

Proposed Land Use Ordinances 2020:
Accessory Dwelling Unit
Holding Tank
Amendment to Definition of Driveway

Accessory Dwelling Unit Ordinance 06 04 2020

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.

Amend Section 5(B) to add:

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 800 square feet in size.
- E. ~~The number of occupants of the ADU shall not exceed three persons~~ 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).

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Repeal Section 5(C)(13)(b) of the Mount Vernon Land Use Ordinance and replace it with the following Section 5(C)(13)(b):

b. Holding Tanks:

i. Policy Statement: Notwithstanding any other provisions of this section, it shall be the policy of the Town of Mount Vernon to permit holding tanks only when it is conclusively demonstrated that due to site conditions, lot configuration, or other constraints, the installation of a system with a disposal field is not feasible.

ii. Holding tanks may be installed to serve structures on improved property where such structures were in existence at the time of adoption of this Ordinance (June 15, 1996) and where the design flow does not exceed 2000 gpd. Setback distances for holding tanks serving improved property shall satisfy the same conditions as those for replacement septic tanks.

iii. Holding tanks may not be used to satisfy the requirements for a Seasonal Conversion Permit under Title 30-A MRSA Section 4215 Subsection 2 or for a first-time system.

iv. A holding tank application shall be prepared by a licensed Site Evaluator and submitted on DHS form HHE-200. The Site Evaluator shall include a statement indicating that a disposal field is not feasible due to site conditions, lot configuration, or other constraints.

v. Plumbing fixtures in a structure served by a holding tank shall be modified for maximum water conservation and all water closets shall meet or exceed ASME A 112.19.2 for 1.6 gallons per flush.

vi. The application shall include a copy of a deed covenant recorded with the Registry of Deeds indicating that a holding tank for the collection and disposal of wastewater is serving the structure.

vii. The application shall include a copy of the written agreement between the property owner and septic transporter indicating the septic transporter agrees to pump the wastewater from the property and disposed at a Departmental of Environmental Protection approved disposal site.

viii. The holding tank shall be equipped with a visual and audible alarm device. The alarm shall be located and adjusted in a manner that ensures the tank will be pumped before it becomes full.

ix. Owners of wastewater holding tanks record and maintain pumping bills for at least 2 year period. These records must be submitted to the Licensed Plumbing Inspector, if requested.

x. Owners of wastewater holding tanks shall maintain the tanks in a water-tight condition. They shall prevent leaks, overflows, or spills of wastewater from the tank.

xi. Information concerning the Holding Tank must be transferred to new property owners.

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Amend the definition of Driveway in Section 3 of the Mount Vernon Land Use Ordinance as follows:

Driveway – a vehicular access-way less than five hundred (500) feet in length serving up to two single family dwellings or one two-family dwelling, or ~~less~~ up to two back lots in accordance with section 9(D) of this Ordinance.