building, structure or part thereof for which application for a Building Permit has been made or a building Permit has been issued or upon which construction commenced prior to the adoption or amendment of this Ordinance, provided construction shall start within 60 days after the issuance of such permit.

1.4.8 RESTORATION OF NON-CONFORMING USES

If, as a result of flood, fire or other casualty the value of a nonconforming building or structure is reduced by more than 75%, it may be rebuilt and the non-conforming use housed therein may be continued only by permit from the Planning Board. If a non-conforming building or structure is decreased in value less than 75% by flood, fire or other casualty, it may be rebuilt in substantially the same location and in the same size without a permit from the Planning Board, even though it would otherwise violate the requirements of this Ordinance, provided that the rebuilding shall be commenced within 12 months of the casualty.

1.5 VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

1.6 CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings or structures the provisions of this Ordinance shall control.

1.7 AMENDMENT

1.7.1 INITIATION OF AMENDMENT

An amendment to this Ordinance may be initiated by:

1. The Planning Board provided a majority of the board
2. Request of the Municipal officers to the Planning Board or,
3. Written petition of a number of voters equal to at least 10% of the number of votes cast in the Municipality at the last gubernatorial election.

1.7.2 ADOPTION OF AMENDMENT

An amendment to this Ordinance may be adopted by a majority vote of a Town Meeting following notice and Public Hearing.

1.7.3 PUBLIC HEARING

In either case, the Planning Board shall hold a Public Hearing on the proposed amendment at least 30 days prior to the meeting of the governing body. Notice of the hearing shall be posted at least 10 days in advance in a newspaper of general circulation in the area.

1.8 REPETITIVE PETITIONS

No proposed change in this Ordinance, which has been unfavorably acted upon by the Governing Body shall be considered on its merits by the Governing Body within 2 years after the date of such unfavorable action unless adoption of the proposed change is recommended by unanimous vote of the Planning Board.

1.9 EFFECTIVE DATE

The effective date of this Ordinance is September 14, 1974.

ARTICLE 2 ESTABLISHMENT OF DISTRICTS

2.1 ZONING DISTRICTS

To implement the provisions of this Ordinance, the Municipality of Hiram is hereby divided into the following districts:

- Resource Protection District
- Shoreland District
- Village District
- Residential District
- Rural Residential District
- Commercial/Industrial District

NOTE:

- Some districts overlap others (see related rules in Article 2.3, paragraph 1). For example a) the Resource Protection District can overlap the Shoreland, Village, and Residential Districts and b) the Shoreland District overlaps the Village District in some places, and the Residential District in others.
- The Rural Residential District does not overlap the Resource Protection, Shoreland, Village, and Residential Districts.
- The Commercial/Industrial District is an entirely “Overlay” district, essentially defining sub areas of each of the other five districts.

2.2 LOCATION OF DISTRICTS

Said districts are located and bounded as described in this ordinance and as shown on the official Zoning Map, entitled “Zoning Map of Hiram, Maine,” dated September 14, 1974, and on file in the office of the municipal officers. The map is an approximation of district boundaries; actual boundaries shall be determined by descriptions given in this Ordinance. However, unless shown to be otherwise, the map shall be considered prima facie evidence of the location of district boundaries.

2.3 UNCERTAINTY OF BOUNDARY LOCATION

Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Zoning Map, the following rules shall apply:

1. Where districts overlap in the definitions under Areas to be Included (4.1.2, 4.2.2, 4.3.2, 4.4.2, and 4.5.2), the more restrictive district shall apply unless a specific area is otherwise designated in this ordinance;
2. The boundaries of districts defined by centerlines of roads, streets, highways, rivers or streams shall terminate at right angles to the centerline of the road, street, highway, river, or stream at the designated distances along this centerline, or at the center of a designated intersection, crossing or confluence;
3. Boundaries indicated as approximately following the centerline of streets or highways shall be construed to follow such center line;
4. Boundaries indicated as approximately following well established lot lines shall be construed as following such lot lines;
5. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
6. Boundaries indicated as following railroad lines shall be construed to follow such lines;

Construction of Language and Definitions

7. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline, boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
8. Boundaries indicated as being parallel to or extensions of features indicated in subsection (1) through (5) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map; and
9. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsection (1) through (8) above, the Board of Appeals shall interpret the District boundaries.

2.4 DIVISION OF LOTS BY DISTRICT BOUNDARIES

10. Where a zoning district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than 50 feet into the more restricted portion of the lot, subject to the provisions of 2.4.2 below.
11. Extension of use shall be considered a Conditional Use, subject to approval of the Planning Board and in accordance with the criteria set forth in paragraph 6.8.3 (4), Factors Applicable to Conditional Uses.

ARTICLE 3 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

3.1 CONSTRUCTION OF LANGUAGE

In this Ordinance, certain terms of words shall be interpreted as follows:

- Then word “person” includes a firm association, organization, partnership, trust company or corporation as well as an individual, the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.
- The word “shall” is mandatory, and the word “may” is permissive.
- The words “used” or “occupied” include the words “intended”, “designed”, or “arranged to be used or occupied”.
- The word “building” includes the word “structure”.
- The word “dwelling” includes the word “residence”.
- The word “lot” includes the words “plot” or “parcel”.
- In the case of any difference of meaning or implication between the text of the Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

3.2 DEFINITIONS

In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

see ROAD and its sub sections.

ACCESSORY USE OR STRUCTURE – a use or structure of a nature customarily incidental and subordinate to those of the principal use or structure.

ACCESSORY APARTMENT - a completely independent living facility with separate cooking, eating, sanitation and sleeping facilities that is either in or added to an existing single-family dwelling or in a separate accessory structure on the same lot as an existing dwelling. [Added 8/10/2006]

ALTERATION – any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

AUTO SERVICE STATION - a place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises, including the sale of minor accessories and the servicing and minor repair of automobiles, not including storage of unlicensed vehicles and not including body, frame, or fender straightening and repair.

AUTOMOBILE GRAVEYARD – a yard, field or other area used as a place of storage for 3 or more unserviceable, discarded, worn-out or junked motor vehicles.

BACK LOT – a parcel of land that does not have any frontage on a PUBLIC ROAD or PRIVATE ROAD constructed pursuant to an approved subdivision.

BASEMENT – a portion of the building partly underground but having less than half its clear height below the average grade of the adjoining ground.

BOATHOUSE – a non-residential structure designed for the purpose of protecting or storing boats for non-commercial purposes.

BOG – “bog” means a periodically or continually wet, spongy area exceeding 1,000 square feet in area with soil composed mainly of decayed vegetable matter.

BUILDING – means a structure having a roof, partial roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or objects regardless of the materials of which it is constructed.

BUILDING HEIGHT – the vertical distance between the highest point of the roof and the average grade of the ground adjoining the building.

CAMPGROUND – any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged.

CAMPING TRAILER – A trailer constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

CELLAR – a portion of the building partly underground, but having half or more of its clear height below the average grade of the adjoining ground.

CHANNEL – a natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

CODE ENFORCEMENT OFFICER – a person appointed by the Municipal Officers to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like where applicable.

CONDITIONAL USE – a use permitted only after review and approval by the Planning Board. A conditional use is a use that would not be appropriate without restriction but which, if controlled under the provisions of this Ordinance, would promote the purposes of this Ordinance. Such uses may be permitted if specific provision of such conditional Use is made in this Ordinance.

CONDITIONAL USE PERMIT – a permit authorized by the Planning Board. A Conditional Use Permit may be issued only after the applicant has followed the procedures of this Ordinance.

CONFORMING USES – a use of buildings, structures or land which complies with all applicable provisions of this Ordinance.

CONSTRUCTED – includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of construction.

DEVELOPMENT – means the carrying out of any earthmoving, grading, dredging, filling, building, construction or mining operation, the deposit of refuse or solid or liquid wastes on a parcel of land other than agricultural utilization of animal wastes; the making of any material change in noise levels, thermal conditions or emissions of waste material, the commencement or change in the location of advertising; or the alteration of a shore, bank or floodplain of any estuary, river or pond.

DISTRICT – a specified portion of the municipality, designated by this Ordinance within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DRIVEWAY – see **ROAD**

DWELLING – a fixed structure, containing one or more dwelling units.

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 trailers or recreational vehicles.

EARTH – topsoil, sand, gravel, clay, peat, rock, or other minerals.

ESSENTIAL SERVICES – the construction, alteration or maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

EUTROPHICATION – the process of nutrient enrichment of waterbodies.

EXCAVATION – any removal of earth or earth material from its original position.

FAMILY – one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel. Such unit shall not exceed five persons not related by blood or marriage.

FIFTH-WHEEL TRAILER – A vehicle mounted on wheels designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits and designed to be towed by a motor vehicle that contains a towing mechanism mounted above or forward of the tow vehicle's rear axle.

FILLING – depositing or dumping any matter on or into the ground or water.

FLOOD – a temporary rise in stream flow or tidal surge that results in water overtopping its banks and inundating adjacent areas.

FLOOD PLAIN – the lands adjacent to a waterbody which have been or may be covered by the regional flood.

FLOODWAY – the channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water or flood flows.

100-YEAR FLOODPLAIN – means any land adjacent to the fresh-water portions of the Saco River or the Ossipee River which is of lower elevation than the profile of the 100 year flood established for that location by the U.S. Army Corps of Engineers or by other State or federal agency or which were actually covered by flood waters in the flood of March, 1936. Where the location of the boundary of the 100 year floodplain is at issue, the district boundary map adopted by the Planning Board shall be prima facie evidence of the location of said boundary.

FLOOD PROOFING – a combination of structural provisions, changes, or adjustments to properties subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings.

REGIONAL FLOOD – the maximum known flood of a water body; either the 100 year frequency flood, where calculated, or the flood of record.

FLOOD AREA, GROSS – the sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior faces of the exterior walls.

FRONTAGE, SHORE – the horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreline at the normal high water mark.

FRONTAGE, STREET – the horizontal distance between the intersections of the side lot lines with the front lot line.

GRADE – in relation to buildings, the average of the finished ground level at the center of each wall of a building.

HIGH WATER MARK, NORMAL – along lakes, ponds, rivers and streams, the line on the shore or bank at the elevation at which the vegetation changes from predominantly aquatic to predominantly terrestrial.

HOME OCCUPATION – an occupation or profession which is customarily carried on in a dwelling unit or structure accessory to a dwelling unit, carried on by a member of the family residing in the dwelling unit, and clearly incidental and secondary to the use of the dwelling unit for residential purposes.

INDIVIDUAL PRIVATE CAMPSITE – an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fireplace, or tent platform.

JUNKYARD – a yard, field or other area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;

Construction of Language and Definitions

2. Discarded, scrap and junked lumber;
3. Old or scrap copper, brass, rope, rage, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and,
4. Garbage dumps, waste dumps and sanitary fills.

LAGOON – an artificial enlargement of a waterbody, primarily by means of dredging and excavation.

LANDFILL – “landfill” means a type of waste facility that uses an engineered method of solid waste disposal on land.

LOT – a parcel of land in single ownership, described on a deed, plot or similar legal document.

LOT AREA – the total horizontal area within the lot lines.

LOT, CORNER – a lot with at least two contiguous lines abutting upon a street.

LOT, COVERAGE – the percentage of the lot covered by all buildings.

LOT INTERIOR – any lot other than a corner lot.

LOT LINES – the lines bounding a lot as defined below:

FRONT LOT LINE – on an interior lot, the line separating the lot from the street. On a corner or through lot, the line separating the lot from either street.

REAR LOT LINE – the lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

SIDE LOT LINE – any lot line other than the front lot line or rear lot line.

LOT WIDTH – the horizontal distance between the side lot lines, measured at the setback line.

LOT OF RECORD – a parcel of land, a legal description of which, or the dimensions of which, are recorded on a document or map on file with the County Register of Deeds or in common use by City or County Officials.

LOT, SHOREFRONT – any lot abutting a waterbody.

LOT, THROUGH – any interior lot having frontage on two more or less parallel streets, or between a street and a waterbody, or between two waterbodies, as distinguished from a corner lot. All sides of through lots adjacent to streets and waterbodies shall be considered frontage, and front yards shall be provided as required.

MANUFACTURED HOUSING –

A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. 2 types of manufactured housing are included:

(1) Those units constructed after June 15, 1976, commonly called "newer mobile homes," that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.

(a) This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and

complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

(2) Those units commonly called "modular homes" that the manufacturer certifies are constructed in compliance with Title 10, chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

MARINA – a shorefront commercial facility with provisions for one or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.

MARSH – means a periodically wet or continually flooded land area exceeding one thousand (1,000) square feet with the surface not deeply submerged, covered dominantly with sedges, cattails, rushes or other hydrophylic plants.

MOBILE HOME – a structure designed as a dwelling unit for location on a permanent foundation, and containing sleeping accommodations, a toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems, and designed to be transported after fabrication on its own wheels. A mobile home shall contain not less than 600 square feet of gross floor area if built prior to June 15, 1976.

MOBILE HOME PARK – a parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.

MOTOR HOME – a motor vehicle designed to provide temporary living quarters for recreational, camping or travel use that contains at least 4 of the following as permanently installed independent systems that meet the National Fire Protection Association standard for recreational vehicles:

A. A cooking facility with an on-board fuel source.

B. A potable water supply system that includes at least a sink, a faucet and a water tank with an exterior service supply connection.

C. A toilet with exterior evacuation.

D. A gas or electric refrigerator.

E. A heating or air-conditioning system with an on-board power or fuel source separate from the vehicle engine; and

F. A 110-volt to 125-volt electric power supply.

NECESSITY – a showing by an applicant that a proposed change in a use, structure or building cannot be done without. To be a necessity, a proposed change must meet the following criteria:

1. The change must be needed to allow the applicant to use his lot in a customary way.
2. The change must not be for an extraordinary use.
3. The use must be compatible with other uses in the same district and upon comparable lots throughout the town.

NET RESIDENTIAL ACREAGE – the gross acreage available for development, excluding the area for streets or access and the areas which are unsuitable for development.

NET RESIDENTIAL DENSITY – The number of dwelling units per net residential acre.

NON-CONFORMING BUILDING OR USE – a building, structure use of land, or portion thereof, existing at the effective date of adoption or amendment of this Ordinance which does not conform to all applicable provisions of this Ordinance.

OPEN SPACE USE – use not involving; a structure; earthmoving activity; or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

PARKING SPACE – a minimum area of two hundred (200) square feet, exclusive of drives, aisles or entrances fully accessible for the storage or parking of vehicles.

PERMITTED USE – a use which is allowed without review or approval of the Planning Board and which does not require a Conditional Use Permit. Such uses must, however comply with all applicable Performance Standards.

PLANNED UNIT DEVELOPMENT – land under unified management, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans and design principles for all buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land. Development may be single operation or a programmed series of operations including all lands and buildings, with provision for operation or a programmed series of operations including all lands and buildings with provisions for operation and maintenance of such areas and improvements and facilities necessary for common use by the occupants of the development.

PREMISES – one or more lots which are in the same ownership and are contiguous or separated only by a road or waterbody, including all buildings, structures and improvements.

PRINCIPAL BUILDING – the building in which the primary use of the lot is conducted.

PRINCIPAL USE – the primary use to which the premises are devoted, and the main purpose for which the premises exist.

PRIVATE ROAD, PRIVATE WAY – see **ROAD**

PROHIBITED USE – a use which may not be conducted in the designated district. No permits may be granted for such uses and no variances for such uses are allowed.

PUBLIC ROAD, PUBLIC WAY – see **ROAD**

PUBLIC UTILITY – any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

RECREATIONAL VEHICLE - a vehicle or an attachment to a vehicle designed to be carried or towed, and primarily designed to provide temporary living quarters for recreational, camping, or travel use, which is not a dwelling, and which may include a truck camper, travel trailer, camping trailer, fifth-wheel trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be registered with the State Division of Motor Vehicles.

ROAD - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

DRIVEWAY - a vehicular access-way serving one lot.

PRIVATE ROAD = PRIVATE STREET = PRIVATE WAY - a way, other than a Driveway, privately owned and maintained over which the owner(s) may restrict use or passage and includes a discontinued way even if a public recreation easement has been reserved.

PUBLIC ROAD = PUBLIC STREET = PUBLIC WAY - a way, owned (or under the control of) and maintained by the State, a county or a municipality, over which the general public has a right to pass.

STREET – a vehicular access-way with two or more lanes, usually paved.

SEPTAGE – means waste, refuse, effluent, and any other materials from septic tanks, cesspools or any other similar household (domestic) sanitary wastewater facilities, and shall include tank waste and sanitary wastewater and solids from tanks connected to

commercial establishments such as restaurants and motels. Wastes from septic tanks or any other similar facilities which are significantly different in character and origin (i.e. an industrial process) are not septage under this section.

SETBACK – the minimum horizontal distance from a lot line to the nearest part of a structure.

SETBACK FROM WATER – the minimum horizontal distance from the normal high water elevation to the nearest part of a structure.

SIGN – “Sign” means any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity or place and is visible from any public way or private way serving any combination of three or more dwelling units or lots. It does not include the flag, pennant or insignia of any nation, state or town. Whenever dimensions of a sign are specified they shall include frames. (amended at annual town meeting 3/2/2002)

STREET – see **ROAD**

STRUCTURE – Anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground.

SUBDIVISION – the division of a tract or parcel of land into three or more lots, whether accomplished by sale, lease, development, building or otherwise, in any five year period. For the purpose of this Ordinance the term subdivision shall include such developments as shopping centers, condominiums, mobile home parks and campgrounds where there are three or more units involved.

Land divided by inheritance, order of court or gift to a relative, except where the objective of such transaction is to avoid municipal review is not considered part of a subdivision. Also, in determining whether a subdivision has occurred, land retained by the subdivider for his own use as a single family residence for a period of five years shall not be computed in the number of lots created, or shall the creation of any lot or parcel 40 acres or larger to considered part of a subdivision unless the objective of such division is to avoid municipal review.

SWAMP – means a periodically or continually wet area exceeding 1,000 square feet in area which supports tree growth.

TEMPORARY OCCUPANCY – “An occupancy that exceeds 120 days in a calendar year.

TINY HOME - "Tiny home" means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

- A. Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles;
- B. Does not exceed 400 square feet in size;
- C. Does not exceed any dimension allowed for operation on a public way under this Title; and
- D. Is a vehicle without motive power.

"Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.

TRAILER, UTILITY – a vehicle without motive power, designed to be towed by a passenger automobile but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

TRANSIENT OCCUPANCY – An occupancy that does not exceed 120 days in a calendar year.

TRAVEL TRAILER – A vehicle mounted on wheels designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motor vehicle.

TRUCK CAMPER – A portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a truck.

USE – the purpose of which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

VARIANCE – a relaxation of the terms of this Ordinance where such variance 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. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in adjoining Zoning Districts.

WAY – a means of passing from one place to another, as a road, street, path, etc. See **ROAD**

WETLANDS – means marshes, bogs, swamps and other areas exceeding 1,000 square feet, periodically covered by water which exhibit predominantly aquatic vegetation.

YARD – the area of land on a lot not occupied by the principal building.

YARD FRONT – the area of land between the front lot line and the nearest part of the principal building.

YARD SIDE – the area of land between the side lot line and the nearest part of the principal building.

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

ARTICLE 4 *LAND USE DISTRICT REQUIREMENTS*

4.1 RESOURCE PROTECTION DISTRICT

4.1.1 PURPOSE

1. To further the maintenance of safe and healthful conditions and the general welfare; prevent and control water pollution, protect spawning grounds, fish, aquatic life, bird and other wildlife habitat, control building sites, placement of structures and land uses; and conserve shore cover, visual as well as actual points of access to inland waters and natural beauty.
2. To control the use of shoreland and other areas to provide maximum protection to the land and water resources so that,
 - a. The processes of eutrophication, sedimentation, and pollution, leading to the ultimate degradation or destruction of the water body will be eliminated or delayed as long as possible.
 - b. The process of accelerated nutrient enrichment of waterbodies, which almost always accompanies shoreland development, will be kept to a minimum; and
 - c. Waterbodies, particularly those with public access, will be maintained in a condition fit for the present and future use and enjoyment of the public.
3. To provide minimum standards, as a stop gap measure, until such time as research establishes precisely the susceptibility of various water bodies to degradation and the exact nature of the effects of shoreland development on that degradation process.
4. To enhance the enjoyment and use of waterbodies through the protection of fish and aquatic life from destruction that results from advanced stages of man-induced eutrophication.
5. To protect the most vulnerable shoreland areas of all waterbodies and other areas in which land uses would adversely affect water quality, productive habitat, biological systems, or scenic and natural values, and to discourage development in unsafe or unhealthful areas. Such areas include but are not limited to:
 - a. Wetlands, swamps, marshes and bogs.
 - b. Significant wildlife habitats.

4.1.2 AREAS TO BE INCLUDED

1. Wetlands, swamps, marshes and bogs.
2. Areas where the 100-year floodplain on one or both sides of the Saco or Ossipee Rivers is at least 500 feet in width.
3. However, within the vicinity of Hiram Village, the Resource Protection District shall include only the wetlands areas of Hancock Brook, and shall not include all land within the 100-year floodplain.
4. Land in private ownership designated for inclusion within this district by the owner thereof,
5. Land held in federal, state and municipal ownership which is designated for inclusion within this district.
6. Areas of importance as a fish or wildlife habitat or containing exceptional educational, scientific, scenic, historic or archaeological resources, which are

nominated in writing to the Planning Board by a municipal or state agency and approved by the Planning Board after Public Hearing in the municipality.

- a. Areas of importance as fish and wildlife habitat shall be included within the Resource Protection District upon a finding by the Planning Board that all of the following requirements are met;
 - i The area is of importance to a specific species of fish, migratory birds or other wildlife which inhabits the Saco river Valley;
 - ii The maintenance and preservation of the populations of such species will promote the public welfare; and
 - iii More intensive development would result in the total or partial loss of the wildlife resources to be protected.
- b. Areas of exceptional scenic importance shall be included within the Resource Protection District upon a finding by the Planning Board that either the area has been designated by a state or municipal agency as a public scenic overlook or that all the following requirements are met:
 - i the area is of exceptional scenic value because of distinct and clearly identifiable geological formations, vegetation or other natural features such as bluff, cliffs, rapids, falls, rock out-croppings or islands;
 - ii The natural features are visible from the river or from an accepted road during the months of June through September;
 - iii Preservation of the scenic values of the area will promote the public welfare; and
 - iv More intensive development would result in the total or partial loss of the scenic value of the area.
- c. Areas of exceptional historic importance shall be included within the Resource Protection District only upon a finding by the Planning Board that all of the following requirements are met:
 - i The area to be included is associated with persons or events of national, state or local historic significance;
 - ii The area to be included, or the persons or events associated with the area, have been described or alluded to in historic documents, state or local histories, historic novels or other published materials;
 - iii Protection of the historic values of the area will contribute to public understanding and appreciation of the history of the Saco River Valley and its people; and
 - iv More intensive development would result in the total or partial loss of the historic value of the area.
- d. Areas of exceptional archaeological importance shall be included within the Resource Protection District upon a finding by the Planning Board that all of the following requirements are met;
 - i The area to be included is one of exceptional importance as a source of fossils or prehistoric Indian remains;
 - ii The protection of the area would promote the public welfare by increasing public understanding and appreciation of the past of the Saco River Valley and its inhabitants; and
 - iii More intensive development would result in the total or partial loss or inaccessibility of such fossils or Indian remains.

- e. Areas of exceptional scientific and educational importance shall be included within the Resource Protection District only upon a finding by the Planning Board that all of the following requirements are met;
 - i The area contains rare or unusual flora, fauna, or other natural features of scientific or educational importance;
 - ii That protection of the area will promote scientific and educational purposes;
 - iii More intensive development would result in the total or partial destruction of the educational or scientific value of the area.

4.1.3 BASIC REQUIREMENT

Permitted uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A building or use permit shall be required for all buildings, according to the provisions of Article 6 of this Ordinance.

4.1.4 PERMITTED USES

The following uses are permitted in the Resource Protection District:

4.1.4.1 RURAL

- Open Space use
- Agriculture and gardening
- Timber Harvesting

4.1.4.2 OTHER

- Piers and docks not requiring a Conditional Use Permit
- Signs

4.1.5 CONDITIONAL USES

The following uses may be allowed only upon the granting of a Conditional Use Permit by the Planning Board, in accordance with the provisions of Article 6;

4.1.5.1 RURAL

- Structures accessory to Permitted or Conditional Uses, upon a finding of the Planning Board that:
 - a. The proposed structure is related and necessary to a permitted or conditional use.
 - b. The proposed structure will involve:
 - c. no danger to the public health and safety;
 - d. no significant degradation of air and water quality;
 - e. no alteration of wetlands;
 - f. no significant increase in erosion or sedimentation, and
 - g. no significant interference with the natural, scenic and historic value of those areas designated by Federal, State, or municipal agencies.
- Accessory Uses
- Uses which are similar to the above uses

4.1.6 PROHIBITED USES

The following uses are prohibited in the Resource Protection district:

4.1.6.1 RESIDENTIAL

- Residential structures and uses

4.1.6.2 COMMERCIAL AND INDUSTRIAL

- Commercial and industrial structures and uses

4.1.6.3 PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL

- Public, semi-public, and institutional structures

4.1.6.4 OTHER

- Billboards
- All other uses except piers, docks, and signs

4.1.7 DIMENSIONAL REQUIREMENTS

No portion of any lot created after the effective date of adoption or amendment of this Ordinance and lying within the Resource Protection District may be used to meet the dimensional requirements of other Districts in which the remainder of the lot is situated. Where a residential structure is in existence on the effective date of adoption or amendment of this Ordinance, no lot containing such structure shall be created which does not meet the dimensional requirements of the Shoreland District, and which does not contain a minimum of 40,000 square feet.

4.1.8 OMITTED USES

Uses which are not specifically permitted or allowed by Conditional Use Permit are prohibited in this district.

4.2 SHORELAND DISTRICT

This section replaced by the Hiram *Shoreland Zoning Ordinance*, March 3, 2001

The most current amendments to the *Shoreland Zoning Ordinance* apply.

NOTE: This district can overlap all districts except for the Rural Residential District.

4.3 VILLAGE DISTRICT

4.3.1 PURPOSE

- To provide for the public health and safety, environmental quality, and economic well-being of the community.
- To protect the historical and architectural integrity of existing village development and to insure the future development is compatible both in character and use.
- To provide areas for high density residential development in locations compatible with existing development and in a manner appropriate to the economical provision of community services and utilities.
- To provide areas for a variety of commercial and industrial uses in a manner appropriate to their location and the economical provision of essential community services and utilities.
- To provide an area in which the location of public facilities can serve the greatest number of people as economically as possible.

4.3.2 AREAS TO BE INCLUDED

4.3.2.1 SOUTH HIRAM

The land within 1000 feet on each side of the centerline of the road from the Porter town line for a distance of 2000 feet in an easterly direction, and 500 feet each side of the centerline of Rt. 160 northerly to the Ridlon Brook. Also included shall be the land within 500 feet of the mean high

water line of the Ossipee River from the Porter town line a distance of 2000 feet easterly along the river bank.

4.3.2.2 HIRAM

The land within 1000 feet on each side of the centerline of roads as follows:

- Rt. 117 from the Saco River bridge to the center of the intersection with King Street and Sebago Road.
- King Street from the center of the intersection with Rt. 117 a distance of 1500 feet in a northerly direction.
- Rt. 117 from said intersection a distance of 2000 feet in an easterly direction.
- Sebago Road from said intersection a distance of 4000 feet.
- Hampshire Street from the center of the intersection with Sebago Road 2000 feet in an easterly direction.

In addition, the land within 500 feet on each side of the centerline of roads as follows:

- Rt. 113 from Saco River Bridge to Red Mill Brook.
- River road from the Saco River Bridge to the center of the crossing of the MCRR tracks

4.3.3 BASIC REQUIREMENTS

Permitted uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A plumbing permit and building or use permit shall be required for all buildings, uses, and sanitary facilities, according to the provisions of Article 6 of this Ordinance.

4.3.4 PERMITTED USES

The following uses are permitted in the Village District:

4.3.4.1 RURAL

- Open Space use
- Agriculture and gardening
- Timber Harvesting
- Accessory Uses
- Uses which are similar to the above uses

4.3.4.2 RESIDENTIAL

- Single family dwelling not including single tent or mobile home
- Two-family dwellings
- Home Occupations
- Accessory uses and structures

4.3.4.3 PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL

- Church or other place of worship, parish house, rectory, convent and other religious institutions
- Public, private, and parochial schools
- Public buildings, such as libraries, museums, civic centers
- Recreational or community activity buildings
- Accessory uses and structures
- Uses which are similar to the above uses

4.3.4.4 OTHER

- Filling, grading, lagooning, dredging, or other earthmoving activity operated in accordance with State laws, as allowed under Article 5.7.2 "Earth-moving not requiring a conditional use permit". [Amended 8/10/2006]
- Boathouses
- Piers and docks not requiring a Conditional Use Permit
- Signs

4.3.5 CONDITIONAL USES

The following uses may be allowed only upon the authorization of a Conditional Use Permit by the Planning Board, in accordance with the provisions of Article 6:

4.3.5.1 RURAL

- Public or private recreation facilities including parks, playgrounds, golf courses, driving ranges and swimming pools, but excluding campgrounds.
- Accessory uses and structures
- Uses which are similar to the above uses

4.3.5.2 RESIDENTIAL

- Multi-family dwelling
- Planned unit development or cluster development
- Mobile Home or mobile home park
- Accessory uses and structures
- Uses which are similar to the above uses

4.3.5.3 COMMERCIAL AND INDUSTRIAL NOT FALLING WITHIN THE COMMERCIAL OVERLAY DISTRICT.

- Facilities having less than 2500 square feet of gross floor area and employing less than 6 full time employees or equivalent thereof.

4.3.5.4 PUBLIC, SEMI-PUBLIC, AND INSTITUTIONAL

- Cemeteries
- Utilities, including sewage collection and treatment facilities
- Accessory uses and structures
- Uses which are similar to the above uses

4.3.5.5 OTHER

- Filling, grading lagooning, dredging or other earthmoving activity which does not meet the criteria for permitted uses.
- Any building and/or structure 65 feet in height or greater measured from the ground.

4.3.6 OMITTED USES

Any use not specifically permitted, allowed by the Conditional Use Permit or prohibited may be allowed only by a special Conditional Use Permit following submission of a statement and explanation by the applicant that the requirements of Article 1.3 are met and acceptance of such explanations by the Planning Board in accordance with the requirements of Article 6.

4.3.7 DIMENSIONAL REQUIREMENTS

4.3.7.1 LOT DIMENSIONS

1. Lots in the Village District shall meet or exceed the following minimum requirements: (additional area may be required by other provisions of this ordinance.)

MINIMUM LOT SIZE

| | |
|-------------------------|---------------------|
| Without sanitary sewers | 20,000 square feet* |
| With sanitary sewers | 10,000 square feet |

*Please see Appendix A for state regulation of lots with less than 20,000 square feet.

MINIMUM FRONTAGE 100 feet/200 ft see (2), (5)

MINIMUM YARD DIMENSIONS

| | |
|---------------|--------------------------|
| Front setback | 25 feet (3)/100 feet (3) |
| Side setback | 20 feet (4) |
| Rear setback | 20 feet |

MAXIMUM LOT COVERAGE 20% residential
30% non-residential

2. A lot abutting a public road or private road serving any combination of three or more lots or dwelling units shall have a minimum road frontage of 100 feet. A lot abutting a lake, pond, river, or stream water shall have a minimum shore frontage of 200 feet, measured in a straight line between the points of intersection of the side lot lines with the shoreline at the normal high water mark; for non-conforming lots, see the Town of Hiram *Shoreland Zoning Ordinance*, Section 12, Non-conformance, Subsection E, Non-conforming lots.
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 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 waterbody shall conform to the front yard requirements.
4. Combined width of both side yards shall be 30 feet.
5. Back lots with zero frontage may be improved provided all other requirements of this ordinance are met. ***See, in particular, Article 5.20 Access to Back Lots.***
6. Lots of record as of the date of adoption of this ordinance, with less than minimum frontage in any district, may be improved only upon the authorization of the Planning Board with a Conditional Use Permit.

4.3.7.2 PRINCIPAL BUILDING

If more than one principal building is constructed on a single lot, all dimensional requirements shall be met separately for each such principal building.

4.3.7.3 REQUIRED YARD SPACES SHALL SERVE ONLY ONE LOT

No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.

4.3.7.4 VISIBILITY AT CORNER LOTS

All corner lots shall be kept free from visual obstructions for a distance of 25 feet measured along the intersecting street lines.

4.3.7.5 BUILDING HEIGHT

No building shall exceed 2 ½ stories or 35 feet in height. Features of buildings and structures, such as chimneys, towers, ventilators, and spires may exceed 35 feet in height, but shall be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of this Ordinance.

4.3.8 PROHIBITED USES

- Waste processing or disposal facilities
- Automobile graveyards and junkyards
- Campgrounds

4.4 RESIDENTIAL DISTRICT

4.4.1 PURPOSE

- To provide for the public health and safety, environmental quality, and economic wellbeing of the community.
- To provide areas for medium density residential growth in such a manner and at such locations as are comparable with existing development and the ability of the community to provide essential services and utilities.
- To provide areas for commercial public and semi-public uses compatible with, and necessary to, residential development.

4.4.2 AREAS TO BE INCLUDED

Along all accepted town and state roads which were maintained for winter traffic during the winter of 1973-74, the Residential District shall include the land within 500' on each side of the centerline of the road except for the land included in the Village District. See Appendix B for list of roads. [Amended 3/6/2010]

4.4.3 BASIC REQUIREMENT

Permitted Uses and Conditional uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A plumbing permit and a building or use permit shall be required for all buildings, uses and sanitary facilities, according to the provisions of Article 6 of this Ordinance.

4.4.4 PERMITTED USES

The following uses are permitted in the Residential District;

4.4.4.1 RURAL

- Open Space use
- Agriculture and gardening
- Timber harvesting
- Accessory uses and structures
- Uses which are similar to the above uses

4.4.4.2 RESIDENTIAL

- Single family dwelling, not including single tent or mobile home

- Two-family dwelling
- Home Occupations
- Accessory uses and structures

4.4.4.3 PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL

- Church or other place of worship, parish house, rectory convent and
- other religious institutions
- Public, private and parochial schools
- Public buildings, such as libraries, museums, civic centers
- Cemeteries
- Accessory uses and structures

4.4.4.4 OTHER

- Filling, grading, lagooning, dredging, or other earthmoving activity operated in accordance with State laws, as allowed under Article 5.7.2 "Earth-moving not requiring a conditional use permit". [Amended 8/10/2006]
- Boathouses
- Piers and docks not requiring a Conditional Use Permit
- Signs

4.4.5 CONDITIONAL USES

The following uses may be allowed only upon the authorization of a Conditional Use Permit by the Planning Board, in accordance with the provisions of Article 6:

4.4.5.1 RURAL

- Public or private recreation facilities including parks, playgrounds, golf courses, driving ranges and swimming pools
- Accessory uses and structures
- Uses which are similar to the above uses

4.4.5.2 RESIDENTIAL

- Multi-family dwelling
- Planned unit development or cluster development
- Mobile Home or Mobile Home Park
- Accessory uses and structures
- Uses which are similar to the above uses

4.4.5.3 COMMERCIAL AND INDUSTRIAL NOT FALLING WITHIN THE COMMERCIAL OVERLAY DISTRICT.

- Facilities having less than 2500 square feet of gross floor area and employing less than 6 full time employees or equivalent thereof.
*(voted to add the words "not falling within the commercial overlay district" at the annual town meeting 1998)

4.4.5.4 COMMERCIAL AND INDUSTRIAL USES REQUIRING A FARM / FOREST LOCATION

- Facilities which by nature of their operation require a farm/forest location. Such facilities shall include but are not limited to, dairy processing, vegetable and fruit processing, packing, and storage, timber processing.
- Uses which are similar to the above uses.
*(voted to add this section at annual town meeting 1998)

4.4.5.5 PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL

- Utilities, including sewage collection and treatment facilities

- Accessory uses and structures
- Uses which are similar to the above uses

4.4.5.6 OTHER

- Filling, grading, lagooning, dredging or other earthmoving activity which does not meet the criteria for permitted uses.
- Any building and/or structure 65 feet in height or greater measured from the ground. (Voted to add at the annual town meeting 1998)

4.4.6 OMITTED USES

Any use not specifically permitted, allowed by the Conditional Use Permit or prohibited, may be allowed only by a special Conditional Use Permit following submission of a statement and explanation by the Applicant that the requirements of Article 1.3 are met and acceptance of such explanation by the Planning Board in accordance with the requirements of Article 6.

4.4.7 DIMENSIONAL REQUIREMENTS

4.4.7.1 LOT DIMENSIONS

1. Lots in the Residential District shall meet or exceed the following minimum requirements (Additional area may be required by other provisions of this Ordinance)

MINIMUM LOT SIZE

| | |
|-------------------------|--------------------|
| Without sanitary sewers | 40,000 square feet |
| With sanitary sewers | 20,000 square feet |

MINIMUM FRONTAGE

200 feet see (2),(5)

MINIMUM YARD DIMENSIONS

| | |
|---------------|----------------------------|
| Front setback | 50 feet (3) / 100 feet (3) |
| Side setback | 20 feet (4) |
| Rear setback | 20 feet |

MAXIMUM LOT COVERAGE

10%

2. A lot abutting a public road or private road serving any combination of three or more lots or dwelling units shall have a minimum road frontage of 200 feet. A lot abutting a lake, pond, river or stream shall have a minimum shore frontage of 200 feet, measured in a straight line between the points of intersection of the side lot lines with the shoreline at the normal high water mark; for non-conforming lots, see the Town of Hiram *Shoreland Zoning Ordinance*, Section 12, Non-conformance, Subsection E, Non-conforming lots.
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 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. Combined width of both side yards shall be 30 feet.
5. Back lots with zero frontage may be improved provided all other requirements of this ordinance are met. **See, in particular, Article 5.20 Access to Back Lots.** ; amended 3/3/2012)
6. Lots of record as of the date of adoption of this ordinance, with less than minimum frontage in any district, may be improved only upon the authorization of the Planning Board with a Conditional Use Permit.

4.4.7.2 PRINCIPAL BUILDING

If more than one principal building is constructed on a single lot, all dimensional requirements shall be met separately for each such principal building.

4.4.7.3 REQUIRED YARD SPACES SHALL SERVE ONLY ONE LOT

No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.

4.4.7.4 VISIBILITY AT CORNER LOTS

All corner lots shall be kept free from visual obstructions for a distance of 25 feet measured along the intersecting street lines.

4.4.7.5 BUILDING HEIGHT

No building shall exceed 2-1/2 stories or 35 feet in height. Features of buildings and structures, such as chimneys, towers, ventilators, and spires may exceed 35 feet in height, but shall be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of the ordinance.

4.4.8 PROHIBITED USES

NONE *(voted to remove Prohibited Uses in its entirety at annual town meeting, 1998)

4.5 RURAL RESIDENTIAL DISTRICT

4.5.1 PURPOSE

To further the maintenance of safe and healthful conditions and the general welfare; to protect bird and other wildlife habitat; to influence placement of structures and land uses; to conserve tillable land for future agricultural needs, to protect and preserve forest and woodlands and keep them productive.

4.5.2 AREAS TO BE INCLUDED

All areas of the Town not designated for the Resource Protection, Shoreland, Village, and Residential Districts shall be included in the Rural Residential District. [Amended 3/6/2010]

4.5.3 BASIC REQUIREMENT

Permitted Uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A plumbing permit and building or use permit shall be required for all buildings, uses, and sanitary facilities, according to the provisions of Article 6 of this Ordinance.

4.5.4 PERMITTED USES

4.5.4.1 RURAL

- Open space use.
- Agriculture and gardening
- Sale of produce and plants raised on the premises, or seasonal sales of produce and plants not raised on the premises.
- Timber harvesting
- Accessory uses and structures
- Uses which are similar to the above uses.

4.5.4.2 RESIDENTIAL

- Single family dwelling, not including single camp, tent or mobile home.
- Home occupations
- Accessory uses and structures

4.5.4.3 PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL

- None

4.5.4.4 OTHER

- Filling, grading, lagooning, dredging, or other earthmoving activity operated in accordance with State laws, as allowed under Article 5.7.2 "Earth-moving not requiring a conditional use permit".[Amended 8/10/2006]

4.5.5 CONDITIONAL USES

The following uses may be allowed only upon the granting of a Conditional Use Permit by the Planning Board, in accordance with the provisions of Article 6;

4.5.5.1 RURAL

- Public or private recreational facilities, including parks, golf courses, driving ranges.
- Campgrounds
- Accessory uses and structures
- Uses which are similar to the above uses.

4.5.5.2 RESIDENTIAL

- Mobile Home
- Planned unit Development or Cluster Development
- Accessory uses and structures

4.5.5.3 COMMERCIAL AND INDUSTRIAL USES REQUIRING A FARM/FOREST LOCATION

- Facilities which by nature of their operation require a farm/forest location. Such facilities shall include but are not limited to, dairy processing, vegetable and fruit processing, packing, and storage, timber processing and rural bed and breakfast inn/retreat.

*(added rural bed breakfast inn/retreat by referendum vote 11/3/1998)

- Uses which are similar to the above uses.

4.5.5.4 PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL

- Utilities, including sewage collection and treatment facilities.
- Waste processing or disposal facilities other than sewage collection and treatment facilities
- Cemeteries
- Accessory uses and structures
- Uses which are similar to the above uses.

4.5.5.5 OTHER

- Filling, grading, lagooning, dredging, or other earthmoving, activity which does not meet the criteria for permitted filling, grading, lagooning, dredging, or other earthmoving activity, including extractive uses such as gravel pits, quarries, mines, and dredging operations.
- Billboards
- Automobile graveyards and junkyards
- Accessory uses and structures.

- Piers, docks and other shoreland construction requiring a Conditional Use Permit. (See the Town of Hiram *Shoreland Zoning Ordinance*)
- Any building and/or structure 65 feet in height or greater measured from the ground. (voted to add this sentence at the annual town meeting, 1998)
- Uses which are similar to the above uses.

4.5.6 OMITTED USES

Any use not specifically permitted, allowed by the Conditional Use Permit or prohibited may be allowed only by a special Conditional Use Permit following submission of a statement and explanation by the applicant that the requirements of Article 1.3 are met and acceptance of such explanations by the Planning Board in accordance with the requirements of Article 6.

4.5.7 DIMENSIONAL REQUIREMENTS

4.5.7.1 LOT DIMENSIONS

1. Lots in the Farm/forest district shall meet or exceed the following minimum requirements: (Additional area may be required by other provisions of this Ordinance)

MINIMUM LOT SIZE

Without sanitary sewers 87,200 square feet

With sanitary sewers 87,200 square feet

MINIMUM FRONTAGE

300 feet, see (2, 5)

MINIMUM YARD DIMENSIONS

Front setback 50 feet (3)/100 feet (3)

Side setback 20 feet (4)

Rear setback 20 feet

MAXIMUM LOT COVERAGE

15 %

2. A lot abutting a public road or private road serving any combination of three or more lots or dwelling units shall have a minimum road frontage of 300 feet.
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 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]
4. Combined width of both side yards shall be not less than 50 feet.
5. Back lots with zero frontage may be improved provided all other requirements of this Ordinance are met. **See, in particular, Article 5.20 Access to Back Lots.** ; amended 3/3/2012)
6. Lots of record as of the date of adoption of this ordinance with less than minimum frontage in any district may be improved only upon the authorization of the Planning Board with a Conditional Use Permit.

4.5.7.2 PRINCIPAL BUILDING

If more than one principal building is constructed on a single lot, all dimensional requirements shall be met separately for each such principal building.

4.5.7.3 REQUIRED YARD SPACES SHALL SERVE ONLY ONE LOT

No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building on the lot.

4.5.7.4 VISIBILITY AT CORNER LOTS

All corner lots shall be kept free from visual obstructions for a distance of 25 feet measured along the intersecting street lines.

4.5.7.5 BUILDING HEIGHT

No residential structure shall exceed two and a half stories or 35 feet in height. All other structures exceeding 35 feet in height shall be set back from the nearest lot line a minimum of one foot for each foot of building height, unless a greater setback is required by other provisions of this ordinance.

4.5.8 PROHIBITED USES

NONE (voted at annual town meeting, 1998 to delete in its entirety)

4.6 COMMERCIAL INDUSTRIAL OVERLAY DISTRICT

4.6.1 PURPOSE

- To provide for the public health and safety, environmental quality, and economic well-being of the community.
- To encourage the location of commercial and industrial uses on those lands within the community which are best suited for such development.
- To provide minimum controls on those uses which, by virtue of their size or external effects (waste discharge, noise, glare, fumes, smoke, dust, odors, or auto, truck, or rail traffic) could otherwise create nuisances or unsafe or unhealthy conditions.
- To avoid the blight, congestion, and inconvenience caused by inappropriate and poorly located development of commercial and industrial facilities.
- To avoid the economic disadvantages of providing essential services to commercial and industrial facilities which would occur if commercial and industrial facilities developed in a strip fashion along highways and major thoroughfares.

4.6.2 AREAS TO BE INCLUDED

The Commercial-Industrial Overlay district is defined in the back of the Zoning Ordinance with shading in the areas to be included in the Commercial-Industrial Overlay District on the "Commercial-Industrial Overlay District Maps". These maps are portions of the Hiram Tax Maps revised as of 4/1/2004 by John O'Donnell Associates of Auburn, Maine. (Added at the annual town meeting, 1998, amended at a special town meeting July 21, 2005).

4.6.3 BASIC REQUIREMENT

Permitted uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A plumbing permit and building or use permit shall be required for all buildings, uses and sanitary facilities, according to the provisions of Article 6 of this Ordinance.

4.6.4 PERMITTED USES

Permitted Uses are those provided for in the Permitted Uses sections for the underlying districts as provided in Article 4.3.4 for the Village District, Article 4.4.4

for the Residential District, and Article 4.5.4 for the Rural Residential District. (Amended July 21, 2005)

4.6.5 CONDITIONAL USES

In addition to the Conditional Uses provided for in the Conditional Uses sections for the underlying districts as provided in Article 4.3.5 for the Village District, Article 4.4.5 for the Residential District, and Article 4.5.5 for the Rural Residential District, the following uses are allowed in the Commercial-Industrial Overlay District only upon authorization of a Conditional Use Permit: (Amended July 21, 2005)

- Manufacturing Facilities
- Wholesale/Warehouse Facilities
- Retail Sales Facilities
- Mining
- Automobile graveyards & other junkyards
- Uses similar to conditional uses
- Adult Educational Facilities
- Bed & Breakfast
- Hotel/Motels
- Restaurants
- Elderly housing Facilities

4.6.6 OMITTED USES

Any use not specifically permitted, allowed by the Conditional Use Permit or prohibited may be allowed only by a special Conditional Use Permit following submission of a statement and explanation by the applicant that the requirements of Article 1.3 are met and acceptance of such explanation by the Planning Board in accordance with the requirements of Article 6.

4.6.7 DIMENSIONAL REQUIREMENTS

4.6.7.1 LOT DIMENSIONS

1. Lots in the commercial-industrial district shall meet or exceed the following minimum requirements (additional area may be required by other provisions of this Ordinance)

MINIMUM LOT SIZE

| | |
|-------------------------|--------------------|
| Without sanitary sewers | 40,000 square feet |
| With sanitary sewers | 10,000 square feet |

MINIMUM FRONTAGE

100/200 feet; see (2)

MINIMUM YARD DIMENSIONS

| | |
|---------------|----------------------------|
| Front setback | 75 feet (2) / 250 feet (3) |
| 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 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 feet from the normal high water mark. The depth of any yard abutting a public road or any water body shall conform to the front yard requirements.
4. Combined width of both side yards shall be 50 feet.

4.6.7.2 PRINCIPAL BUILDING

If more than one principal building is constructed on a single lot, all dimensional requirements shall be met separately for each such principal building.

4.6.7.3 REQUIRED YARD SPACES SHALL SERVE ONLY ONE LOT

No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.

4.6.7.4 VISIBILITY AT CORNER LOTS

All corner lots shall be kept free from visual obstructions for a distance of 25 feet measured along the intersecting street lines.

4.6.7.5 BUILDING HEIGHT

No building shall exceed three stories or 45 feet in height. Features of buildings and structures, such as chimneys, towers, ventilators, and spires, may exceed 45 feet in height, but shall be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of this Ordinance.

4.6.8 PROHIBITED USES

NONE

ARTICLE 5 PERFORMANCE STANDARDS

5.1 ACCESSORY APARTMENT

An accessory apartment may be associated only with a single family dwelling. An accessory apartment may be created by partitioning the single family dwelling or by adding to the single family dwelling, or by putting the accessory apartment in a separate accessory building on the property. For example, the accessory apartment could be on the main level of the single family dwelling, upstairs, in the basement, or over the garage.

1. A single family dwelling may have only one (1) accessory apartment.
2. Sometimes called an "in-law" suite, it shall share the driveway, and yard with the "main" house. It may, but is not required to share the entrance to the "main" house.
3. The accessory apartment shall have occupancy limited to two (2) persons.
4. The accessory apartment shall have a minimum area of 500 square feet and a maximum area of 1000 square feet.
5. The septic system on the property in question shall be functioning properly at the time of application for a building permit. In addition, the applicant shall submit a new HHE 200 form as documentation that another of suitable soil exists on the property to be used for septic system repair in the event of failure of the original system or shall submit a report by a surface wastewater disposal system site evaluator certifying that the current system is sufficient for the use intended.
6. The parking requirements of the Hiram Zoning Ordinance shall be adhered to.
7. The accessory apartment shall comply with all State and local building, fire plumbing and related code requirements.
8. Adding an accessory apartment to a single family dwelling does not change the dwelling to a Two Family Dwelling Unit, so it is exempt from the frontage and acreage requirements of Article 5.10 as long as the accessory apartment standards listed above are met.
9. The owner shall add a deed restriction on the property, identifying the accessory apartment as an "Accessory Apartment as defined in the Zoning Ordinance of the Town of Hiram, limited in occupancy to two (2) persons." A copy of the recorded restriction with the Book and Page number noted by the Registrar of the Registry of Deeds shall be provided to the Code Enforcement Officer before a building permit is issued and, if no building permit has been issued, before an occupancy permit is issued.

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.

5.3 AGRICULTURE

1. All spreading or disposal of manure shall be accomplished in conformance with the "Maine Standards for Manure and Manure Sludge Disposal on Land" published by the University of Maine and Maine Soil and Water Conservation Commission in July 1972.
2. Where soil is tilled, an untilled filter strip of natural vegetation shall be retained between the tilled ground and the normal high water mark of the surface water areas protected by these districts. The width of this strip shall vary according to the average slope of the land as follows:

Performance Standards

| Average Slope of Land between tilled Land and Normal High Water Mark. (percent) | | | Width of Strip between tilled land and Normal high water Mark. (Feet along surface of the ground) |
|---|----------|----|---|
| 0 | - | 4 | 50 |
| 5 | - | 9 | 70 |
| 10 | - | 14 | 90 |
| 15 | and over | | 110 |

3. Agricultural practices shall be conducted to minimize soil erosion, sedimentation, contamination, and nutrient enrichments of ground and surface waters.
4. Agricultural practices not in conformance with these standards may be allowed by Conditional Use Permit.

5.4 BOATHOUSES

Boathouses may be located within a shore lot, but shall be set back a minimum of 100 feet from the normal highwater mark of a lake, pond, river or stream, shall not exceed one (1) boathouse on the premises for each shore lot, shall not exceed a height of fifteen (15) feet, shall not exceed three hundred (300) square feet in horizontal area covered, and shall be at least fifteen (15) feet from any side lot line. All distances shall be measured horizontally.

5.5 CAMPGROUNDS

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Recreational vehicle and tenting areas containing approved water carried sewage facilities shall meet the following criteria:
 - a. Each recreational vehicle, tent, or shelter site shall contain a minimum of 5000 square feet, not including roads and driveways.
 - b. A minimum of 200 square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site.
 - c. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table, trash receptacle, and fireplace.
2. Wilderness recreational areas without water-carried sewage facilities shall contain a minimum of 20,000 square feet, not including roads and driveways, for each recreational vehicle, tent or shelter site.
3. The area intended for placement of the recreational vehicle tent, or shelter and utility and service buildings shall be set back a minimum of 100 feet from the exterior lot lines of the camping area and 100 feet from the normal high water mark of any waterbody.
4. All campgrounds shall be screened from adjacent land areas by a continuous landscaped area not less than 25 feet in width containing evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier of not less than six (6) feet in height.

5.6 ELEVATION OF BUILDINGS ABOVE FLOOD LEVEL

All buildings shall have their lowest floor and their heating, electrical, septic tank, filter field and other vital utility facilities constructed at an elevation not less than two (2) feet above the level of the Regional Floor or, if this is unknown or cannot be reasonably determined, twenty (20) feet above the normal high water mark of a waterbody. In addition, the ground level surrounding buildings shall be raised to an elevation not less than one (1) foot above the regional flood, or nineteen (19) feet above the normal high water mark of a waterbody. Such fill shall extend for a minimum horizontal distance of fifteen (15) feet from the outer surface of the building walls. Maximum depth of fill shall not exceed three (3) feet.

5.7 FILLING, GRADING, LAGOONING, DREDGING, OR OTHER EARTHMOVING ACTIVITY

5.7.1 GENERAL

The following provisions shall apply to filling, grading, lagooning, dredging, excavation, processing and storage of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling, grading, lagooning, dredging, and other earthmoving activity which would result in erosion, sedimentation, or impairment of water quality of fish and aquatic life is prohibited.

5.7.2 EARTH-MOVING NOT REQUIRING A CONDITIONAL USE PERMIT

The following earth-moving activity shall be allowed without a Conditional Use Permit authorization from the Planning Board:

Filling, grading, lagooning, dredging, or other earthmoving activity operated in accordance with State laws and under any one of the following conditions:

- The removal or filling of material on a lot incidental to construction, alterations or repair of a building on that lot (i.e. under or around the building and construction of driveway and parking areas) or in the grading and landscaping incidental thereto (i.e. adjacent yards, gardens, and recreation areas [e.g. tennis court, swimming pools, ponds],

or

- The removal, filling, or transfer of material on a lot incidental to construction, alteration or repair of a public or private way or essential services that is (are) on or adjacent to that lot,

or

- Any earthmoving activity not described in (a) or (b) above shall be limited in the Residential or Rural Residential Districts to the removal or filling of less than 100 cubic yards of material from or onto any lot in any one (1) year and shall be limited in the Village District to the removal or filling of less than 10 cubic yards of material from or onto any lot in any one (1) year.

All other earth-moving, processing and storage shall require a Conditional Use Permit authorized by the Planning Board.

5.7.3 APPLICATION FOR CONDITIONAL USE PERMIT

- Application for a Conditional Use Permit from the Planning Board for excavation, processing storage of soil, loam, sand, gravel, rock and other mineral deposits shall be accompanied by a plan which shall show:
 1. the name and current address of the owner of the property involved,
 2. the location and boundaries of the lot or lots for which the permit is requested,
 3. the existing contours of the land within the lot and extending beyond the above boundaries for two hundred (200) feet at intervals not exceeding five (5) feet or other interval specified by the Planning Board.
 4. The contours as proposed, following completion of the grading, at intervals not to exceed five (5) feet or other interval specified by the Planning Board.
 5. The location of all proposed access roads and temporary structures;
 6. A storm water management plan, prepared, signed, and sealed by a Professional Engineer registered in the State of Maine in accordance with the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection (1995) (or revision

thereof). The Board may not waive submission of the storm water management; and

7. An erosion and sedimentation control plan prepared, signed, and sealed by a Professional Engineer registered in the State of Maine in accordance with the *Maine Erosion and Sediment BMPS*, published by the Maine Department of Environmental Protection, March 2003 (or revision thereof). The Board may not waive submission of the erosion and sedimentation control plan; and
 8. Other information necessary to indicate the physical characteristics of the proposed operation.
- In addition, the applicant shall pay a fee of \$700 to be deposited in a General Ledger account designated for that subdivision application. These funds are to be used by the Board for hiring independent consulting services to review the application and to cover the costs of advertising and all mailings for Public Hearings and other mailings associated with the application and review process. If the balance in this account is drawn down by 75%, the Board shall notify the applicant, and require that an additional \$500 be deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$500 be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant

5.7.4 CONDITIONS OF PERMIT

The Planning Board may authorize a Conditional Use Permit providing the following conditions are met;

1. The Board shall obtain independent review of stormwater management plans and erosion and sedimentation control plans.
2. the smallest amount of bare ground shall be exposed for the shortest time feasible.
3. Temporary ground cover such as mulch shall be used. The Planning Board shall set a specific date after which permanent ground cover shall be planted.
4. Diversions, silting basins, terraces and other methods to trap sediment shall be used.
5. Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. The applicant shall submit approval from the dept. of Marine Resources and Fisheries or Inland Fisheries & Wildlife, as applicable, prior to consideration by the Planning Board.
6. The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.
7. Fill shall not restrict a floodway, channel, or natural drainage-way.
8. The sides and bottom of cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to the *Maine Erosion and Sediment Control BMPS*, published by the Maine Department of Environmental Protection, March 2003 (or revision thereof).
9. No below-grade excavation, except for drainage-ways shall be allowed within fifty (50) feet of any lot line or public or private road.
10. Topsoil or loam shall be restored to a depth of not less than four (4) inches.

5.7.5 OPTIONAL CONDITIONS OF PERMIT

The Planning Board may impose other reasonable conditions to safeguard the neighborhood and the Municipality which may include those relating to:

1. methods of removal or processing;
2. hours of operation;
3. type and location of temporary structures;
4. routes for transporting material;
5. area and depth of excavations;
6. provision of temporary or permanent drainage;
7. disposition of stumps, brush and boulders; and
8. cleaning, repair and/or resurfacing of streets used in removal activity which have been adversely affected by said activity.

5.7.6 SURETY AND TERMS OF PERMIT

No permit shall be issued without a bond or other security to insure compliance with such conditions as the Planning Board may impose. No permit shall be issued for a period to exceed three (3) years, although such permit may be renewed for additional periods in the same manner.

5.8 HOME OCCUPATIONS

1. Home occupations shall be carried on wholly within the principal building or within a building or other structure accessory to it.
2. No more than two persons outside the family shall be employed in the same home occupation.
3. There shall be no exterior display, no exterior sign (except as permitted by the provisions of this Ordinance), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
4. No nuisance waste discharge, offensive noise vibration, smoke, dust, odors, heat, glare or radiation shall be generated.

5.9 MANUFACTURED HOMES (MODULAR HOMES/MOBILE HOMES) AND RECREATIONAL VEHICLES

1. **MODULAR HOMES; Application shall be made to the Code Enforcement Officer for a building permit prior to placement of a modular home.**
2. All of the provisions of this ordinance pertaining to single family dwelling in the zoning district where the modular home is to be located shall apply to the unit and the lot upon which it is located.
3. A permanent foundation is required and must conform to the Town of Hiram building code requirements adopted March 2013
4. An Occupancy Permit must be obtained from the CEO prior to move-in.

5.9.1 MOBILE HOMES:

1. After the effective date of this ordinance (January 29, 1987) only those mobile homes which meet the definition of manufactured housing, as defined in this ordinance, may be placed on any lot within the town.

2. No person, firm or corporation shall place, occupy, move, bring or cause to be brought into the Town any mobile home without first securing a Conditional Use permit to do so from the Planning Board.
3. A copy of the Conditional Use Permit granted by the Planning board must be provided to the Code Enforcement Officer, prior to the placement of a mobile home.
4. All the provisions of this ordinance pertaining to single family dwelling in the zoning district where the mobile home is to be located shall apply to the unit and the lot upon which it is located.
5. No mobile home shall be moved or removed from the location designated in the permit to another location within the Town without first securing a new Conditional Use permit from the Planning Board, which permit shall be subject to all of the provisions of this ordinance pertaining to the application for and granting of a new permit.
6. No person, firm or corporation shall move a mobile home from any location in Town to another community without first obtaining a certificate from the Town Tax Collector certifying that, as of the date of removal, all taxes due the Town had been paid in full.
7. Any owner of a mobile home who has a lawful conditional use permit for the placement and occupancy of such and desires to replace it with another, shall file an application for a replacement conditional use permit with the Planning Board. All of the pertinent provisions of this Ordinance pertaining to the application for, and granting of, a conditional use permit for a mobile home shall apply to the application for and granting of the replacement permit.
8. A foundation for a "newer mobile home" must conform to the installation standards established by the Manufactured Housing Board. Typically, this consists of a six (6) inch re-enforced concrete slab atop eighteen (18) inches of packed gravel. A building permit for the foundation must be obtained from the Code Enforcement Officer.
9. Hold-downs for mobile homes shall be securely installed and attached according to all the manufacturer's instructions.
10. Where a continuous masonry foundation is not used, the space between the ground and the bottom of the unit shall be fenced, screened, or otherwise enclosed so as not to be visible.
11. An Occupancy permit must be obtained from the CEO prior to move-in.

5.9.2 RECREATIONAL VEHICLES:

5.9.2.1 STORAGE

1. Recreational vehicles may be kept or stored on premises within the Town provided they are not stored in any front yard, or within 15 feet of any side lot line or 20 feet of any rear lot line.

5.9.2.2 OCCUPANCY

1. Recreational vehicles are not residential dwelling units and as such, are prohibited from being used for permanent residential occupancy. This prohibition applies to recreational vehicles sited at legally established RV parks, campgrounds, and private property.
2. Recreational vehicles may be occupied in legally established RV parks or campgrounds with legally established utility connections for periods less than 120 days per calendar year.

3. Recreational vehicles may not be occupied on private property except as expressly permitted pursuant to Article 5.9.3.3 and 5.9.3.4.
4. Only one recreational vehicle shall be allowed on any individual private campsite.

5.9.2.3 TRANSIENT OCCUPANCY (Less than 120 days per calendar year)

1. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy may be attached to the recreational vehicle.
2. For each recreational vehicle placed on a site other than a legally established RV park or campground, and generally occupied for less than one hundred and twenty (120) days per year, a written sewage disposal plan describing the proposed method and location of sewage disposal shall be required.
3. The plan must be approved by the Local Plumbing Inspector and where disposal is off-site, written authorization from the receiving facility is required.
4. An RV permit from the Code Enforcement Officer must be obtained prior to siting the RV to ensure compliance.

5.9.2.4 TEMPORARY OCCUPANCY (Greater than 120 days per calendar year)

1. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy may be attached to the recreational vehicle.
2. A recreational vehicle may be placed on site and generally occupied for more than one hundred and twenty (120) days per year in instances where temporary housing is required or while construction or re-construction of a dwelling is being accomplished.
3. In this instance, a permanent potable water supply (frost protected) is required and the installation/hook-up of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules is also required unless served by public sewage facilities.
4. An RV permit from the Code Enforcement Officer must be obtained prior to siting the RV to ensure compliance.

5.9.3 MOBILE HOME PARKS

Design and Performance standards for Mobile Home Parks

5.9.3.1 BASIC REQUIREMENTS

Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State Laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of the Hiram Subdivision Regulations (Ordinance), the provisions of this section shall prevail.

5.9.3.2 LOT AREA AND LOT WIDTH REQUIREMENTS

Regardless of Hiram lot width and area requirements, lots in a mobile home park shall meet the following lot area and lot width requirements:

1. Lots served by public sewer:

| | |
|-----------------|-------------------|
| Min lot area: | 6,500 square feet |
| Min. lot width: | 50 feet |

2. Lots served by individual subsurface waste water disposal system:
Min. lot area: 20,000 square feet
Min. lot width: 100 feet
3. Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services;
Min. lot area: 20,000 square feet
Min. lot width: 75 feet
4. The overall density of any park served by any subsurface waste water disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area.
5. Lots located within any shoreland zoning district shall meet the lot area, lot width, and shore frontage requirements for that district.

5.9.3.3 UNIT SETBACK REQUIREMENTS

1. No closer than 30' apart on lots 10,000 square feet in area or larger, structures shall not be located less than 15 feet from any boundary lines of an individual lot. No closer than 10' apart on lots less (i.e. on public sewer) than 10,000 square feet in area, structures shall not be located less than 10 feet from any boundary lines of an individual lot.
2. On lots which abut a public road or private road constructed pursuant to an approved subdivision either within the park or adjacent to the park, or on lots which are located within a shoreland zoning district, structures shall meet the front setback and setback from high water mark requirements in the dimensional requirements for that district.

5.9.3.4 BUFFERING

If a park is proposed with a residential density at least twice the density of adjacent development in existence, or at least twice the density permitted in the zoning district in which the park is located if the neighboring land is undeveloped, the park shall be designed with a continuous landscaped area not less than fifty feet in width which shall contain no structures or streets. The first twenty five feet of the buffer strip, as measured from the exterior boundaries of the park shall contain evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier to be located on all exterior lot lines of the park, except that driveways shall be kept open to provide visibility for vehicles entering and leaving the park.

5.9.3.5 OPEN SPACE RESERVATION

An area no less than 10% of the total area of those lots with a lot area of 10,000 square feet or less shall be reserved as open space. The area reserved as open space shall be suitable to be used for recreational purposes or use by the residents of the park for storage. Generally, the reserved open space shall have slopes less than 5%, shall not be located on poorly or very poorly drained soils, and shall be accessible directly from roads within the park. The Planning Board may waive the requirement for open space when the park is located within one half mile of a publicly owned recreation area.

5.9.3.6 ROAD DESIGN, CIRCULATION, AND TRAFFIC IMPACTS

Streets within a park shall be designed by a Professional Engineer, Registered in the State of Maine.

1. Streets which the applicant proposes to be dedicated as a public ways shall be designed and constructed in accordance with the standards for streets in the Hiram Subdivision Regulations.

2. Streets which the applicant proposes to remain private ways shall meet the following minimum geometric design standards.
 - a. Minimum right of way width; 23 FEET
 - b. Minimum width of traveled way: 20 FEET PAVED
3. Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public road or private road constructed pursuant to an approved subdivision. Any street within a park with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, other streets within the park, or private roads constructed pursuant to an approved subdivision.
4. No individual lot within a park shall have direct vehicular access onto an existing public road or private road constructed pursuant to an approved subdivision.
5. The intersection of any street within a park and an existing public street shall meet the following standards.
 - a. Angle of intersection. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.
 - b. Maximum grade within 75 feet of intersection. The maximum permissible grade within 75 feet of the intersection shall be 2%.
 - c. Minimum Sight Distance. A minimum sight distance of 10 feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 ½ feet above the pavement and the height of object 4 ¼ feet.
 - d. Distance from other intersections. The centerline of any street within a park intersecting an existing public or private street shall be no less than 125 feet from the centerline of any other street intersecting that public or private street.
6. The application shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on the TRIP GENERATION MANUAL, 1987 EDITION, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis, by a registered professional engineer with experience in transportation engineering.

5.9.3.7 GROUND WATER IMPACTS

1. ASSESSMENT SUBMITTED

Accompanying the application for approval of any mobile home park which is not served by public sewer shall be an analysis of the impacts of the proposed mobile home park on ground water quality. The hydrogeologic assessment shall be prepared by a Certified geologist or Registered Professional engineer, experienced in hydrogeology and shall contain at least the following information:

- e. A map showing the basic soils types
- f. The depth to the water table at representative points throughout the mobile home park.
- g. Drainage conditions throughout the mobile home park
- h. Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.

- i. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the development's impact on groundwater phosphate concentrations shall also be provided.
 - j. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.
2. STANDARDS FOR ACCEPTABLE GROUND WATER IMPACTS
- a. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
 - b. No mobile home park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
 - c. If ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
 - d. If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
 - e. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the plan.

5.9.3.8 CONVERSION

No development of subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval:

1. the land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.
2. No dwelling unit other than a manufactured housing unit shall be located within the park.

5.9.4 PERMIT FEE

1. Permit fees for Modular Homes, Mobile Homes, and RV placement shall be in accordance with the schedule of fees adopted by the Hiram Planning Board and Municipal Officers as determined by the Code Enforcement Officer.
2. All fees must be paid prior to the issuance of any permit.

5.9.5 TOWN ASSESSORS TO BE NOTIFIED

The Code Enforcement Officer shall immediately notify in writing the assessors and the Municipal Officers of any occupancy permit issued by him for a Modular or Mobile Home.

5.10 MODIFICATIONS TO EXISTING STRUCTURES

1. No external modifications or additions to any structure subject to flood damage are permitted unless such modification will not increase the flood damage potential of the structure and will not cause the structure to increase the degree of obstruction to flood flows.
2. Any internal modification of any existing building may be permitted if such modification will not endanger human lives or increase the flood damage potential of the Regional Flood.

5.11 MULTI-FAMILY DWELLING UNITS

5.11.1 TWO-FAMILY DWELLING UNITS

Lots for two-family units shall meet all of the dimensional requirements for single-family dwelling units, except that the lot area and shoreline frontage shall be equal to that required for an equivalent number of single-family dwelling units, and the road frontage shall exceed by 50% the requirement for a single-family dwelling unit.

5.11.2 MULTI-FAMILY DWELLING UNITS

Multi-family (3 or more) dwelling units shall meet all of the following criteria:

1. Lot area and shoreline frontage shall be equal to that required for the equivalent number of single family dwelling units.
2. The minimum road frontage shall be at least double that required for a single family dwelling unit in the district where it is to be built.
3. Lots for multi-family dwelling units shall meet all other dimensional requirements for single-family dwellings.
4. No building shall contain more than ten (10) dwelling units.
5. All multi-family dwellings shall be connected to a common water supply and distribution system, either public or private, at no expense to the Municipality.
6. All multi-family dwelling units shall be connected to a public sewer system, if available, or to a central collection and treatment system in accordance with the sanitary provisions of this Ordinance.
7. No parking area shall be located within in the required yard areas.

5.12 OFF-STREET PARKING AND LOADING REQUIREMENTS

5.12.1 BASIC REQUIREMENT

In any district where permitted, no use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged unless there is provided for such extension, construction or enlargement, off-street automobile parking space within three hundred (300) feet of the principal building, structure, or use of the premises, in accordance with the following schedule of parking requirements. An area of two hundred (200) square feet appropriate for the parking of an automobile, exclusive of maneuvering space shall be considered as one off-street parking space. No required parking space shall, for the purpose of this Ordinance, serve more than one use. No off-street parking facility shall have more

than two (2) entrances and exits on the same street, and no entrance or exit shall exceed 26 feet in width. Parking areas with more than two (2) parking spaces shall be so arranged that vehicles can be turned around within such areas and are prevented from backing into the street.

5.12.2 SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS

1. Two (2) spaces per dwelling unit.
2. One (1) space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel.
3. One (1) space for each recreational vehicle, tent or shelter site in a campground.
4. One (1) space for each two (2) beds in a hospital or sanitarium.
5. One (1) space for each four (4) beds for other institutions devoted to the board, care, or treatment of persons.
6. One (1) space for each one hundred fifty (150) square feet or fraction thereof, of floor area of any retail, wholesale, or service establishment or office or professional building.
7. One (1) space for each three (3) seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverage and for theaters, auditoriums, and other places of amusement or assembly.
8. One (1) space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial, or other permitted uses.
9. Adequate spaces shall be provided to accommodate customers, patrons, and employees at automobile service stations, drive-in establishments, open air retail businesses and amusements and other permitted uses not specifically enumerated.

5.12.3 OFF-STREET LOADING

In any district where permitted or allowed, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely on the same lot as the building or use to be served so that trucks, trailers and containers shall not be located for loading or storage upon any public way.

5.12.4 LANDSCAPING

Required parking and loading spaces for non-residential uses, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than eight (8) feet in width containing evergreen shrubs, trees, fences, walls, berms, or any combination thereof forming a visual barrier not less than six (6) feet in height along exterior lot lines adjoining all residential properties, except that driveways shall be kept open to provide visibility for vehicles entering and leaving.

5.13 PIERS, DOCKS, AND OTHER SHORELAND CONSTRUCTION

5.13.1 GENERAL REQUIREMENTS

1. No causeway, bridge, marina, wharf, dock or permanent structure shall be constructed in, on, over or abutting on any great pond nor any fill deposited or dredging done therein without a permit from the board of Environmental Protection.

2. No causeway, marina, wharf, dock or other permanent or floating structure shall extend more than ten percent (10%) of the width of any stream, measured at its normal high water elevation mark.
3. Any structure, permanent or floating, shall require a Conditional Use Permit from the Planning Board if it:
 - a. extends more than ten (10) feet from the bank of any lake, pond, river or stream;
 - b. has any permanent parts located between the banks of any stream or below the normal high water elevation mark of any lake or pond;
 - c. is constructed as part of any commercial use, or
 - d. requires dredging or filling.

5.13.2 APPLICATION FOR CONDITIONAL USE PERMIT

A Conditional Use Permit application shall be made as follows:

1. For any proposed shoreland construction or alteration requiring a permit from the Board of Environmental Protection, a copy of said permit and all attachments thereto shall constitute the application to the Planning Board.
2. For all other proposed shoreland construction or alteration, application to the Planning Board shall be made on forms provided for the purpose.

5.13.3 CONDITIONS OF PERMIT

The Planning Board may authorize the issuance of a permit providing the following conditions are met:

The proposed activity:

1. Shall not unreasonably interfere with existing recreational and navigational uses, nor unreasonably alter scenic and aesthetic qualities;
2. Shall not unreasonably interfere with or harm the natural environs of any lake, pond, tributary, stream or river nor harm any fish or wildlife habitat;
3. Shall not cause unreasonable soil erosion nor lower the quality of any waters;
4. Shall not unreasonably alter the natural flow or storage capacity of any water body; and
5. Shall not create or cause to be created unreasonable noise or traffic of any nature.

5.14 PLANNED UNIT DEVELOPMENT AND CLUSTER DEVELOPMENT

5.14.1 PURPOSE

The purpose of these provisions is to allow for new concepts of housing development where maximum variations of design may be allowed provided that the net residential density shall be no greater than is permitted in the District in which the development is proposed.

5.14.2 BASIC REQUIREMENTS

Planned unit developments and cluster developments shall meet all of the following criteria;

1. All planned unit developments and cluster developments shall meet all requirements for a residential subdivision.

2. The minimum area of land in a planned unit development or cluster development shall be 10 acres, except in the case of mobile home parks.
3. Any lot abutting an existing public or private road shall have a frontage and area not less than that normally required in the district. On other than public roads, existing private roads, or on proposed minor streets of a subdivision, lot area and road frontage may be reduced to not less than 33 $\frac{1}{3}$ % of the requirements in the Rural Residential District and not less than 50% of the requirements in all other districts in which the proposed development is located provided that:
 - a. No building lot shall have an area of less than 10,000 square feet.
 - b. All lots except those abutting a circular turn-around shall have a minimum frontage of 75 feet. The frontage of lots abutting a circular turn-around may be reduced to 50 feet, provided that the minimum lot width at the face of the building shall be 75 feet.
1. In no case shall shore frontage be reduced below the minimum shore frontage normally required in the district.
2. Lots in a planned unit development or cluster development shall meet all other dimensional requirements for the District in which they are located.
3. The total area of common land within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required in the District.
4. Every building lot that is reduced in area below the amount normally required shall abut such common land for a distance of at least fifty (50) feet.
5. All common land for recreational or conservation purposes only shall be owned jointly or in common by the owners of the building lots, by a trust or association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the Municipality.
6. Further subdivision of common land or its use for other than non-commercial recreation or conservation, except for easements for underground utilities, shall be prohibited. Structures and building accessory to non-commercial recreational or conservation uses may be erected on the common land.
7. Where a planned unit development or cluster development abuts a waterbody, a portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.
8. At least one of the following systems must be provided at no expense to the municipality to connect with all dwelling units in a planned unit development or cluster development.
 - a. A public water supply, if available, or a common water supply and distribution system.
 - b. A public sanitary sewer system, if available, or a central collection and treatment system in accordance with the provisions of this ordinance.
9. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with an overall plan for site development.

5.15 SANITARY PROVISIONS

5.15.1 PURPOSE

To promote health, safety, and general welfare, and to protect ground and surface waters and public and private water supplies from contamination or nutrient

enrichment the following provisions shall be applicable to the installation of sanitary waste disposal facilities when such facilities are available.

5.15.2 CONNECTION TO PUBLIC FACILITIES

All plumbing shall be connected to public collection and treatment facilities when such facilities are available and sufficient to accommodate the additional use.

5.15.3 SUBSURFACE SEWAGE DISPOSAL

SOIL CONDITIONS

1. No Plumbing Permit shall be issued for a subsurface sewage disposal system unless the application is accompanied by a soils report prepared by a licensed site evaluator or agency based on an on-site investigation identifying the soils boundaries and names upon a plan of the lot in accord with the USDA Soil Conservation Service National Cooperative Soil Survey.
2. No Plumbing Permit shall be issued for a subsurface disposal system unless there are soils rated "good" or "fair" for the proposed use by the soil Suitability guide for Land Use Planning in Maine, in sufficient quantity to accommodate the proposed system, and in a location meeting the setback requirements of this Ordinance. In no case shall a Plumbing Permit be approved unless the area of such soils is greater than 1000 square feet.
3. Within 250 feet of the normal high water elevation of all water bodies no Plumbing Permit shall be issued for a subsurface sewage disposal system in any soils rated "poor" or "very poor" for such use by the Soil Suitability Guide for Land Use Planning in Maine. In all other areas, a Conditional Use Permit may be issued for subsurface sewage disposal facilities located in soils rated "poor" for such use provided that:
 - a. A plan to construct an adequate absorption area in conformance with the requirements of the State Plumbing Code is prepared by a Registered Engineer and submitted for Planning Board review.
 - b. Any system approved by the Planning Board under this section is supervised by the Code Enforcement Officer during installation.
 - c. The distance from the outer edges of the total constructed area to the nearest lot line shall be a minimum of 50 feet.

5.15.4 PRIVIES

Privies may be permitted in areas not served by community sewer facilities and where other means of sewage disposal are not feasible, under the following conditions;

1. No plumbing of any kind shall be connected to or discharge into the privy pit.
2. The privy shall be located at minimum horizontal distances of;
 - a. 25 feet from the nearest property line.
 - b. 100 feet from the normal high water elevation of a waterbody.
 - c. 100 feet from a private well.
3. The bottom of a privy pit shall be at least two feet above bedrock and the ground water table at its highest point, or have a watertight vault.
4. Privies shall not be permitted in areas subject to frequent flooding.

5.15.5 HOLDING TANKS

1. Holding tanks for residential first time use are not allowed (see *Code of Maine Rules* 10 CMR, Chapter 20, Section 2004.0)
2. Holding tanks for other uses may be approved by the Plumbing Inspector as allowed for under the *Code of Maine Rules*.

[Amended 8/10/2006]

5.15.6 OTHER SYSTEMS

Other systems of sanitary waste disposal may be permitted in all Districts as a Conditional Use only after approval by the Planning Board.

Alternative systems shall be presented to the Planning Board on a plan prepared by a registered Engineer and shall be subject to review and approval of the Maine Department of Environmental Protection and/or the Maine Department of Health and Welfare.

5.15.7 SETBACKS

1. In all Districts, the minimum setback for underground sewage disposal facilities from the normal high water mark of a waterbody shall be at least equal to that of the principal building. In no case shall the setback from any shoreline be less than 100 horizontal feet. Where daily sewage flow exceeds 2000 gallons, minimum setback shall be 300 feet from any shoreline.
2. Except as required in Article 5.15.3, underground sewage disposal facilities, where permitted, shall be subject to the following additional setback provisions;

| COMPONENTS | Daily sewage flow less than 2,000 gallons | | Daily sewage flow in excess of 2,000 gallons | |
|--|---|-----------------|--|-----------------|
| | Septic tank | disposal Trench | septic tank | disposal trench |
| | feet | feet | feet | feet |
| Property Line | 10 | 10 | 20 | 20 |
| Buildings | 8 | 20 | 20 | 40 |
| Well or spring used as a Domestic water supply | 100 | 100 | 100 | 100 |
| Well or spring used as a Domestic water supply with a Daily water use in excess of 2,000 gallons | 100 | 100 | 100 | 100 |
| Water supply line | 10 | 10 | 10 | 25 |

10. Setbacks from shoreline and water supplies for all subsurface sewage disposal facilities shall not be reduced by variance.

5.16 SEPTAGE SPREADING

[Whole Article added at Annual Town Meeting 3/7/1998]

5.16.1 PURPOSE

Whereas septage is very malodorous, putrescible, and is likely to contain large numbers of harmful bacteria, viruses and other microorganisms, this section is

made part of the Hiram Zoning Ordinance to protect public health and safety by regulating the spreading of septage within the town boundaries.

This section shall govern septage spreading within the Town of Hiram other than on land used solely by its owner or residents for the disposal of septage from his/her residence.

5.16.1.1 DEFINITIONS;

1. "Generation" means the act or process of producing septage.
2. "Operator" means the individual(s) responsible for overseeing the spreading of septage at the spreading site.
3. "Hauler" means the individual bringing septage to the septage site.
4. "Holding tank" means a container holding septage deposited in it by an individual hauler or the septage site operator.
5. "Septage" means waste, refuse, effluent, and any other materials from septic tanks, cesspools or any other similar household (domestic) sanitary wastewater facilities, and shall include tank waste and sanitary wastewater and solids from tanks connected to commercial establishments such as restaurants and motels. Wastes from septic tanks or any other similar facilities which are significantly different in character and origin (i.e. an industrial process) are not septage under this section.
6. "spreading" means the deposit of septage on any ground area.
7. "Spreading site" means any land area used for spreading septage.

5.16.1.2 PERMITS

Any septage spreading other than on land used solely by its owner or residents for the disposal of septage from his/her residence shall require a Conditional Use Permit under this ordinance. If the landowner and the operator of the spreading site are separate persons or entities, they shall be jointly and severally responsible for all requirements under this section, and any Conditional Use Permit shall be issued in the names of both individuals or entities. The term "operator" shall refer to both individuals or entities jointly and severally. No Conditional Use Permit granted under this section shall be transferable without the permission of the Board.

Any application for a Conditional Use Permit for septic spreading shall include the following:

1. A report by a certified hydrogeologist assessing the site for potential impact of the proposed use on any aquifers, recharge areas or wells located within 2,000 feet of the proposed site. The report shall also recommend the number and location of test wells necessary to monitor the site for potential groundwater contamination.
2. A site contour map at 1" /50 ft scale showing all areas in which septage will be spread, and all access routes to the site, including the location of all dwellings and wells abutting the site.
3. A written response to each factor set out in Article 6.8.3.4 & 5 of this Ordinance.
4. A written description of the spreading operation, including the size of the actual spreading site, the number of gallons of septage to be spread on a daily basis, the number of holding tanks on the site and the capacity thereof; the proposed dates for operation of the spreading site, the manner of spreading, a storm water run-off plan in conformance with Oxford County Soil and Water Standards, an erosion control plan, and the proposed method for fencing the site.

5. Any permit granted under this section shall be for a period of two years, with renewal dependent on a finding by the Board that all conditions required under the original permit, and the standards set out in this section, were met during the initial period of operation. Any permit granted under this section may be terminated at any time that state or federal regulations are changed to prohibit the use of similar septage sites.

5.16.1.3 STANDARDS FOR SEPTAGE SPREADING

Any Conditional Use Permit granted for septage spreading shall incorporate the standards set out in this section, as well as any other conditions required by the Board under this Ordinance.

1. Monitoring wells shall be installed on the spreading site at the expense of the operator according to the recommendations of a hydrogeologist as approved by the Board. Water samples shall be taken by the operator for testing every two months during the spreading season, and the results shall be returned to the CEO in a timely manner.
2. All resident's wells, within ½ mile of the spreading site shall be tested by the operator prior to the initial operation of the site to determine a base line for water quality.
3. A holding tank or tanks shall be installed on the site, each capable of holding 10,000 to 30,000 gallons of septage. The operator shall provide a separate tank for each hauler into the site, whenever possible. The number and size of tanks shall be approved by the Planning Board in issuing a Conditional Use Permit under this ordinance. These tanks shall be checked by the CEO on a yearly basis for rusting and cracks. Septage will be deposited into and held in the tanks while testing is done for heavy metals, PCB's and pesticides by a licensed laboratory. Septage held in the tanks will only be spread on the site after the laboratory report has been completed and levels of contaminants are below State of Maine standards. Copies of the reports shall be provided to the CEO in a timely manner. Septage in the tanks shall be treated with lime until a ph of 12 has been reached, before spreading.
4. Septage shall be screened to limit the deposit of inorganic materials. Following any spreading of screened septage on the site, raking or some other method approved by the Board shall be used to remove any remaining inorganic matter from the site, which shall be disposed of in a State approved waste facility.
5. Storm water runoff from the site shall be contained by berms or a similar method approved by the Board. No spreading shall be done during a heavy rain, or when there is standing water on the site.
6. The spreading site shall be surrounded by a fence adequate to keep wildlife and children from entering the area.
7. The spreading must comply with all other provisions of this Ordinance, and all relevant State and Federal regulations.
8. A base line soils test and bi-monthly soil tests during the period of operation shall be conducted by the operator using a public or private laboratory to monitor the ph level of the soil at the spreading site and any contamination by pesticides, heavy metals or PCB's. All water and soils testing shall continue for two years beyond the closure of the site. All testing shall be paid for by the operator.

9. The operator of the septage site shall keep a log with a separate entry for each truck load into the site showing the name of the hauler, the number of gallons, the original ph level of each truckload, the site on which the septage was generated (e.g. name and address of each household), the date and time the septage was placed in a holding tank, and the laboratory test results for that tank. This log shall be available to the Board on demand.
10. Prior to the beginning of each spreading season, the operator shall provide proof of liability insurance to the Board in the amount of five million dollars, and a statement of his or her acceptance of liability for any damage to humans, animals, soil or water resources caused by the septage spreading. Such insurance will be required for a period of two years after the site is closed.
11. The CEO shall inspect and approve the septage site prior to the commencement of operations once a permit is granted. The operator shall be required to permit any on-site inspection or tests by the CEO or the board without prior notice.
12. The spreading season shall commence no earlier than May 15th and end no later than November 15th of any year. The site shall not be used when the ground is snow covered or frozen.
13. Sludge from waste treatment plants of any type shall not be stored, spread or disposed of at the site.
14. The operator is required to wet down any area of the septage site prior to rototilling to keep dust, fumes, and vapors under control, and to wash any exterior parts of trucks and/or equipment prior to leaving the site.
15. Any operator of a Septage Disposal Site in Hiram shall accept septage from Hiram residences regardless of the Hauler.

5.17 SIGNS

5.17.1 SIZE, LOCATION AND ILLUMINATION

No sign shall be erected adjacent to any public way or private way serving more than any combination of three or more dwelling units or lots in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination or wording the sign may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device or otherwise constitute a hazard to pedestrian or vehicular traffic. Flashing, moving or animated signs are prohibited. No sign shall exceed twenty (20) feet in height. No sign shall be located within three (3) feet of a street line or other lot line.

5.17.2 TYPES OF SIGNS

1. Public traffic and directional signs and signs designating public or semipublic activities shall be permitted.
2. Name signs shall be permitted, provided such signs shall not exceed 2 square feet in area, and shall not exceed two signs per premises.
3. Residential users may display a single sign not over 3 square feet in area relating to the home occupation on the premises, or to the sale, rental or lease of the premises.
4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

5. Signs not otherwise described in 2, 3, and 4 above, shall be permitted provided such signs shall not exceed twenty-four (24) square feet in area, and shall not exceed two (2) signs per premises.
6. The Planning Board may waive the specific requirements of this section if an applicant for a license can show hardship due to conditions of topography, access, other physical characteristics, or for other reasons that are found acceptable by the Planning Board. [Amended 3/7/2002]

5.18 WATER QUALITY PROTECTION

No activity shall locate, store, discharge or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness to be harmful to human, animal, plant or aquatic life.

5.19 LANDFILL PROVISIONS

1. The applicant shall indicate the hours of operation and the expected duration of the life of the landfill.
2. The applicant shall demonstrate to the Board that he has the financial and technical capacity to operate the landfill, meeting all requirements of this Ordinance, and conditions of approval, and any applicable state or federal requirements.
3. The application shall be accompanied by a fee of 2% of the estimated construction cost. Such fee shall be used by the Board for hiring engineering, geological or planning assistance in the review of the proposal. Any accumulated interest on the fee may be used by the board for such purposes. The unexpended balance on the account shall be returned to the applicant after a final decision on the application is rendered.
4. The applicant shall demonstrate the feasibility of providing an alternate water supply to wells within the same groundwater flow system as the proposed landfill, as determined by a certified geologist, in the event of contamination from landfill leachate.
5. The Board may, as a condition of approval, require the applicant to establish an account from which the Town may draw money to provide for inspection of the facility by a qualified professional prior to operation. In determining whether to require the establishment of such an account, the Board shall consider whether the construction will be inspected by the Maine Department of Environmental Protection, the extent of pre-operation preparation, and the geological conditions of the site. The amount of money to be deposited in the account shall be determined by the Board considering the size of the facility, the extent of pre-operation preparation, and the geological conditions of the site. Any individual hired by the Town for the purpose of inspecting the construction shall be permitted to enter the site and inspect during any reasonable hours, upon showing identification and authorization to act in behalf of the Town.
6. Prior to approval by the board, the applicant shall provide a copy of a permit from the Maine Department of Environmental Protection, or a letter from the department indicating a permit is not required.
7. The owner or operator shall establish a closure or post-closure trust fund adequate in amount and terms to assure closing of the site at the end of its useful life in accordance with all state and federal requirements. The owner or operator shall pay into this fund according to the following requirements:
 - a. The owner or operator shall deposit 25 percent of the sum required into the trust fund on the date his facility license is issued. The permit is not effective unless the deposit is made.

- b. The remaining 75 percent of the sum required, adjusted for inflation, must be deposited in the trust fund in equal installments on or prior to the anniversary of the date upon which the facility license was issued, in each remaining year of the term of the license. The permit remains in effect only if each deposit is made.
 - c. The amount deposited in the trust shall be based upon an estimate of the closing costs by a Registered Professional Engineer.
8. The owner or operator must submit with his application and must submit annually thereafter, proof of liability insurance for the facility.
 - a. Coverage must be provided for sudden and accidental occurrences during active life and for so long as any waste remains on the facility property, but for no longer than a period of twenty years past the closing of the facility. The level of coverage must be at least \$1 million per occurrence and \$2 million annual aggregate.
 - b. Coverage must be provided for non-sudden and accidental occurrences during active life and for so long as any waste remains on the facility property, but for no longer than a period of twenty years past the closing of the facility. The level of coverage must be at least \$3 million per occurrence and \$6 million annual aggregate.
 - c. If a liability insurance policy is written as a "claims made" policy, an endorsement must provide for a discovery period of at least twelve months beyond the date of expiration or cancellation of the policy. The endorsement must also provide that the underwriter will notify the public in the following manner:

At least sixty days, but no more than ninety days, prior to the date upon which the policy will expire or be cancelled, give written notification to all owners of property abutting the facility and to the chief elected official of the Town, that insurance for the facility will expire or be cancelled, give date of expiration or cancellation, and that claims against the insured must be filed within 12 months from the date of expiration or cancellation, specifying where and how claims can be filed.
 - d. If liability insurance is not available, a \$2 million irrevocable letter of credit, drawn on a reputable bank, the terms of which the board must approve, may be utilized in lieu of liability insurance for sudden and accidental occurrences.
9. The applicant shall allow regular inspection of the facility and the materials deposited therein by a representative of the Town, over the life of the landfill. Any individual hired by the Town to conduct this inspection shall be permitted to enter the site and inspect whenever the site is open for operation, showing identification and authorization to act in behalf of the Town.
10. The operator shall forward the results of all analyses of samples from monitoring wells to the Board.

5.20 ACCESS TO BACK LOTS

A building permit may be issued to erect a structure on a lot without frontage on a public way, **a private road in regular use as of July 2011**, or a private road constructed pursuant to an approved subdivision provided that:

1. access meeting the following criteria has been constructed within a deeded right-of-way:
 - a. For access (e.g. driveway) to a single dwelling unit or lot a driveway wide enough to accommodate emergency vehicles is recommended (e.g. twelve feet)
 - b. Any road serving two lots or dwelling units shall be constructed to a minimum width of sixteen feet **within a right-of-way having a minimum width of fifty (50)**

Performance Standards

- feet.** The road should have an appropriate base and have drainage ditches and culverts at all appropriate points.
- c. Any road serving any combination of three or more lots or dwelling units shall meet the road design and construction standards set fourth in the Subdivision Regulations for the Town of Hiram.
 - d. Roads within Mobile Home Parks shall meet the requirements set fourth in the subsections under Article 5.9.7 MOBLE HOME PARKS.
2. and all other provisions of this ordinance and other applicable ordinances have been met.

ARTICLE 6 ADMINISTRATION

6.1 ENFORCEMENT

This ordinance shall be enforced by a Code Enforcement Officer appointed by the Municipal Officers.

6.2 BUILDING OR USE PERMIT

1. All applications for building or Use Permits shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose.
2. Within seven days of the filing of an application for a Building or Use Permit, the Code Enforcement Officer shall approve, deny or refer to the Planning Board for Conditional Use Permit, all such applications. His decision shall be in writing on a form designed for the purpose, and communicated directly to the applicant. One copy of the Code Enforcement Officer's decision shall be filed in the Municipal Office. In cases where the Code Enforcement Officer deems that a Conditional Use Permit is required, he shall also provide a copy of his decision to the Planning Board.
3. No building permit for a building or structure on any lot shall be issued except to the owner of record thereof, or his authorized agent, until the proposed construction or alteration of a building or structure shall comply in all respects with the provisions of this Ordinance or with a decision rendered by the Board of Appeals or the Planning Board. Any application for such a permit shall be accompanied by a plan, accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, an on-site soils survey in accord with the USDA Soil Conservation Service National Cooperative Soil Survey, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and structures are to be constructed, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this Ordinance. No person, firm, or corporation shall be issued a building permit for any project as long as that person owns, occupies, uses or controls any other property in violation of any Town Ordinance.
4. Applications for permits with their accompanying plans and Building Permits shall be maintained as a permanent record by the Municipal Officers of the Code Enforcement Officer.
5. A building permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one year of the date on which the permit is granted, and if the work or change is not substantially completed within two years from the date on which the permit is granted.

6.3 PLUMBING PERMIT REQUIRED

No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid plumbing permit has been secured by the applicant or his authorized agent in conformance with the sanitary provisions of this Ordinance.

6.4 FEE

No building permit shall be issued without payment of a fee.

FEE SCHEDULE –

Are shown on a schedule adopted by the Planning Board and Municipal officers separate from the ordinance.

ENFORCEMENT OFFICER

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings, structures, additions, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

6.5 LEGAL ACTION AND VIOLATIONS

When any violation of any provision of this Ordinance shall be found to exist, the Municipal Attorney, as designated by the Municipal Officers, either on his own initiative, or upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Municipality.

6.6 FINES

Any person, firm or corporation being the owner or having control or use of any building or premises who violates any of the provisions of the Ordinance, shall be guilty of a misdemeanor and on conviction shall be fined not less than \$5.00 nor more than \$100.00 each day such a violation is permitted to exist after notification shall constitute a separate offense.

6.7 APPEALS AND CONDITIONAL USE PERMITS

6.7.1 PROCEDURE

1. All appeals or applications for Conditional Use Permits shall be based upon a written decision of the Code Enforcement Officer.
2. Administrative appeals and variance appeals shall be heard and decided upon by the Board of Appeals in accordance with the provisions of this Ordinance.
3. Applications for Conditional Use Permits shall be heard and decided upon by the Planning Board in accordance with the provisions of this Ordinance.
4. Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeal and from the Board of Appeals to the Superior court according to State Law.
5. Conditional Uses shall lie from the decision of the Code Enforcement Officer to the Planning Board and from the Planning Board to the Superior Court according to State Law.
6. Fees- Are shown in a schedule adopted by the Planning Board and Municipal Officers separate from the ordinance.

6.7.2 BOARD OF APPEALS

6.7.2.1 ESTABLISHMENT

A Board of Appeals is hereby established in accordance with State Law and the provisions of this Ordinance.

6.7.2.2 APPOINTMENT AND COMPOSITION

1. The Board of Appeals shall be appointed by the Municipal Officers and shall consist of 5 members, all of whom shall be legal residents of the municipality, serving staggered terms of at least 3 and not more than 5 years. The Board shall elect annually a chairman and secretary from its membership. The secretary shall keep the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the board shall be public record. A quorum shall consist of 3 members.
2. A municipal officer may not serve as a member.
3. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.
4. A member of the board may be dismissed for cause by the Municipal Officer upon written charges and after Public Hearing.

6.7.2.3 POWERS AND DUTIES

1. ADMINISTRATIVE APPEALS: to hear and decide where it is alleged there is an error in any order, requirement, decision, or determination by the Code Enforcement Officer in the enforcement of this Ordinance. The action of the Code Enforcement Officer may be modified or reversed by the Board of Appeals, by concurring vote of at least 4 members of the Board.
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. 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.

6.7.2.4 APPEAL PROCEDURE

1. In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his appeal with 30 days after a decision is made by the Code Enforcement Officer. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.
2. Fees- Are shown in a schedule adopted by the Planning Board and Municipal Officers separate from the ordinance.
3. Following the filing of an appeal, and before taking action on any appeal, the Board of Appeals shall hold a Public Hearing on the appeal within 30 days. The Board of Appeals shall notify the Code Enforcement Officer and the Planning Board, at least 20 days in

advance, of the time and place of the hearing, and shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area.

4. In appeals involving the use of buildings or premises, the Board of Appeals shall notify by certified mail the appellant and the owners of all property within 500 feet of the property involved at least 10 days in advance of the hearing, of the nature of the appeal and of the time and place of the Public Hearing.
5. In the case of appeals involving space and bulk regulations or interpretations, the Board of Appeals shall notify by certified mail the appellant and only the owners of property abutting the property for which an appeal is taken at least 10 days in advance of the hearing, of the nature of the appeal and of the time and place of the Public Hearing thereon. For the purpose of this section, abutting properties shall include properties directly across a street or waterbody from the property for which the appeal is made.
6. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.
7. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.
8. The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.
9. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
10. Within 20 days of the Public Hearing, the Board of Appeals shall reach a decision on an appeal and shall inform, in writing, the appellant, the Code Enforcement Officer, the Planning Board, and Municipal Officers of its decision and its reasons therefore.
11. Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately issue a building Permit in accordance with the conditions of the approval.
12. A variance under the provisions of this Ordinance secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within one year of the date on which the appeal is granted, and if the work or change is not substantially completed within two years.

6.7.3 CONDITIONAL USE PERMITS

6.7.3.1 AUTHORIZATION

The Planning Board is hereby authorized to hear and decide upon applications for Conditional Use Permits in accordance with State Law and the provisions of this Ordinance.

6.7.3.2 POWERS AND DUTIES

The Planning Board shall hear and approve, approve with modifications or conditions, or disapprove all applications for Conditional Use Permits. No Conditional Use Permit shall be authorized unless specific provisions for such Conditional Use is made in this Ordinance.

6.7.3.3 APPLICATION PROCEDURE

1. A person informed by the Code Enforcement Officer that he requires a Conditional Use Permit shall file an application for the permit with the Planning Board on forms provided for the purpose.
2. Fees - Are shown in a schedule adopted by the Planning Board and Municipal Officers separate from the ordinance.
3. Following the filing of an application, and before taking action on any application a Public Hearing must be held within 30 days. The Planning Board shall notify the Code Enforcement Officer, Municipal Officers, and the Board of Appeals, at least 20 days in advance, of the time and place of the hearing, and shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area.
4. The Board shall notify by certified mail, the applicant and the owners of all property within 500 feet of the property involved at least 10 days in advance of the hearing, of the nature of the application and of the time and place of the Public Hearing.
5. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a Notice of Public Hearing shall not necessitate another hearing or invalidate any action by the Planning Board.
6. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.
7. The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Planning Board all plans, photographs, or other material he deems appropriate for an understanding of the application.
8. The applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
9. Within 20 days of the Public Hearing, the Planning Board shall reach a decision on a Conditional Use and shall inform, in writing, the applicant, the Code Enforcement Officer and Municipal Officers of its decision and its reasons therefore.
10. Upon notification of the decision of the Planning Board the Code Enforcement Officer, as instructed, shall immediately issue, issue with conditions prescribed by the Planning Board, or deny a Building Permit.
11. A Conditional Use Permit secured under the provisions of this Ordinance by vote of the Planning Board shall expire if the work or change involved is not commenced within one year of the date on which the Conditional Use is authorized, and if the work or change is not substantially completed within two years.

6.7.3.4 FACTORS APPLICABLE TO CONDITIONAL USES

1. In considering a Conditional Use Permit the Planning Board shall evaluate the immediate and long-range effects of the proposed use upon:
 - a. The maintenance of safe and healthful conditions.
 - b. The prevention and control of water pollution and sedimentation.
 - c. The control of building sites, placement of structure and land uses.
 - d. The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat.
 - e. The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty.

2. The Planning Board shall also consider the following factors:
 - a. The compatibility of the proposed use with adjacent land uses.
 - b. The need of a particular location for the proposed use.
 - c. Access to the site from existing or proposed roads.
 - d. The location of the site with respect to flood plains and floodways of rivers or streams.
 - e. The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems.
 - f. The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation.
 - g. Existing topographic and drainage features and vegetative cover on the site.
 - h. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - i. The impact of the proposed use on transportation facilities.
 - j. The impact of the proposed use on local population and community facilities (e.g. roads).
 - k. The impact of the proposed use on local water supplies.

6.7.3.5 CONDITIONS ATTACHED TO CONDITIONAL USES

1. Upon consideration of the factors listed above, the Planning Board may attach such conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to further the purposes of this Ordinance. Violation of any of these conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational controls; professional inspection and maintenance; sureties; deed restrictions; restrictive covenants; locations of piers, docks, parking and signs, type of construction; or any other conditions necessary to fulfill the purposes of this Ordinance.
2. In order to secure information upon which to base its determination, the Planning Board may require the applicant to furnish, in addition to the information required for a Conditional Use Permit, the following information;
 - a. A plan of the area showing contours at intervals to be determined by the Planning Board and referred to Mean Sea Level, high water elevation, groundwater conditions, bedrock, slope and vegetative cover.
 - b. A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification.
 - c. Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping.
 - d. Plans of buildings, sewage disposal facilities, and water supply systems.
 - e. Other pertinent information necessary to determine if the proposed use meets the provisions of this Ordinance. In evaluating each application the Planning Board may request the assistance of the

Administration

Regional Planning Commission, County Soil and Water Conservation District and any other State or Federal agency which can provide technical assistance.

APPENDIX A: SUBSURFACE WASTE DISPOSAL, SMALL LOTS

TITLE 30, MAINE REVISED STATUTES

SECTION 4807-B APPROVAL OF SMALLER LOTS

A lot of less than the size required in section 4807-A (20,000 square feet) may be used for subsurface waste disposal if approved in writing by the Board of Environmental Protection. Approval shall be granted if the applicant for approval demonstrates to the Board of Environmental Protection that, based upon the amount and nature of wastes, construction of the subsurface disposal system, soil types and slopes, percolation rates, depth to bedrock and groundwater, density of any proposed development, and other relevant factors, the proposed subsurface waste disposal will not lower the water quality of or otherwise pose a threat to any lake, pond, stream, river or tidal waters, any underground water supply, or to the public health, safety and general welfare.

SECTION 4807 – D EXEMPTIONS

This chapter as to the use of a lot for single family residential purposes shall not apply to any lot which prior to January 1, 1970, was specifically described as an identifiable and separate lot either in the instrument conveying such lot to the then owner or in a valid and enforceable agreement for purchase and sale or was shown on a plan recorded in accordance with law, prior to January 1, 1970; provided that contiguous lots in the same ownership on or after October 3, 1973 shall be considered as one lot for the purposes hereof.

This chapter shall not apply to any structure in existence and in place on or before October 3, 1973, which then or theretofore disposed of wastes by means of subsurface waste disposal; except that no person shall reduce the size of the lot upon which such structure is located to a size or frontage less than that allowed by section 4807-A unless permitted pursuant to section 4807-BB.

APPENDIX B: ROADS MAINTAINED FOR WINTER TRAFFIC

The following roads were maintained for winter travel during the winter of 1973-1974 and are used in determining the location of the Residential District in the Town of Hiram.

State Routes 5, 113, 117 and 160.

Sebago Road

Hampshire St. from Hiram village over Tearcap Mountain to Dragon Meadow Brook (Denmark town line)

Butterfield Lane, to the residence of Edith Bell Black. (Northwest corner of R11 Lot 45)

Wards Hill Road (to Baldwin Town Line)

Road to the Residence of Daniel Moore on Tearcap. (True Rd. R11 Lot 22)

So-called Dearborn Road from Sebago Road to the former Carroll Dearborn residence, (R11 Lot 33)

King Street from the Hiram Village to the residence of Lawrence Golder, (Southerly corner of R14 Lot 15, fork in the road)

Notch Road, from Rt. 113 to R. 160 south of Little Clemons Pond.

Hiram Hill Road to the residence of Donald Miller. (R-9 Lot 74)

Richardson Road to the residence of Richard Marston. (SE corner of R15 Lot 40)

River Road from Rt. 113 in Hiram Village to the bridge over the Ossipee River crossing to the Town of Cornish.

Road to the residence of Clarence Douglass. (R8 Lot 1)

Road from Route 160 in South Hiram to the bridge over the Ossipee River crossing to the Town of Cornish.

Road through Durgintown from the River Road to the road connecting South Hiram Village and Cornish Village

Road from Durgintown from the River Road to the road connecting South Hiram Village and Cornish Village.

Road from Durgintown Road through Triptown School area to Rt. 160 South of Stanley Pond.

Dr. Teg Road to the residence of William Teg. (R6 Lot 54)

So-called New Settlement Road from the road connecting South Hiram village and Cornish Village to Route 160 south of Stanley Pond.

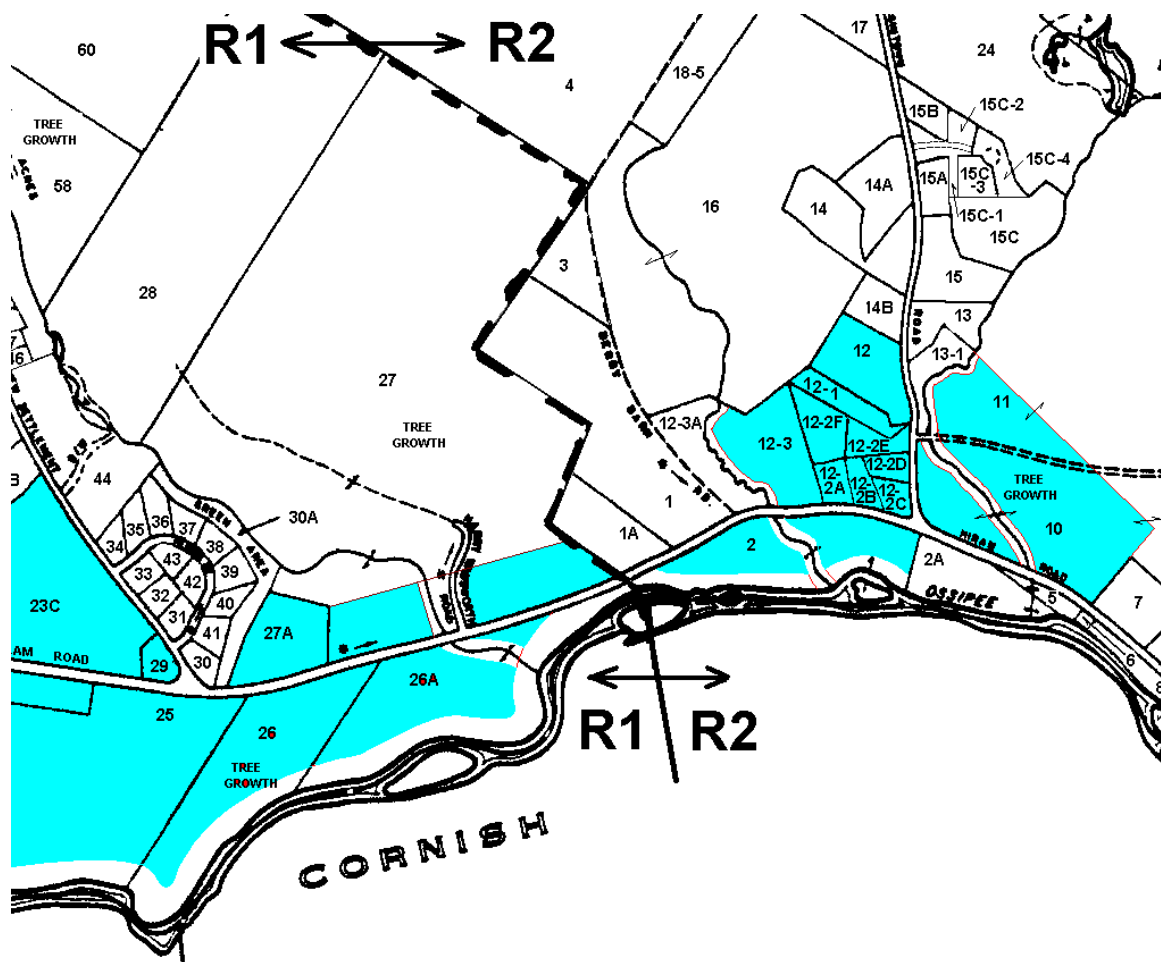
Gerrish Road to the residence of Harold Parker, (R1 Lot 18)

Mary Richardson Road for 0.2 mile from the Hiram Hill Road. (R9 Lot 52)

Scribner Mill Road to L.C.Andrews Mill. (SE corner of R10 Lot 14)

Other connecting roads within the Village areas were maintained for winter travel but are not listed since the Village District applies in those areas.

THE TAX MAP LOCATION OF THE RESIDENCES LISTED ABOVE ARE IN PARENTHESIS ACCORDING TO THE 1991 TAX MAPS FOR FUTURE REFERENCE.



Detail Map 2

The Commercial-Industrial Overlay District Includes:

Tax Map U-8, Lots 16, 18, and 19.

Tax Map U-9, Lots 1, 2, 5, 6, 7, and 22, excluding those portions of Lots 2, 5, 6, and 7 that lie within 25-feet of the centerline of the railroad track.

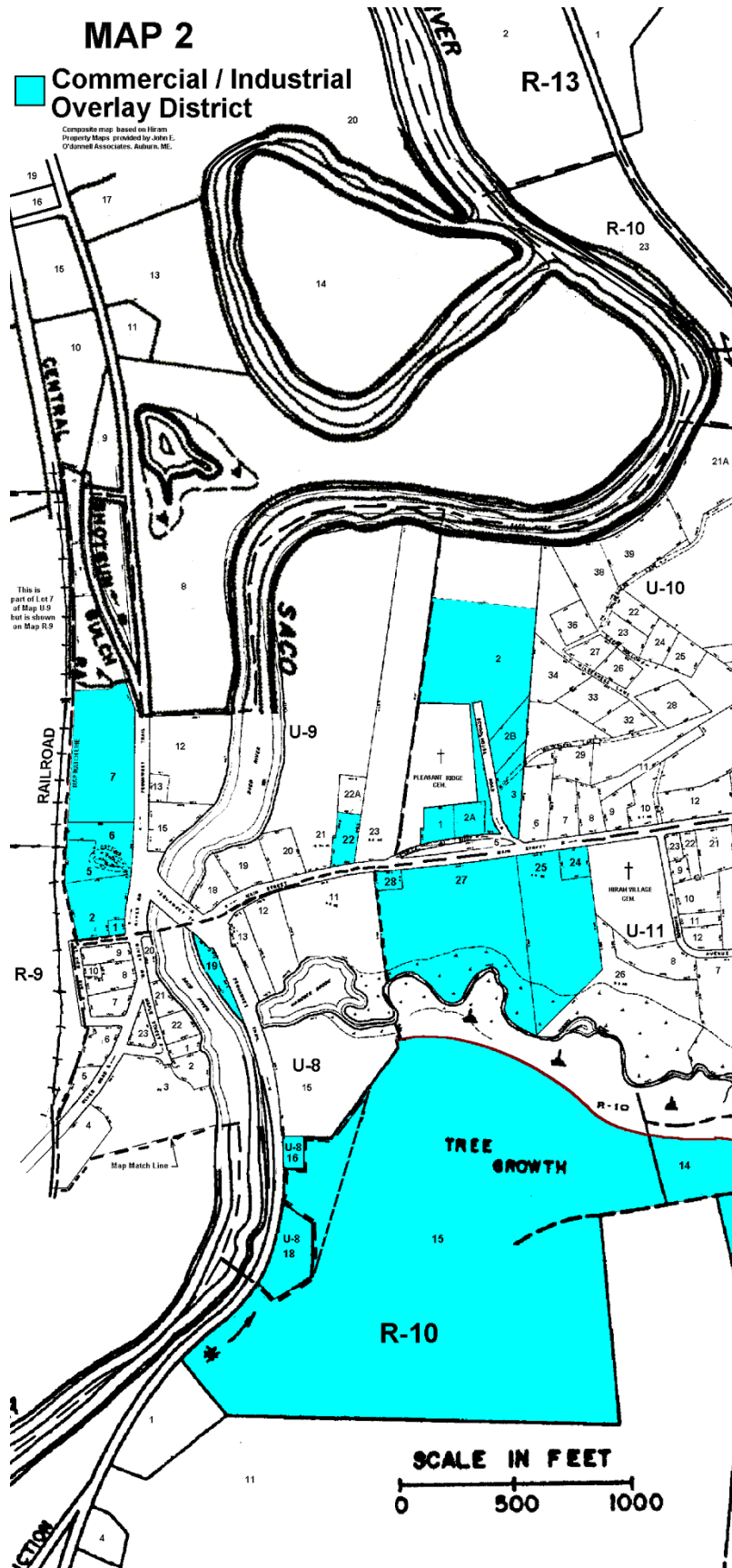
Tax Map U-10, Lots 1, 2 (excluding that part within the Shoreland Zone along the Saco River, 2A, 2B, and 3.

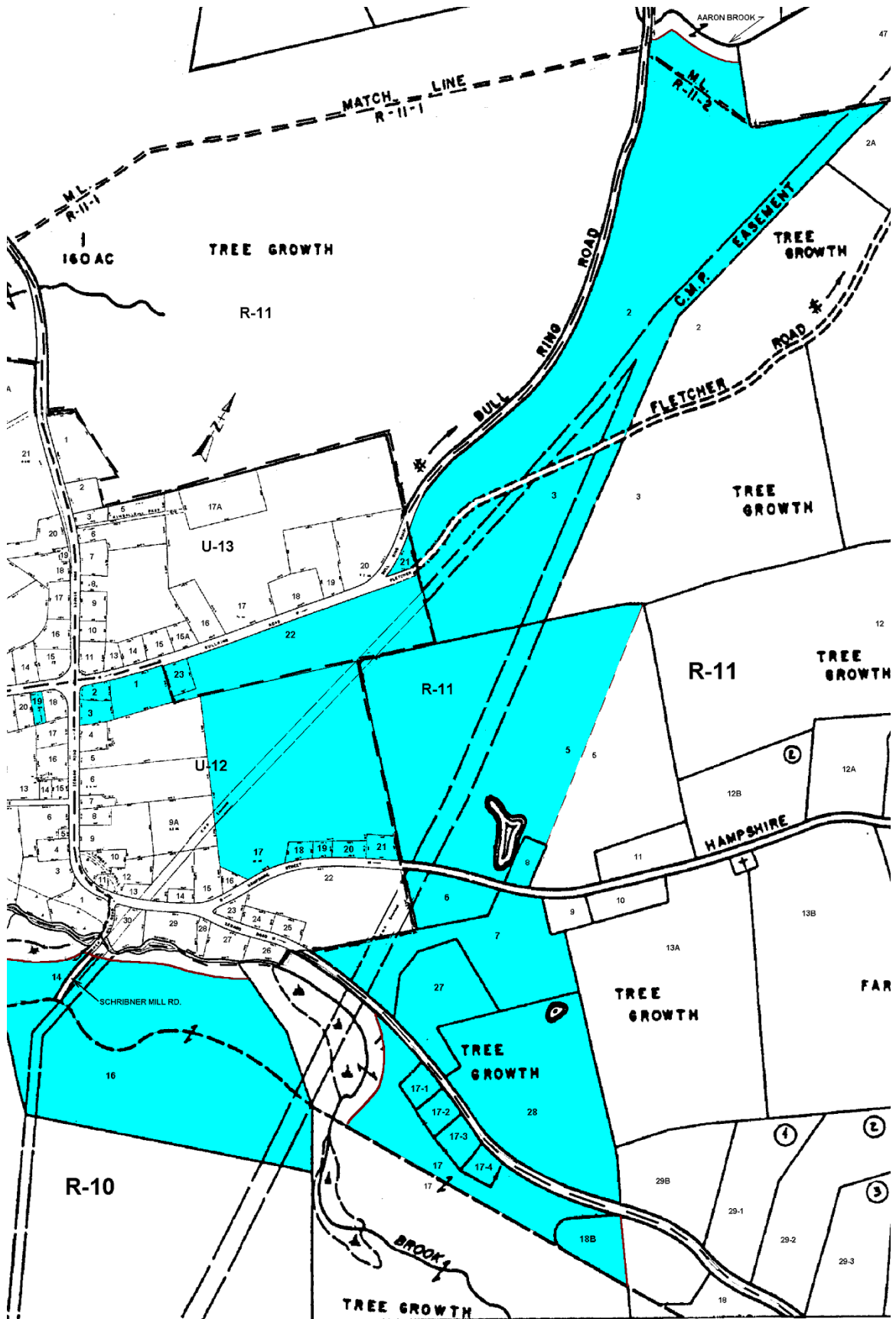
Tax Map U-11, Lots 19, 24, 25, 27, and 28, excluding the portions of lots 27 and 28 that lie within 100-feet of the wetland areas along Hancock Brook.

Tax Map U-12, Lots 1, 2, 3, 17, 18, 19, 20, and 21. Tax Map U-13, Lots 21, 22, and 23.

Tax Map R-10, Lots 14 15 16 and 17, excluding those portions that lie within 100-feet of Hancock Brook and associated wetlands, and, on Lot 17, excluding that portion south of the old railroad bed; Lots 17-1, 17-2, 17-3, and 17-4; Lot 18B, excluding that portion east of a line that is the extension of the eastern border of Lot 17.

Tax Map R-11, Lots 2 and 3 excluding that portion of Lot 2 within 100-feet of Aaron Brook and excluding those portions of lots 2 and 3 east of the CMP easement; Lot 5 excluding that portion of lot 5 east of a line running from the north-east corner of lot 8 to the northeast corner of Lot 5; Lots 6, 7, 8, and 18.





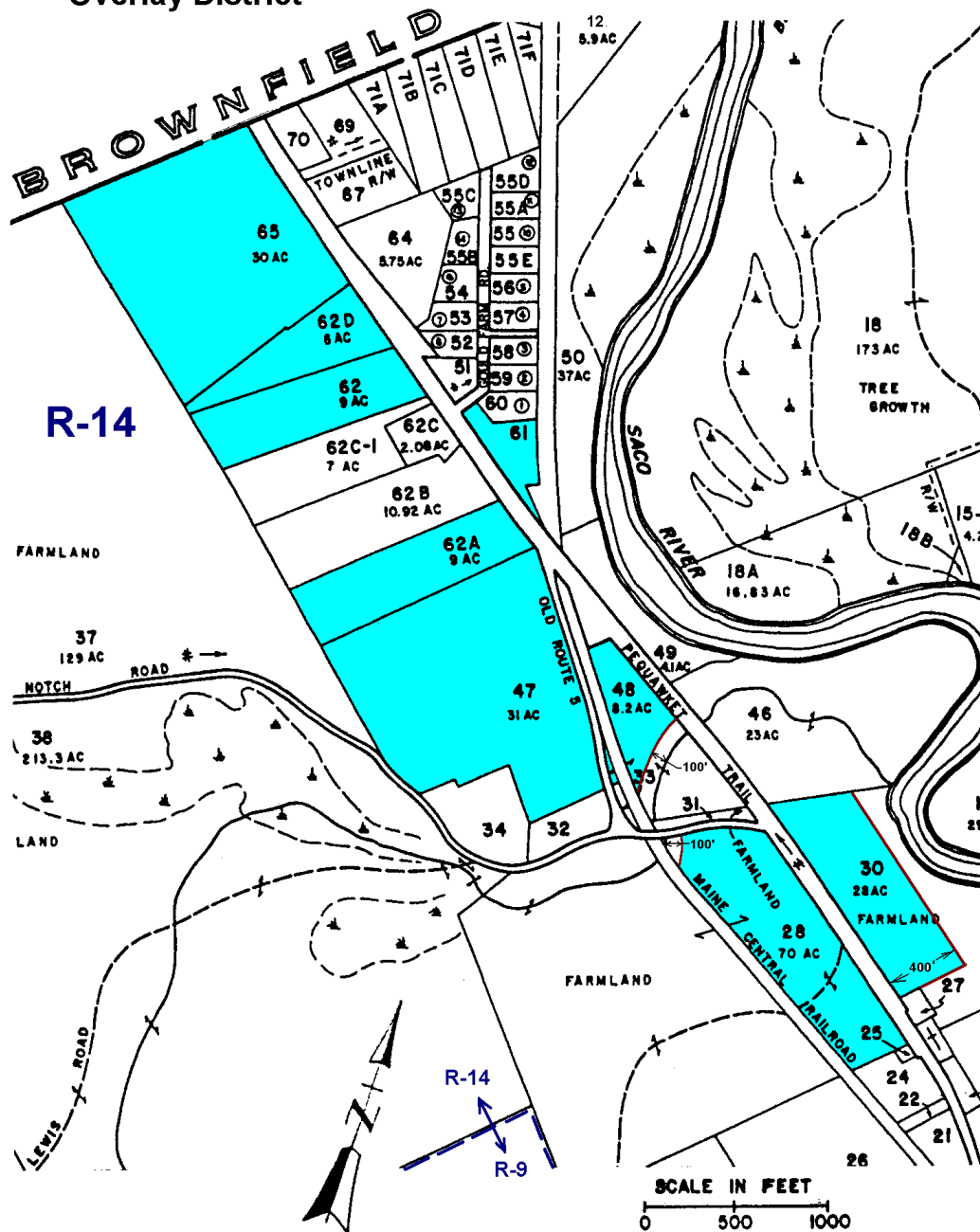
Detail Map 3

The Commercial-Industrial Overlay District Includes:

Tax Map R14 that portion of Lot 28 between Pequawket trail and the railroad tracks, excluding any portion within 100-feet of the brook passing near the western corner; a portion of Lot 30, 400-feet deep (from Pequawket trail), with the southwesterly edge extending in a line extending along the line of the northwestern boundary of Lot 27, but excluding any portion within 100-feet of the Saco River; a portion of Lot 48 west of a 100-foot setback from the brook passing through the lot; Lots 46, 61, 62, 62A, 62B, 62D, 65.

Map 3

Commercial / Industrial Overlay District



APPENDIX D: AMENDMENT HISTORY

The following summarizes the changes made to this ordinance. Previous versions of the ordinance are kept at the Town Office.

BC indicates amendments to the Building Code.

Amended at a Town Meeting on September 25, 1976

Amended at a Town Meeting on October 13, 1978. Article 5.9.4 Mobile home replacement.

Amended at a Town Meeting on March 3, 1979. Article 4.3.8 (now 4.4.8). Prohibited commercial other than Conditional Use in Residential Zone. See repeal March 7, 1998.

Amended at a Town Meeting on November 14, 1980. Adopted & included MSRP Title 30, Sections 4805-B and 4807-D as applicable to the Village District (small lots)

BC Amended at a Town Meeting on March 3, 1984. Increased from \$1,500 to \$5,000 expenditure for repairs before a building permit is required.

Amended at a Town Meeting on January 29, 1987. Increased fees. Article 5.9.1.1 Minimum floor area for manufactured housing.

Amended at a Town Meeting on May 5, 1987. Increased fees. Article 5.12.2 Off-street parking. Article 5.9 changed Mobile Home to Manufactured Housing. Article 6.2.3: added restriction on issue of a building permit if owner in violation of code.

Amended at a Town Meeting on March 3, 1990. Article 3.2 Definitions of Billboards, Mfrg. Housing, Mobile Home Parks; Article 5.9; Article 5.17 Signs; Article 6.2 Permits. BC: BOCA code adopted

BC Amended at a Town Meeting on March 2, 1991; BOCA withdrawn, back to previous.

Amended at a Town Meeting on December 9, 1991. BC: BOCA code adopted.

BC Amended at Special Town Meeting on July 16, 1992

Amended at Town Meeting on March 5, 1994

BC Amended at a Special Town Meeting on May 4, 1995, fees

Amended at a Special Town Meeting on May 30, 1996

Amended at a Town Meeting on March 7, 1998. Article 4.6: Created Commercial-Industrial Overlay District, 5.7.2 changed extraction allowed from 10 to 100 cubic yards in Residential & Rural Residential, removed prohibited uses in those zones as well.

Amended at annual Town Meeting on March 3, 2001. Article 4.2 Shoreland Zoning replaced in its entirety by a separate Shoreland Zoning Ordinance

Amended at annual Town Meeting on March 2, 2002. Article 3.2 Definition of Signs, Article 5.17 Signs

BC Amended at annual Town Meeting on March 2, 2002. Railings, Stairs

Amended at Annual Town Meeting, March 6, 2004. Articles 6.4, 6.8.1.6, 6.8.2.4, 6.8.3.3 Fees changed.

Amended at a Special Town Meeting on July 21, 2005. Article 4.6 Commercial-Industrial Overlay District expanded.

Amended at a Special Town Meeting on August 10, 2006. Added Accessory Apartment definition to Articles 3.2 & 5.1.; revised excavation not requiring a permit in 4.3.4.4, 4.4.4.4 and 4.5.4.4 and, 5.7.2 for clarity and ease of maintenance of the ordinance, revised submissions for excavation

Appendices

conditional use permit in 5.7.3 & 5.7.4 stormwater, erosion, & sedimentation control plans, and fees; added boathouses, and some piers & docks as permitted in 4.5.4.3 (current document; was 4.4.4.3) for Rural Residential district; made shore-frontage requirement in 4.4.7 (current document; was 4.3.7), 4.3.2, and 4.3.7 (current document; was 4.5.x) consistent with Hiram *Shoreland Zoning Ordinance* and in 4.4.7 made reference to Hiram *Shoreland Zoning Ordinance* for non-conforming lots; in 5.15 replaced Paragraph 5.15.5, Holding Tanks for consistency with state law – not allowed for 1st time residential use.

Amended at a Town Meeting March 6, 2010. Editorial: Moved order of Districts in Articles 2.1 and 4 so that Village District appears before Residential District instead of after Rural Residential. Added a note noting overlap of districts in Article 2.1. Added notes to Article 4.2 Shoreland District to clarify that the most recent Shoreland Zoning Ordinance applies and that the district can overlap some others. In Appendix B: Roads Maintained for Winter Traffic, added the names “Gerrish” and “Schribner Mill” to the road descriptions already present for those roads.

Substantive: In Article 4.4.2 (Residential District-Areas to be Included) removed overlapping Village District from Residential District. This assures that the lot sizes in the Village District are to be used and not over-ridden by the more restrictive (larger) requirements of the Residential District. In Article 4.5.2 (Rural Residential District – Areas to Be Included), added wording to clarify district extent and assure no overlap with the Shoreland District. In Article 4.5.7.1 (Rural Residential District – Dimensional Requirements,-Lot Dimensions), deleted references to lots bordering on lake, ponds, rivers, or streams. Portions of lots bordering on such bodies of water are in the Shoreland Zone; the rules for the Shoreland Zone apply for the portion in the Shoreland Zone. In Article 4.6 Commercial Industrial Overlay District, added the word “Overlay” to the title to help clarify the role of that zone.

Amended at a Special Town Meeting November 18, 2010. Expanded the Commercial-Industrial Overlay District to include Tax Map U10, Lots 1,2 (except for the portion in the shoreland zone), 2A, and 2B.

Amended at Town Meeting March 3,2012. Editorial: A) in regards to Roads, changed the word *accepted* to *public*; B) rearranged, in Article 3.2 DEFINITIONS, all definitions of roads, streets, driveways, and related ways to a subsections of Roads; C) in Article 3.6.7.1 Lot Dimensions (for Commercial Industrial Overlays) referenced frontage requirements to those of the underlying districts. D) In Article 5.14.2 Basic Requirements for Cluster Developments, item 3, corrected the typographical error of the percentage of frontage required so it now shows 33%.

Substantive: A) In Article 3.2 DEFINITIONS, added a definition of *Back Lot*. B) In many places in the document that referred to what was allowed, required, or restrictive along a public road or way, added the phrase “or private way serving any combination of three or more dwelling units or lots” so that the ordinance requirements would apply to approved subdivisions and other developments that were created by lot splits that did not meet the definition of “subdivisions”. See *Signs* in Article 3.2 DEFINITIONS, Articles 4.3.7.1, 4.4.7.1, 4.5.7.1, 4.6.7.1 Lot Dimensions (for the various districts) and 5.17.1 Signs-location. C) In those same Lot Dimensions articles, removed the wording requiring 50-foot right of ways for back lots and inserted a reference to the new Article 5.20 ACCESS TO BACK LOTS that modified the requirements for access to Back Lots. D) Inserted a new Article 5.20 ACCESS TO BACK LOTS. E) In 5.9.1 Permits for campers/travel trailers, allowed storage of one camper/travel trailer on a lot without a permit (permit was required previous to this adoption). F) In 3.9.7 MOBILE HOME PARKS, when referencing requirements relative to public roads (ways), added “or private road constructed pursuant to an approved subdivision”. Added “private streets” to the distance restriction for intersection of park streets with public streets. G) In Article 5.11.2 MULTI-FAMILY DWELLING UNITS, changed the frontage requirement from 200-feet to double that required for single family dwelling units in the district where it is to be built. H) In Article 5.14.2 Basic Requirements for Cluster Developments, item 3, added lot area and frontage restrictions that applied to public roads to “private” roads.

Appendices

BC Amended at Town Meeting on March 3, 2013 To adopt only the building code portion of the Maine Uniform Building and Energy Code ("MUBEC") and not the energy code portion thereof The Maine Uniform Building Code ("MUBC") consists of the following components of MUBEC:

- 2009 International Residential Code (IRC)
- 2009 International Building Code (IBC)
- 2009 International Existing Building Code (IEBC)
- The following provisions of the American Society of Heating, Refrigerating and Air-Condition Engineers (ASHRAE) Standards:
 - o 62.1 - 2007 (Ventilation for Acceptable Indoor Air Quality)
 - o 62.2 - 2007 (Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings)
 - o E-1465-2006, Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings.

Amended at Special Town Meeting 9/13/2018

Removed all reference to permit fees and fee schedules throughout the ordinance.

Amended at Annual Town Meeting 3/5/2022 – articles in the 2021 town report for detailed changes.