

WARRANT FOR THE ANNUAL TOWN MEETING OF THE TOWN OF MOUNT VERNON

Tuesday, June 11, 2024
and
Saturday, June 15, 2024

TO: Tina Cagle, a resident in the Town of Mount Vernon, in the County of Kennebec, State of Maine,

GREETINGS: In the name of the State of Maine, you are hereby requested to notify and warn the voters of the Town of Mount Vernon, in said County, qualified by law to vote in town affairs to meet at the Mt. Vernon Community Center in said town on Tuesday the 11th of June 2024 from 8AM to 8:00PM, then and there to act on the articles numbered 1 and 2. The Town Meeting will be 9:00 AM on Saturday, June 15th, 2024 at the Mount Vernon Elementary School to act on Articles 3 through 34.

The Select Board hereby gives notice that the Registrar of Voters will be in session at the Mt. Vernon Community Center on the day of the voting, Tuesday, the 11th day of June 2024 for the purpose of voter registration.

chg

Article 1 To choose a moderator to preside at said meeting.

Article 2 To conduct all state and local elections, for which purpose the polls will be open at noon and close at 8:00 PM.

POSITION	VACANCY	TERM
Selectboard	One	3 yr
RSU 38 School Board	One	3 yr
Town Clerk/Tax Collector	One	3 yr
Road Commissioner	One	3 yr

Article 3 To see if the Town will allow the following Non-Residents to speak at the Town Meeting in order to answer any questions or to provide any other necessary information:

Town Clerk: Heather Wheeler Town Deputy Clerk: Kelley Hutchins

All other Non-Residents will be nominated to speak on an article by article basis.

Article 4 To see if the town will adopt the rules of the “Maine Moderator’s Manual” as the official rules of this meeting.

Article 5 To fix the pay of the following town officers and employees as Recommended Below:

Personnel (summarized under Administration)	24-25 rate	budgeted hours	24-25 cap
5.01 Tax collector/Town Clerk	26.91	Salary	\$ 44,778.24
5.02 Selectmen each	4,000.00	3.00	\$ 12,000.00
5.03 Select Chair	1,200.00	1.00	\$ 1,200.00
5.04 GA admin	1,000.00	1.00	\$ 1,000.00
5.05 All other admin compensation			\$ 94,550.98
Total Admin Salary & Wages			\$ 153,529.22
Fica			\$ 11,744.99
6% Total Admin Office Personnel			\$ 165,274.20

Article 6

To see if the Town will vote to raise and appropriate the following sums for General Government.

		Totals	\$ 447,946.06	Totals
	13%	Recommended:		
6.01	6%	Administration		\$ 242,518.34
6.02	54%	Legal Fees		\$ 10,000.00
6.03	new	Paid Family Medical Leave		\$ 1,000.00
6.04	2%	Elections		\$ 6,856.30
6.05	100%	Contingency Fund		\$ 10,000.00
6.06	15%	Municipal Building		\$ 25,419.66
6.07	0%	Municipal Building Lawn		\$ 30,000.00
6.08	0%	Municipal Bldg Office Equipmnt		\$ 3,640.00
6.09	250%	Office Equipment Capitol		\$ 2,800.00
6.10	4%	Property Tax Assessor		\$ 29,600.00
6.11	0%	Tax Maps		\$ 2,000.00
6.12	4%	MMA membership dues		\$ 3,419.00
6.13	new	KVCOG dues		\$ 3,487.00
6.14	71%	Code Enforcement		\$ 60,205.75
6.15	100%	Appeals Board		\$ 500.00
6.16	0%	Town Newsletter		\$ 1,000.00
6.17	-71%	Planning Board		\$ 500.00
6.18	-100%	CARRY Property Tax Abatements		\$ -
6.19	50%	Town Match Grants		\$ 15,000.00

Article 7

To see if the Town will vote to raise and appropriate for Municipal Building Capitol improvement

0% Recommended **\$ 3,000.00**

Article 8

To see if the Town will vote to raise and appropriate the following sums for Protection & Health

		Totals	\$ 618,356.65	
		Recommended:		
8.01	23%	Fire Dept Operation		\$ 224,400.26
8.02	0%	Fire Dept spec equip I		\$ 14,000.00
8.03	4%	Vehicle Maintenance		\$ 14,000.00
8.04	100%	Fire Dept Turn out gear		\$ 5,000.00
8.05	0%	Station Maintenance		\$ 5,000.00
8.06	0%	Waterhole Maint. & Development		\$ 5,500.00
8.07	0%	Dispatch ServicesCMRCC		\$ 15,489.00
8.08	21%	Dispatch Winthrop		\$ 7,090.52
8.09	110%	PSAP		\$ 16,248.61
8.10	5%	Ambulance		\$ 34,918.80
8.11	0%	Life Flight		\$ 861.50
8.12	8%	Animal Control (plus late fees)		\$ 6,370.89
8.13	-50%	General Assistance		\$ 3,000.00
8.14	new	Ins, Volunteer		\$ 150.00
8.15	-39%	Ins, Property and Casualty		\$ 24,600.00
8.16	22%	Ins, Worker's Compensation		\$ 32,445.00
8.17	-28%	street lights		\$ 2,880.00
8.18	0%	Kennebec Valley Humane Society		\$ 3,000.00
8.19	0%	e-911 signs		\$ 300.00

8.20	0%	health officer	\$	-
8.21	-100%	CARRY emergency manager	\$	-
8.22	0%	Masonic Hall Parking	\$	300.00
8.23	-50%	Unemployment	\$	500.00
8.24	8%	Transfer Station	\$	202,302.08
Article 9		To see if the Town will vote to appropriate revenue from Vienna in the amount of up to \$4,500 for Mount Vernon Rescue.		
Article 10		To see if the Town will vote to raise and appropriate the following sums for Public Works & Highways		
		Recommended:	Totals	\$ 1,147,280.00
10.01	0%	Capitol Improvement Roads	\$	50,000.00
10.02	29%	Fica/medicare roads	\$	1,930.00
10.03	46%	Road Maint/Bush	\$	159,000.00
10.04	9%	Road Construction	\$	350,000.00
10.05	60%	Bridge & Culvert	\$	40,000.00
10.06	54%	Snowplow Contract Roads	\$	408,850.00
10.07	28%	Snowplow Contract non-roads	\$	14,500.00
10.08	19%	Winter Sand/Salt stockpile	\$	120,000.00
10.01	20%	Sign Account	\$	3,000.00
Article 11	new	To see if the Town will vote to raise and Appropriate up the following recommended amount, and appropriate all monies collected to act as seed money for start up of an afterschool childcare		
		Recommended:	\$	22,000.00
Article 12		To see if the Town will vote to raise and appropriate the following sums for Recreation & Community	\$	-
		Recommended:	Totals	\$ 56,346.98
12.01	21%	Community Center	\$	10,685.57
12.02	1%	Dr. Shaw Memorial Library	\$	44,661.41
12.03	-64%	Cemetery	\$	1,000.00
Article 13		To see if the Town will vote to raise and appropriate the following sum for the 2024-2025 dues for the Inter-Local agreement for the management of the Belgrade Area Dams.		
	-31%	Recommended	\$	7,234.00
Article 14		To see if the Town will vote to raise and appropriate the following sums for these community service/non-profit organizations:		
		Recommended	Totals	\$ 9,504.00
14.01	0%	30 Mile River Watershed Association	\$	3,000.00
14.02	-12%	Sexual Assault Crisis & Support	\$	504.00
14.03	0%	Family Violence Project	\$	2,000.00
14.04	0%	Hospice Volunteers	\$	1,000.00
14.05	0%	Spectrum Generations	\$	1,000.00
14.06	0%	7 Lakes Alliance boat inspection/erosion control work	\$	2,000.00

Article 15 To see if the Town will appropriate up to \$31,000 from surplus, to repair the Community Center Roof. If funds are awarded from FEMA, they will go back to surplus to replace these funds.

Article 16 To see if the Town will vote to accept a grandfather clock made in Plymouth Conn. for James Chapman of Mt. Vernon about 1812, at the time of his marriage to Mary (Polly) Porter. Daphne Sanders is making this donation to be placed at the Doctor Shaw Library.

Article 17 To see if the Town will vote to appropriate the following sums from estimated revenues and the undesignated

		Totals	
17.01	Cable Franchise Fee		6,000.00
17.02	Code Enforcement Permits		18,000.00
17.03	Excise Tax: Boat		3,000.00
17.04	Excise Tax: Car/Truck		300,000.00
17.05	General Assistance		1,500.00
17.06	Lien Income		7,500.00
17.07	Lincoln Walton Trust Fund		20,000.00
17.08	Municipal Revenue Sharing		200,000.00
17.09	Tax Interest		15,000.00
17.10	Town Clerk Fees & State Agent Fees		11,000.00
17.11	Transfer Station Fees & Revenues		11,000.00
17.12	Tree Growth Refund		10,000.00
17.13	URIP (Local Road Assistance)		55,000.00
			<hr/> 658,000.00

Article 18 To see if the Town will vote to appropriate all the snowmobile fees reimbursed from the State of Maine for the Mount Vernon Ridge Riders Snowmobile Club.

Article 19 To see if the Town will authorize the Select Board to accept and expend funds from any Federal, State, Local or private grant or revenue funds not listed in other articles.

Article 20 To see if the Town will vote to authorize the Select Board to reimburse all town officials and employees for necessary travel at the rate of \$.50/mile.

Article 21 To see if the Town will authorize the Town Clerk or Deputies to charge a State Rate of \$25.00 for the receipt of checks with insufficient funds.

Article 22 To see if the Town will authorize the Select Board to expend the revenues of Special Revenue funds.

Article 23 To see if the Town will authorize the Select Board to expend the income earned by the Cemetery Trust Funds, Noah A. & Nellie E. Clough Trust Fund, Dr. Gilman Trust Fund, Dr. Shaw Memorial Library Trust Fund, and the Robert George Weiss Memorial Fund for the purpose specified for each trust fund.

- Article 24** To see if the Town will vote to direct the Select Board to not authorize any payments that would overdraft an account (a budgeted expenditure), unless the payments are required by law, approved by voters at a Special Town Meeting, or are the result of a natural disaster. Excess revenues are not considered part of the budgeted expenditures voted on at Town Meeting.
- Article 25** To see if the Town will authorize the Select Board to issue orders for the closing of roads to winter maintenance.
- Article 26** To see if the Town will vote to make property taxes payable, one-half on September 30, 2024 and one-half on March 31, 2025, and that interest be charged on overdue taxes at the rate of 9.0% (or the maximum allowed by state law, if that is greater) per annum after those dates.
- Article 27** To see if the Town will authorize the Select Board to sell and convey/advertised property belonging to the Town by reason of matured tax liens, by sealed competitive bids to be opened in public at an announced time, to the highest acceptable bidder, retaining the right to accept or reject all bids at their discretion, after first posting notice of such sales in the same places that Town Warrants are posted. The Select Board is to give not less than ten days' notice of such sales in a local newspaper and town website, with a description of the properties to be sold. The Select Board is to allow delinquent taxpayers the opportunity to redeem their former property until such time as a bid is accepted from another person on the advertised day of sale, by paying back taxes, administrative costs, and interest to the date of sale.
- Article 28** To see if the Town will vote to carry over Fire, Rescue, Transfer Station, Cemeteries, Public Access TV, Beach and Road accounts unspent balances as Department Capitol accounts; which may only be used by approval of the Selectboard stating purpose in published agenda and minutes. Unspent balances in Capitol funds, specified Special Revenue accounts (Library, Community Center, Aging in Place, Beach, and Athletic), and the general fund contingency account will be carried over to the next year for that same account. Any other non-capitol unspent balance accounts will lapse to General Fund.
- Article 29** To see if the Town will authorize the use of the revenues from the Planning Board, Code Enforcement, Newsletter, and the Appeals Board to help offset the expenditures of such departments.
- Article 30** To see if the Town will vote to exceed the property tax levy limit of \$_____ established for the Town of Mount Vernon by State law in the event that the municipal budget approved under the preceding articles will result in a tax commitment that is greater than the property tax levy limit.
- Article 31** To see if the Town will vote to increase the property tax levy limit only in the circumstance and only to the extent that projected State of Maine revenues for the fiscal year 2024-2025 including, but not limited to, municipal revenue sharing and homestead exemption reimbursement, are adjusted downwards between the annual Town Meeting and the date of commitment, and the result of those adjustments is that the property tax levy calculated at the date of commitment will be greater than the property tax levy calculated at the time of the annual Town Meeting.
- Article 32** To see if the town will adopt amendments to the LUO as recommended by the Ordinance Review Committee regarding definition and notification of abutters, scope of review of appeals board, town attorney and CEO recommendations.
(Public hearing held on April 24, 2024)

1.ADD A DEFINITION OF ABUTTER TO SECTION 3 DEFINITIONS

Abutter: The owner of a lot that is next to the lot on which the proposed activity will occur and which shares a common boundary or portion of a boundary with the lot on which proposed activity will occur. The owner of a lot that is separated by a road from the lot on which the proposed activity will occur and which is directly across the road from the lot on which the proposed activity will occur is also considered an abutter.

2. AMEND SECTION 6(D)(1)(p) Section 6(D)(1)(p) – Site Plan Review, Data Requirements, The Site Plan Application Shall Include as a Minimum Proof of notification and the notification letter sent by the applicant to all abutters of the proposed development site, ~~neighbors owning and owners of property~~ within three hundred (300) feet of any portion of the proposed development site, and town officials, including Select Board, Fire Chief, C.E.O., Planning Board Chair and Road Commissioner; said letter being postmarked or received at least seven (7) days prior to the Planning Board meeting accepting initial application.

3. AMEND SECTION 6(C)(4)(b) Section 6(C)(4)(b) – Site Plan Review, Application Procedures, Public Hearings The Planning Board shall notify, by certified mail, the applicant and all abutters of the property involved, ~~and owners of property within three hundred (300) feet of any portion of the proposed development site, including owners of property on the opposite side of the street,~~ at least ten (10) days in advance of the hearing, of the nature of the application and of the time and place of the public hearing. 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.

4. AMEND SECTION 6(D)(1)(d) Section 6(D)(1)(d) – Site Plan Review, Data Requirements, Minimum Requirements The property lines and lot numbers of all properties abutting the proposed development, ~~and owners of property within three hundred (300) feet of any portion of the proposed development site, including those properties across the street,~~ together with the names and addresses of the owners as disclosed on the tax maps on file in the Town Office as of the date of the Site Plan review application.

5. AMEND SECTION 7(C)(2) Section 7(C)(2) Subdivision Review, Preapplication, Notification of Abutters The Planning Board shall consider the submission of a preapplication sketch plan sufficient to warrant notification of abutters. Accordingly, upon receiving such an application, the Planning Board shall notify by mail all abutting property owners, ~~and owners of property within three hundred (300) feet of any portion of the proposed subdivision, including property owners across any public or private road the subdivision may abut,~~ specifying the location of the proposed subdivision and a general description of the project.

6. AMEND SECTION 7(D)(2)(e) Section 7(D)(2)(e) Subdivision Review, Minor Subdivisions, Procedure The Planning Board shall hold a public hearing on the Final Plan within thirty (30) days of receipt of a complete application, and shall provide notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least seven (7) days prior to the hearing. In addition, notice shall be posted on the Town bulletin boards used to post notice of Town meeting at least seven (7) days prior to the public hearing, and timely notice shall be provided through any town publications, whenever possible. The Planning Board shall also notify in writing all owners of abutting property, ~~and owners of property within three hundred (300) feet of any portion of the Final Plan,~~ of the hearing.

7. AMEND SECTION 7(E)(1)(e) Section 7(E)(1)(e) Subdivision Review, Preliminary plan for Major/High Impact Subdivisions, Procedure The Planning Board shall hold a public hearing on the Preliminary Plan application within thirty (30) days of receipt of a complete application, and shall provide notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least seven (7) days prior to the hearing. In addition, notice shall be posted on the Town bulletin boards used to post notice of Town meeting at least seven (7) days prior to the public hearing and timely notice shall be provided through any town publications, whenever possible. The Board shall also notify in writing all owners of abutting property, ~~and owners of property within three hundred (300) feet of any portion of the Preliminary Plan,~~ of the hearing.

8. AMEND SECTION 11(J)(1)(e) Section 11(J)(1)(e) Administration, Enforcement and Penalties, Appeals Procedure, Making an Appeal The Board of Appeals shall notify, by certified mail, the applicant, all parties to the proceeding below, and all abutters of the property involved, and owners of property within three hundred (300) feet of any portion of the property involved, including owners of property on the opposite side of the street, at least ten (10) days in advance of the hearing, of the nature of the appeal and of the time and place of the public hearing. A copy of the variance request in the Shoreland Zone shall be forwarded to the Commissioner of the department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals as outlined in 11(I)(5) above. The owners of property shall be considered to be those against whom taxes are assessed. The Board of Appeals shall notify the Planning Board and the municipal officers of any hearing and shall cause said notice of hearing to be posted at such locations where the Town commonly posts public notice, at least fourteen (14) days prior to the hearing. Failure of any property owner to receive notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

9. AMEND SECTION 11(I)

Section 11(I) Appeals

1. POWERS AND DUTIES OF THE BOARD OF APPEALS

The Board of Appeals shall have the following powers:

a. Administrative Appeals

To hear and decide appeals, where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance.

Enforcement decisions made by the Code Enforcement Officer are not appealable to the Board of Appeals. An “enforcement decision” includes “stop work orders, notices of violation, and other enforcement decisions concerning land use activities undertaken after a permit has been granted or denied.

b) Variance Appeals

Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

~~NOTE: Enforcement decisions made by the Code Enforcement Officer are not appealable to the Board of Appeals. An “enforcement decision” is any decision concerning land use activities undertaken after a permit has been granted or denied and includes but is not limited to “stop work” orders, notices of violation, and the commencement of a civil action under Rule 80-K, Maine Rules of Civil Procedure.~~

2. STANDARD OF REVIEW

a. DE NOVO

All appeals from a decision, determination, requirement, or failure to act of the Code Enforcement Officer, and decisions of the Planning Board made without conducting a public hearing, shall be conducted “de novo”. The Board of Appeals shall conduct a fact-finding hearing at which it may receive and consider evidence and testimony and oral or written argument in addition to the record of the action taken by the CEO. Based on all the evidence presented, the Board of Appeals shall decide whether the application conforms to the requirements of the Land Use

Ordinance, or in the case of a failure to act, whether there has been a failure to act. When acting in a “de novo” capacity, the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of the evidence and the law, and reaching its own decision.

b) APPELLATE Appeals from decision of the Planning Board, in those instances where the Planning Board has conducted a public hearing, shall be strictly “appellate” proceedings. Such review is limited to the record of the proceedings before the Planning Board, and the Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider oral and written argument. If the Board of Appeals determines that the record of the Planning Board proceedings is not adequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding. The Board of Appeals shall not substitute its judgement for that of the Planning Board on Page 5 of 10 questions of fact. The Board of Appeals may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Land Use Ordinance or the factual findings of the Planning Board are not supported by substantial evidence in the record presented to the Planning Board.

2.3. The Board shall not grant a variance unless it finds that:

a) The proposed structure or use would meet the provisions of this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought; and,

b) The strict application of the terms of this Ordinance would result in undue hardship. The term “undue hardship” shall mean:

i. That the land in question cannot yield a reasonable return unless a variance is granted;

ii. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

iii. That the granting of a variance will not alter the essential character of the locality; and

iv. That the hardship is not the result of action taken by the applicant or a prior owner.

3.4.

In addition, the Board of Appeals may grant a variance to a setback or lot coverage standard in accordance with 30-A M.R.S. § 4353(4-A) to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses a dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with disability. The Board may impose conditions on the variance including limiting the variance to the duration of the disability or to the time the person with the disability lives in the dwelling. The term “structure necessary for access to or egress from the dwelling” shall include railing, wall or roof system necessary for the safety of or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Sections 11(E), 11(J)(1)(d) and 11(J)(1)(e) of this Ordinance.

a) A disability as defined in the Americans With Disabilities Act, the Maine Human Rights Act, or the Federal Fair Housing Act; and

b) That

the structural accommodation being requested is fundamentally necessary in order that the applicant may enjoy a reasonable use of his or her property.

4.5. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

5.6.-A copy of each variance request in the Shoreland Zone, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

6.7.-A copy of all variances granted in the Shoreland Zone by the Board of Appeals shall be submitted to the Department of Environmental Protection within seven (7) days of the decision.

10. AMEND SECTION 3 DEFINITION OF EXPANSION OF A STRUCTURE

Expansion of a Structure: An increase in the footprint or height of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

11. AMEND SECTION 5(C)(1)

Section 5(C)(1)

1. MINIMUM LOT STANDARDS - SHORELAND AND VILLAGE DISTRICT

	Minimum Lot Area	Minimum Shore Frontage ** (Feet)
Residential per dwelling unit	2 acres	200
Governmental, Institutional Commercial per principal Structure	2* acres	200 300
Public and Private recreational facility	40,000 sq ft	200

12. AMEND SECTION 5(C)(21)

Section 5(C)(21)

a. When revegetation is required in response to violations of the vegetation standards set forth in Section 5(C)(18) to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revelation must comply with the following requirements.

b. RevVegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:

c. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

13. AMEND SECTION 5(C)(5)(d)

Section 5(C)(5)(d)

5. INDIVIDUAL PRIVATE CAMPSITES

d) Only one recreational vehicle shall be allowed on a campsite. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.

14. AMEND TABLE 4-2 (only those rows and columns which are amended are included, all remaining rows and columns will remain unchanged from current version)

LAND USE		DISTRICT					
		LC	SP	RP	LR	RD	VD
4	Timber Harvesting						
A. Commercial (more than 50 cords/yr.)		PB/CEO *	PB/CEO *	PB/CEO 1 *	PB/CEO *	PB/CEO *	No
B. Non-commercial (less than 50 cords/yr.)		Yes *	Yes * 2	CEO Yes 1*	Yes *	Yes *	Yes *
15	Principal structures and uses						
A. One & two family residential		BI	PB 4	No	CEO BI	BI	CEO BI
B. Multi-unit residential		PB 13	No	No	PB	PB 13	No
21	Piers, docks, wharfs, bridges and other structures						
A. Temporary		CEO <u>17</u>	CEO <u>17</u>	CEO <u>17</u>	CEO <u>17</u>	CEO <u>17</u>	CEO <u>17</u>
48	Recreational Business	PB No	No	No	No	Yes <u>PB</u> 16	No

*See Requirements of Site Plan Review Section 6(E)(14).

**Industrial Uses not permitted within the Shoreland Zone.

1. In RP not permitted within seventy-five (75) feet of the normal high-water line of great ponds, except to remove safety hazards.

~~2. In RP not permitted within seventy-five (75) feet of the normal high-water line of great ponds, except to remove safety hazard.~~

2. Requires permit from Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

3. In RP not permitted in areas so designated because of wildlife value.

4. Provided that a variance from the setback requirement is obtained from the Board of Appeals.

5. Functionally water-dependent uses and uses accessory to such water dependent uses only.

6. See further restrictions in Section 5(C)(14).

7. Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.

8. Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.

9. See prohibited uses in Section 5(C)(6).

10. See authorized uses in Section 5(C)(7).

11. Approval required for roads only.

12. See further restrictions in Section 5(C)(8).

13. See further restrictions in Section 5(B) and Section 5(C)(8). See Section 6(E) for allowable reduction of minimum lot size after first unit.

14. Accessory structure in the Shoreland Zone must meet all requirements established by the Department of Environmental Protection under 38 M.R.S. § 3 and this Land Use Ordinance.

15. Except for commercial uses otherwise listed in Table 4-1 and Table 4-2, such as marinas and campgrounds, that are allowed in the respective district.

16. In the Rural District only, expansions of grandfathered, existing Recreational Businesses and Summer Camps are authorized, notwithstanding any provisions of Section 5(C)(8) of this Ordinance.

17. PB review may be required, see additional requirements in Section 5(C)(3)€.

15. AMEND SECTION 6(B)

Section 6(B)

This section shall apply to all development proposals..... or service organizations, non-profit organizations or activities, municipal.....

16. AMEND SECTION 6(b)(4)(a)

Section 6(B)(4)(a)

New commercial, industrial, office, multiple dwelling residential, non-profit organizations or activities, municipal, or community or service organization structures.....

17. AMEND SECTION 6(b)(4)(b)

Section 6(B)(4)(b)

Changes in use of existing structures to commercial, industrial, office, multiple dwelling residential, non-profit organizations or activities, municipal, institutional, or community or service organization structures, and changes in use from any permitted or exempt land use to another permitted or non-exempt land use;

18. AMEND MINIMUM LOT SIZE TABLE IN SECTION 6(E) USE COLUMN

Office/Commercial/Industrial/Municipal/Institutional/Utility/Non-profit organizations or activities,

Article 33

To see if the town will adopt amendments to the LUO relating to the new state law relating to affordable housing, increased density and accessory dwelling units (known as L.D. 2003) as recommended by the Ordinance Review Committee.

(Public hearings held on April 24, 2024 and May 29, 2024)

1. ADD THE FOLLOWING DEFINITIONS SECTION 3 DEFINITIONS

Affordable Housing Development:

1) For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs; and

2) For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs.

For purposes of this definition, "majority" means more than half.

For purposes of this definition, "housing costs" means:

For a rental unit, the cost of rent and any utilities (and electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and

For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

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

Attached: means connected by a shared wall to the principal structure or having physically connected finished spaces.

Base Density: the maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

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

Comparable Sewer System: Any subsurface wastewater disposal system that discharges over two thousand (2,000) gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules.

Density Requirements: The maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

Designated Growth Area: Designated growth area" means an area that is designated in a municipality's or multi-municipal region's comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent. If a municipality does not have a comprehensive plan, "designated growth area" means an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality as defined by 23 M.R.S. §754. The location of the Limited Commercial District in the Town of Mount Vernon is as defined in Section 4(C)(4) and as designated on the Official Land Use Map in APPENDIX VII of this Land use Ordinance.

Existing Dwelling Unit: a residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot. If a municipality does not have a permitting process, the dwelling unit on a lot must be in existence at the time construction begins for additional units on a lot.

Housing: any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments. For purposes of this rule, this does not include dormitories, boarding houses or other similar types of housing units. This also does not include transient housing or short-term rentals, unless these uses are otherwise allowed in local ordinance.

Land Use Ordinance: (Zoning Ordinance) an ordinance or regulation of general application adopted by the municipal legislative body which controls, directs, or delineates allowable uses of land and the standards for those uses.

Potable: Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.

Restrictive Covenant: A provision in a deed, or other covenant conveying real property, restrictive the use of the land.

Setback Requirements: the minimum horizontal distance from a lot line, shoreline, or road to the nearest part of a structure, or other regulated object or area as defined in local ordinance.

Single-Family Dwelling Unit: a structure containing one (1) dwelling unit.

Zoning Ordinance: (Land Use Ordinance) a type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

2. AMEND THE FOLLOWING DEFINITIONS SECTION 3 DEFINITIONS

Accessory Dwelling Unit ("ADU"): A secondary dwelling unit to be used as a single family dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or attached to an existing accessory structure such as an existing garage or existing barn located on the same parcel of land as the primary dwelling unit.

A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An ADU must be a minimum of one hundred ninety (190) square feet, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, adopts a different minimum standard; if so, that standard applies. ADUs may not exceed eight hundred (800) square feet.

Comprehensive Plan: Any part of the overall plan or policy for development and conservation within the municipality as defined in 30 M.R.S. § 4961 and consistent with 30-A M.R.S. §4326(1)-(4); or as subsequently developed pursuant to the Comprehensive Planning and Land Use Regulation Act, 30-A, § 4311 et seq.; specifically, the Comprehensive Plan of the Town of Mt. Vernon including the strategies for an implementation program which are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to setback, to area, shore frontage and height. Requirements which govern the size and placement of structures including, but not limited to, the following requirements: building height, lot area, minimum frontage, and lot depth.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for one family including provisions for living, cooking and eating. Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

Lot: A lot is an area of land, in one ownership or one leasehold, developed or undeveloped, with ascertainable boundaries established by deed or other instrument of record, or a segment of land ownership, developed or undeveloped, defined by lot boundary line on a subdivision plan duly approved and recorded in the Kennebec County Registry of Deeds.

Principal Structure: A structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot. Principal structure does not include commercial buildings.

Structure: Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected on or in the ground as defined in 38 M.R.S. §436-A(12). The term includes structures temporarily or permanently located, such as decks, patios and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in 30-A M.R.S. § 4201(5); geothermal heat exchange wells as defined in 32 M.R.S. § 4700-E(3-C); or wells or water wells as defined in 32 M.R.S. § 4700-E(8).

3. ADD SECTION 5(C)(35)

Section 5(C)(35) – Land Use Standards, Land Use Standards in All Districts

35. AFFORDABLE HOUSING

Multifamily housing developments that meet the definition of affordable housing must comply with minimum lot size, road frontage, shoreline frontage requirements, all provisions of this Land Use Ordinance, and must comply with all shoreland zoning requirements established by the Department of Environmental Protection under 38 M.R.S. § 3. Affordable housing developments are not exempt from the requirements for site plan review (Section 6) and subdivision (Section 7) under this Ordinance and applicable state law. Affordable housing developments located in the Limited Commercial Zone, or which are served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system are eligible for certain density bonuses as required by P.L. 2021, c. 672 (LD 2003) as follows:

a) Notwithstanding any other provision of this Ordinance, for affordable housing developments, no more than two (2) off-street parking spaces are required for every three (3) units, provided that if the number of parking spaces may be rounded up or down to the nearest whole number; and

b) In the Rural District, notwithstanding any other provision of this Ordinance, for affordable housing developments, multi-family housing may contain up to fifteen (15) units.

c) The owner of an affordable housing development provides written verification to the municipality that each unit of the housing development is connected to adequate water and wastewater services before the municipality may certify the development for compliance pursuant to Section 11(G) of this Ordinance. Written certification must include:

i. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

ii. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under 30-A M.R.S. § 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with the *Subsurface Wastewater Disposal Rules* adopted under Title 22, section 42 and 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules* ;

iii. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit;

iv. If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 02-672 C.M.R. Ch 10, section 10.25(J), *Land Use District and Standards* . Any test of an existing well or proposed well must indicate that the water supply is potable and accessible for domestic use. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

d) This section regarding affordable housing may not be construed to interfere or abrogate or annul the validity of any restrictive covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

4. ADD SECTION 6(E)(41)

Section 6(E)(41) – Site Plan Review, Performance Standards

41. ADDITIONAL PERFORMANCE STANDARDS FOR AFFORDABLE HOUSING DEVELOPMENT

In addition to all other applicable requirements, the developer must establish:

a) That a majority of the total units on the lot meet the definition of affordable.

b) The development is located within the Limited Commercial Zone, as established in this Ordinance, which constitutes Mount Vernon's designated growth area pursuant to 30-A M.R.S. § 4349-A(1)(A) or (B) or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system;

c) Is located in an area in which multifamily dwellings are allowed as of July 1, 2024;

d) Complies with minimum lot size requirements in accordance with Title 12, chapter 423-A and the minimum lot size, road frontage, and set back requirements of this Ordinance.

e) The owner or applicant agrees, as a condition of final approval, to execute and record in the Kennebec County Registry of Deeds a restrictive covenant, in the form of a deed or other recordable instrument, that:

i. Is enforceable by the Town or a party acceptable to the Town;

ii. Remains in full force and effect for a period of at least 30 years; and

iii. Provides that affordable dwelling units offered for rent shall be occupied by families whose aggregate income is equal to or less than 80% of the local area median income at the time of initial occupancy; and that affordable dwelling units offered for sale shall be occupied by families whose aggregate income is equal to or less than 120% of the local area median income at the time of initial occupancy.

5. ADD SECTION 11(G)(5)

Section 11(G)(5) – Administration, Enforcement and Penalties, Certificate of Compliance

5. In addition to all other requirements, the Building Inspector shall not issue a Certificate of Compliance for an affordable housing development or accessory dwelling unit until the requirements of Section 5(B)(10) and Section 5(C)(35) of this Ordinance have been satisfied.

6. AMEND SECTION 5(B)(6)

Section 5(B)(6) – Land Use Standards, General Standards – Building (All Districts), Road Frontage

6. ROAD FRONTAGE

Except as provided in Section 5(B)(5) & (7), all buildings shall be constructed on a lot or parcel of land with a public or private road frontage of at least two hundred (200) feet.

Road frontage for additional dwelling units after the first are as provided in Section 5(B)(8)

7. AMEND SECTION 5(B)(8)

Section 5(B)(8) – Land Use Standards, General Standards – Building (All Districts), Multiple Dwellings on a Single Lot

8. MULTIPLE DWELLING UNITS ON A SINGLE LOT

a. Minimum Lot Size and Road Frontage

If more than one dwelling unit is constructed on a single lot or parcel, ~~the parcel shall contain at least two (2) acres and two hundred (200) feet of road frontage on a public or private road for each dwelling unit. the minimum lot size for each additional dwelling unit and/or principal structure is two (2) acres. The minimum lot size for multi-family dwellings containing three or more dwelling units within a single structure are provided in Section 6(E)(1).~~

If more than one dwelling unit is constructed on a single lot or parcel, no additional road frontage is required for the additional dwelling units, unless the development is not eligible for additional dwelling unit allowance under Section 5(B)(8)(b). Development involving more than one dwelling unit on a single lot or parcel, which is not eligible under Section 5(B)(8)(b), may be eligible for reduced or no road frontage for the additional dwelling units as provided in Sections 5(B)(5), 5(B)(7), 5(B)(9), 5(B)(10), Sections 6(E)(3), 6(E)(4) and Section 7(G)(10) of this Ordinance. The lot or parcel containing additional dwelling units that is not eligible under Section 5(B)(8)(b), or under the seven other sections of this Ordinance identified in this paragraph that may allow reduced or no road frontage for the additional dwelling units, shall have at least two hundred (200) feet of frontage on a public or private road for each dwelling unit.

If more than one dwelling unit is constructed on a single lot or parcel of land located in the Shoreland Zone, see the requirements in Section 5(C)(1).

b. Additional Dwelling Unit Allowance on a Single Lot per 30-A MRS-4364-A

In all districts in which residential units are allowed, additional dwelling units may be permitted as follows:

i. Up to two (2) dwelling units per lot shall be permitted if that lot does not contain an existing dwelling unit provided minimum lot size, shoreline frontage requirements, all provisions of this Land Use Ordinance (other than road frontage and density requirements), and all shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 are met. In the Limited Commercial District, up to four (4) dwelling units per lot shall be permitted if that lot does not contain an existing dwelling unit, provided minimum lot size, all provisions of this Land Use Ordinance (other than road frontage and density requirements).

ii) On a lot with one existing dwelling unit, the addition of up to two dwelling units, one additional dwelling unit within or attached to an existing structure, or one additional detached dwelling unit, or one of each is permitted, provided minimum lot size, shoreline frontage requirements, all provisions of this Land Use Ordinance (other than road frontage and density requirements), and all shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 are met.

iii) Outside of the Shoreland Zone, additional dwelling units allowed under this Section 5(B)(8)(b) shall be subject to the same dimensional and setback requirements as a single-family dwelling except that two (2) acres of minimum lot size is required for each additional dwelling unit as shown in the following table:

iv) If more than one dwelling unit has been constructed on a lot as a result of the allowance under Sections (5)(B)(8)(b)(i) or (ii)-or Section 5(B)(10) of this Land Use Ordinance, the lot is not eligible for any additional increases in density.

v) If a lot becomes vacant as a result of a dwelling unit in existence after July 1, 2024, being torn down, the lot is not eligible for any additional increases in density.

vi) Water and Wastewater

The owner of a housing structure must provide written verification that the structure is connected to adequate water and wastewater services before a Certificate of Compliance may be issued. Written verification under this provision must include:

aa. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

bb. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under 30-A M.R.S. § 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with the Subsurface Wastewater Disposal Rules adopted under Title 22, section 42 and 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules;

cc. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit;

dd. If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 02-672 C.M.R. Ch 10, section 10.25(J), Land Use District and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and accessible for domestic use. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

ee) This section may not be construed to exempt a subdivider from the requirements for a division of a tract or parcel of land in accordance with 30-A M.R.S., chapter 187, subchapter 4, related to subdivisions.

c. Additional Density, Minimum Lot Size, and Road Frontage Requirements

The additional density, minimum lot size, and road frontage requirements for multiple dwelling units on a single lot or parcel of land as allowed by Section 5(B)(8)(a) and (b) are shown on the following table:

Districts	Number of Dwelling Units on a Single Lot	Minimum Lot Size	Minimum Road Frontage
		Requirements	Requirements
Rural District and Village District Outside of Shoreland Zone	1 Single Family Principal Dwelling	2 acres*	200 feet*
	2 Principal Dwellings (either attached or detached)	4 acres*	200 feet*
	1 Single Family Principal Dwelling Plus one additional dwelling unit within or attached to an existing structure Plus one detached additional dwelling unit OR One of each for a total of three dwelling units	6 acres	200 feet
	Greater than 3 Dwelling Units (not all in one structure) Maximum determined by lot size and road frontage	6 Acres, + 2 additional acres per dwelling unit greater than 3*	200 feet, + 200 additional feet per dwelling unit greater than 3*
Rural District	Multi Family Dwelling Units	See Section 5(B)(4), 5(B)(8)(a), and 6(E)(1)	See Section 5(B)(6), 5(B)(8)(a), and 6(E)(3)
Limited Commercial	1 Dwelling Unit	2 acres	200 feet
	2 Dwelling Units	4 acres	200 feet
	3 Dwelling Units (not all in one structure)	6 acres	200 feet
	4 Dwelling Units (not all in one structure)	8 acres	200 feet
	Multi Family Dwelling Unit containing 3 Dwelling Units in one structure	4 acres	300 feet
	Multi Family Dwelling Unit containing 4 Dwelling Units in one structure	5 acres	300 feet
	Greater than 4 Dwelling Units on a lot Maximum determined lot size and road frontage	See Section 5(B)(4), 5(B)(8)(a), and 6(E)(1)	See Section 5(B)(6), 5(B)(8)(a), and 6(E)(3)

*See Sections 5(B)(5) and 5(B)(9) for additional density allowance on legally created single lots of record in the Village District.

8. AMEND SECTION 5(C)(7)

Section 5(C)(7) – Land Use Standards, Land Use Standards in All Districts, Allowed Uses – Village District

7. ALLOWED USES – VILLAGE DISTRICT

In the Village District, the following uses shall be permitted provided all other applicable land use standards are complied with:

a. Residential and two family dwellings single-family and two family dwelling units, except that outside the Shoreland Zone, up to three dwelling units in a single structure are an allowed use if the requirements of Section 5(B)(8)(b)(ii) are met

9. AMEND SECTION 5(B)(10)

Section 5(B)(8) – Land Use Standards, General Standards – Building (All Districts), Accessory Dwelling Unit (“ADU”)

10. ACCESSORY DWELLING UNIT (“ADU”)

~~Notwithstanding the road frontage and minimum lot size requirements of this Land Use Ordinance, one ADU may be constructed either as part of the primary dwelling unit or an accessory structure or as an attached structure to a primary dwelling unit or as an attached structure to an existing accessory structure located on the same lot in any zoning district. The primary dwelling unit or the accessory structure must be in existence on July 18, 2020. Accessory dwelling units must comply with all provisions of this Land Use Ordinance, except for the road frontage and minimum lot size requirements and must meet the following additional standards:~~

~~A) Either the primary dwelling unit or the ADU must be occupied by the owner of the property.~~

~~B) An ADU shall not be constructed prior to the issuance of a permit by the Code Enforcement Officer.~~

- ~~C) No more than 5 ADU permits may be issued per year in the Town of Mount Vernon.~~
- ~~D) The ADU shall not exceed eight hundred (800) square feet in size.~~
- ~~E) The ADU shall include no more than one bedroom.~~
- ~~F) Two parking spaces must be provided for the ADU.~~
- ~~G) The primary dwelling unit must conform to the minimum lot size and frontage requirements of this Land Use Ordinance and the Plumbing Inspector indicates adequate capacity and conformity with the State Plumbing Code for the ADU in addition to the primary dwelling unit.~~
- ~~H) ADUs are permitted on conforming lots in the Village District in accordance with Section 5(B)(8).
One ADU is allowed on the same lot as a single-family dwelling unit in any area in which housing is allowed, subject to the requirements of this section.~~

a. ADUs outside the Shoreland Zone

Outside the Shoreland Zone, One ADU may be constructed only within an existing dwelling unit on the lot, attached to or sharing a wall with a single-family dwelling unit, or as a new structure on the lot for the primary purpose of creating an accessory dwelling unit. ADUs outside the Shoreland Zone must comply with all provisions of this Land Use Ordinance, except for the road frontage and minimum lot size requirements.

B) ADUs in the Shoreland Zone

In all Shoreland Zone areas, one ADU may be constructed only within an existing dwelling unit on the lot, attached to or sharing a wall with a single-family dwelling unit, or as a new structure on the lot for the primary purpose of creating an accessory dwelling unit, provided the minimum lot size, shore frontage requirements, and all other shoreland zoning requirements established by the Department of Environmental Protection under 38 M.R.S. § 3 and shoreland zoning requirements established by this Land Use Ordinance are met.

C) In all districts in which ADAs are allowed, ADUs must meet the following additional standards:

- i. Either the primary dwelling unit or the ADU must be occupied by the owner of the property.
- ii. An ADU shall not be constructed prior to the issuance of a permit by the Code Enforcement Officer.
- iii. An accessory dwelling unit must be allowed on a lot regardless of whether the lot conforms to existing dimensional requirements. Any new structure constructed on the lot to be an accessory dwelling unit must meet the existing dimensional requirements as required by the municipality for an accessory structure. The owner of an ADU must provide written verification that each of the accessory dwelling units are connected to adequate water and wastewater services prior to issuance of a Certificate of Compliance for occupancy of the ADU pursuant to Section 11 (G) of this Ordinance.
- iv. If more than one dwelling unit has been constructed on a lot as a result of the allowance pursuant to this section, the lot is not eligible for any additional units or increases in density.
- v. For an ADU located within the same structure as a single-family dwelling unit or attached to a single-family dwelling unit, the dimensional requirements and setback requirements must be the same as the dimensional requirements and setback requirements of the single-family dwelling unit.
 - aa) For an ADU permitted in an existing accessory building or secondary building or garage as of July 1, 2024, the required setback requirements for the existing accessory or secondary building apply.
- vi. The owner of an accessory dwelling unit must provide written verification to the Code Enforcement Officer that the ADU is connected to adequate water and wastewater services before the issuance of a Certificate of Compliance for occupancy of the ADU pursuant to Section 11 (G) of this Ordinance. Written verification under this provision must include:
 - aa) If an ADU is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

bb) If an ADU is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under 30-A M.R.S. § 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules;

cc) If an ADU is connected to a public, special district, or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

dd) If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10, section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

vii. ADUs are permitted on non-conforming lots if the ADU does not further increase the non-conformity and, in the Shoreland Zone, also meets the shoreland zoning requirements established by the Department of Environmental Protection under 38 M.R.S. § 3 and the shoreland zoning requirements of this Land Use Ordinance.

viii. ADUs are subject to the requirements of 30-A M.R.S § 4 and Section 7 of this Land Use Ordinance relating to subdivisions.

ix. For an ADU located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements are the same as the setback requirements and dimensional requirements of the single-family dwelling unit. For ADUs permitted in an existing accessory building or secondary building or garage as of July 1, 2024, the setback requirements for an accessory or secondary structure apply.

x. An ADU that was not built with municipal approval must be allowed if the ADU otherwise meets the requirements for ADUs under the provisions of this Land Use Ordinance and 30-A M.R.S. § 4364-B. An After-the Fact permit may be obtained for an ADU that was not built with municipal approval if the ADU otherwise meets the requirements set forth in this Ordinance, provided proper documentation has been submitted to the CEO.

Article 34

To see if the Town will vote to adjourn.

Given under our hands this ____ day of June 2024

Robert Grenier

Anna Libby

Carl Rogers