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ARTICLE 1. PURPOSES

- 1.1 To assure that development in the Town of Howland meets the goals and conforms to the policies of the Howland Comprehensive Plan;
- 1.2 To assure the comfort, convenience, safety and welfare of the people of the Town of Howland;
- 1.3 To assure that a minimal level of services and facilities are available to the residents and to assure that lots are capable of supporting the proposed uses and structures;
- 1.4 To minimize the potential impacts from new construction or additions on neighboring properties and on the municipality; and
- 1.5 To promote the development of an economically sound and stable community.

ARTICLE 2. AUTHORITY AND ADMINISTRATION

2.1 Authority

- A. These standards have been prepared in accordance with Section 61, Chapter 90A MRSA, 1954, as amended, pertaining to Zoning Regulations and Board of Appeals and is hereby adopted by reference.
- B. These standards shall be known and may be cited as “Zoning Ordinance of the Town of Howland, Maine”.

2.2 Administration

- A. The Code Enforcement Officer and the Planning Board of the Town of Howland shall administer these regulations.
- B. The provisions of these regulations shall pertain to all construction, new or additions, proposed within the boundaries of the Town of Howland.

2.3 Amendments

- A. On petition or on recommendation of the Planning Board or on their own motion, the municipal officers may bring a proposed amendment of this ordinance before the legislative body.

ARTICLE 3. GENERAL PROVISIONS

3.1 Interpretation

- A. Interpretations of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.

3.2 Application

- A. This Ordinance applies within the Town of Howland, to the actions listed below:
- 1) Change of exterior dimensions of more than two feet of an existing structure;
 - 2) Change of exterior dimensions of a sign;
 - 3) Change of use;
 - 4) Reconstruction of a disaster destroyed structure;
 - 5) Building a new structure including a sign;
 - 6) Resumption of use of a lot or structure;
 - 7) Establishment of new use of a lot or structure; or
 - 8) Extraction of mineral resources.

3.3 Permit Required

- A. Anyone who wishes to take any of the actions listed above must apply to and obtain a building permit from the Code Enforcement Officer.
- B. Application shall be in writing and account for all aspects to which this ordinance applies. Building permits are valid for ninety (90) days for beginning construction or use and two years for completion of construction.

3.4 Code Enforcement Officer

- A. The Code Enforcement Officer shall enforce this ordinance for which purpose he/she shall establish reasonable procedures. He/she shall keep all activities within the jurisdiction of this ordinance under surveillance. He/she shall

examine all applications and within thirty (30) days grant a Building and/or Use Permit to those acceptable according to the ordinance. Failure of the Code Enforcement Officer to issue written notice of his/her decision directed to the applicant within thirty (30) days from the date of filing of the application constitutes refusal of the permit. The Code Enforcement Officer shall keep records of his/her proceedings and such records shall be public. He/she shall institute or cause to be instituted in the name of the town any or all actions that might be appropriate for the enforcement of this Ordinance.

3.5. Violations

- A. Violations of this ordinance shall be punished by a fine.
- B. Each day a violation is permitted to exist after notification by the Code Enforcement Officer shall constitute a separate violation.

3.6 Board of Appeals

- A. There shall be a Board of Appeals in accordance with the provisions of Section 61, Chapter 90A, of the MRSA, 1954, as amended.
- B. An appeal in writing may be taken from any decision of the Code Enforcement Officer to the Board of Appeals by the applicant for the permit or by any other person.
- C. On an appeal in writing to the Board of Appeals, the Board shall affirm, modify or set aside the decision appealed according to the terms of the pertinent ordinance. The Board may grant a variance from the terms of an ordinance where necessary to avoid undue hardship, provided there is no substantial departure from the intent of the ordinance. It may permit an exception to an ordinance only when the terms of the exception have been specifically set forth by the municipality. The failure of the Board to issue a written notice of its decision, directed to the applicant, within thirty (30) days from the date of filing of the appeal constitutes a denial of the appeal.

3.7 Variances

- A. When a variance is requested, notification in writing, sent by certified return receipt, must be sent to all owner(s) of abutting property that a variance from the Zoning Ordinance has been requested. The notification must state the date and time of the hearing and a brief description of the variance requested. Cost of the notification will be borne by the applicant for the variance.

B. For the granting of a variance or exception, the following rules shall apply:

- 1) A public hearing shall be held, advertised in advance, in a local newspaper and in the other places usually used for public notices, at the expense of the applicant.
- 2) A variance may be granted only in cases of undue hardship or confiscation caused by this ordinance.
- 3) The Board of Appeals may prescribe reasonable additional requirements as conditions for a variance in order to give reasonable protection for the surroundings and the community.
- 4) An exception may be granted only if the Zoning Board of Appeals has:
 - a) Established that the proposed modification is desirable for the development of the town;
 - b) That it will not depart from the intent of the Comprehensive Plan and this ordinance;
 - c) That the proposed location is not undesirable for the proposed use;
 - d) That it will not abuse the character of the neighborhood; and
 - e) That it will not create unreasonable demands for municipal services.
- 5) The Board of Appeals may prescribe reasonable additional requirements as conditions for an exception, if necessary, to meet the above requirements.
- 6) The Board of Appeals shall keep records of its proceedings and such records shall be public.

3.8 Appeal to Superior Court

- A. An appeal may be taken from any decision of the Board of Appeals to the Superior Court.

- B. The appeal to the Superior Court shall be taken within thirty (30) days after the decision. Notice of the appeal shall be ordered by the court and the appeal shall be tried and determined by the court without jury in the manner and with the rights provided by law in other civil actions so heard. Costs may be awarded to the prevailing party by the court, as justice requires.

3.9 Sale of Land

- A. It is unlawful for any landowner to sell or divide parcels of land in such a manner so as to create a lot or parcel of land with no right-of-way to it.
- B. It is unlawful for any landowner to sell or divide a lot or parcel of land that does not conform to the lot requirements of the District the lot is located in.

ARTICLE 4. ESTABLISHMENT OF ZONING DISTRICTS

- 4.1 The Town of Howland is divided into the following Zoning Districts:

- Mixed Use District
- Industrial District
- Residential A District
- Rural Residential District
- Recreation and Open Space District
- Aquifer Protection Overlay District.

4.2 Official Zoning Map

- A. Districts are located and bounded as shown on the Official Zoning Map which is adopted by reference. The Official Zoning Map shall be identified by the signatures of the Board of Selectmen and attested by the signature of the Town Clerk who shall administer the maps. For interpretations of zone boundary lines, the following rules shall apply:
 - 1) Boundary shown as approximately following centerline of street, line platted at the time of adoption of this Ordinance or town line shall be construed to follow such line.
 - 2) Boundary shown as approximately following shoreline shall be construed as following the mean high tide line at the time of adoption of this Ordinance.

- 3) Distances not thus defined or dimensioned shall be scaled to the center of the boundary line.

ARTICLE 5. REGULATIONS PERTAINING EQUALLY TO ALL DISTRICT ZONES NOTWITHSTANDING REGULATIONS PERTAINING TO INDIVIDUAL DISTRICT ZONES

5.1 Exceptions: Excepted from the regulations in all zones are:

- A. Structures and uses existing at the time the Ordinance is enacted;
- B. Reconstruction of structures destroyed less than 50% by disaster; or
- C. The area of the lot or plot of record at the time of adoption of this Ordinance.

5.2 Discontinued and Re-establishment of Use: No conforming use that has been discontinued for a continuous period of one year shall be re-established except in conformity with this Ordinance. No non-conforming structure that has been destroyed or abandoned for a continual period of one year shall be rebuilt except in conformity with this Ordinance.

5.3 Prohibited Uses:

- A. Uses or structures judged to be dangerous, noxious, injurious, unsightly, noisy, bad smelling, dirty, dusty, sooty or otherwise offensive to the surroundings of the community as a whole are prohibited.
- B. In no zone shall use or structure be permitted to be established for which it can be established that it would significantly depreciate the value of the adjacent real estate.

~~**Second Dwelling on Lot:** Any established lot, at the time this Ordinance is adopted, that contains a dwelling, will not be allowed to place a second dwelling on the lot unless the lot contains sufficient frontage and lot area so that it could be divided into two separate lots each conforming to the lot size of the individual zone.~~

5.4 AFFORDABLE HOUSING DEVELOPMENTS IN MULTI-FAMILY ZONING DISTRICTS

As required under Title 30-A MRSA §4364 by the State of Maine per L.D. 2003, the following affordable housing regulations shall become effective on July 1, 2024. [Title 30-A MRSA §4364 references P.L. 2021 Ch. 672, which is LD 2003. LD 1706 amends P.L. 2021 Ch. 672]

5.4.1 This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section. Property owners are encouraged to conduct due diligence with any applicable State, Federal and Local laws. [per 30-A MRSA §4364.7 Restrictive covenants]

This section may not be construed to exempt a subdivider from the requirements of MRSA Title 30-A subchapter 4. [per 30-A MRSA §4364.6 Subdivision requirements and LD 1706 Ch. 192]

This section may allow a dwelling unit density bonus for certain affordable housing developments approved on or after July 1, 2024 in accordance with 30-A MRSA §4364 and this section. [see LD 1706 Ch. 192 allowing January 1, 2024 implementation date]

5.4.2 APPLICABILITY AND DEFINITIONS

5.4.1.1 An affordable housing development may be allowed in zoning districts where multi-family dwellings are allowed, and which are located in a designated growth area per the Town of Howland's current adopted Comprehensive Plan meeting the following definition and requirements. The affordable housing development shall be allowed to have a dwelling unit density of 2 ½ times the base density that is otherwise allowed in the zoning district that the affordable housing development is located in. If fractional results occur when calculating the bonus density under this subsection, the number of units is rounded down to the nearest whole number. Affordable housing development as defined under this section shall mean: [per 30-A MRSA §4364.2 Density requirements; Fractional results is from 19-100 DECD Chap. 5 Section 2 C. Density Bonus]

For rental housing, a development in which a household whose income does not exceed (80) eighty percent 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 fifty one (51) percent or more of the units in the development without spending more than (30) thirty percent of the household's monthly income on housing costs; and [per 30-A MRSA §4364.1 Definition, see also LD 1706 Chap. 192]

For owned housing, a development in which a household whose income does not exceed (120) one hundred twenty percent 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 fifty-one (51) percent or more of the units in the development without spending more than (30) thirty percent of the household's monthly income on housing costs. [per 30-A MRSA §4364.1 Definition, see also LD 1706 Chap. 192]

“Housing costs” include but are not limited to the cost of rent and any utilities such as electricity, heat, water, sewer and/or trash that the household pays separately from the rent; and for an ownership dwelling unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner’s insurance, condominium fees, and homeowner’s association fees. [per 19-100 DECD Chap. 5 Affordable housing development definitions]

“Area median income” means the midpoint of a region’s income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development. [per 19-100 DECD Chap. 5 Affordable housing development definitions]

“Base density” for purposes of this section shall mean the maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in the Town of Howland. [per 19-100 DECD Chap. 5 Definitions]

5.4.2 ELIGIBILITY REQUIREMENTS FOR DENSITY ALLOWANCE

5.4.2.1 The affordable housing development must be located in an area in which multifamily dwellings are allowed per the Town of Howland Land Use Code and must be in a designated growth area per the Town of Howland’s current adopted Comprehensive Plan; [19-100 DECD Chap. 5 Section 2 B. Eligibility for Density Bonus]

5.4.3 The affordable housing development must meet the definition of an affordable housing development as defined under this section, and greater than fifty-one (51) percent of the proposed and existing dwelling units on the same lot shall be affordable for rental housing or owned housing; [19-100 DECD Chap. 5 Section 2B Eligibility for Density Bonus]

5.4.4 An affordable housing development must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and Town of Howland shoreland zoning ordinances; [19-100 DECD Chap. 5 Section 2B Eligibility for Density Bonus & 30-A §4364 4. Shoreland zoning]

5.4.5 Any lot of land containing a residential dwelling unit disposing of wastewater by means of a subsurface wastewater disposal system must contain a minimum of 20,000 square feet and if the lot abuts a lake, pond, stream, river or tidal area, it shall further have a minimum frontage of 100 feet on such body of water in accordance with MRSA Title 12 Chapter 423-A. The affordable housing development must also comply with Town of Howland Sewer Ordinance; [19-100 DECD Chap. 5 Section 2B Eligibility for Density Bonus and MRSA Title 12 Chapter 423-A §4807-A Minimum Lot size required]

- 5.4.6** The owner of an affordable housing development shall at the time of site plan and/or subdivision review, submit written verification that each dwelling unit of the affordable housing development is proposed to be connected to adequate water and wastewater service which is accomplished by the following:
- A.** If a dwelling unit is connected to an off-lot sewer system, proof of adequate service to support any additional wastewater flow created by the unit and proof of payment for the connection to the sewer system must be provided.
 - B.** If a dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater must be provided. The septic system must be verified as adequate by the Town of Howland plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a State of Maine licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.
 - C.** If a dwelling unit is connected to an off-lot water system, proof of adequate service to support any additional water flow along with the volume and supply of water required for the dwelling unit and proof of payment for the connection must be provided.
 - D.** If a dwelling unit is connected to a well, proof of access to potable water as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine Department of Health and Human Services Maine Center for Disease Control and Prevention Ch. 231 Rules Relating to Drinking Water, along with any test of an existing or proposed well which must indicate that the water supply is potable and acceptable for use. [per 30-A MRSA §4364.5 Water and wastewater]

5.5 OTHER REQUIREMENTS

5.6 Prior to granting any final approval of an affordable housing development, the owner of the affordable housing development shall execute a restrictive covenant recorded in the Penobscot County Registry of Deeds for the benefit of and enforceable by a party acceptable to the Town of Howland, to ensure that for at least 30 years after completion of construction:

5.6.1 For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below (80) eighty percent of the local area median income at the time of initial occupancy; and

5.6.2 For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below (120) one hundred twenty percent of the local area median income at the time of initial occupancy.

[per DECD 19-100 Chap. 5 Section 2.B 2. Long-Term Affordability & 30-A MRSA §4364 3. Long-term affordability]

5.6.3 An affordable housing development shall meet the Parking and Loading requirements of Article 5 section 5.12 with the exception that an affordable housing development meeting all definitions and requirements of this Section are allowed (2) two off-street parking motor vehicle spaces for every (3) three dwelling units of an affordable housing development. Note: If fractional results occur when calculating the number of motor vehicle parking spaces, the number of spaces shall be rounded up to the nearest whole number. [per DECD 19-100 Chap. 5 Section 2.C Density Bonus & 30-A MRSA 2. Density requirements]

5.6.4 An affordable housing development shall comply with all other applicable Codes and Ordinances of the Town of Howland. [Text proposed so that development would have to meet Performance Standards, Ch. 31 Stormwater, Code regulations, Water and Sewer requirements, and other applicable requirements of Land Use Code]

NEW 5.5 Titled “Dwelling Unit Allowance”

5.5. Effective as of July 1, 2024, a dwelling unit allowance may be provided in accordance with M.R.S. Title 30-A §4364-A meeting the following standards and requirements: (Note: §4364-A may not be construed to interfere with, abrogate, or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided under this section as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine) [per §4364-A 1. Use allowed and 4364-A 8. Restrictive covenants]

5.5.1. For any area in which residential uses are allowed, including as a conditional use, up to two (2) dwelling units may be allowed on a lot that does not contain an existing dwelling unit with the exception that up to four (4) dwelling units may be allowed on a lot that does not contain an existing dwelling unit and which is located in a designated growth area per the Town of Howland’s current adopted Comprehensive Plan . It shall be prohibited to demolish a dwelling unit in existence after July 1, 2024 for purposes of meeting the provisions of M.R.S. Title 30-A §4364-A; [per §4364-A 1. Use allowed DECD Section 3 B 2. Zoning and DECD 19-100 Ch. 5 Section 3. B. b]

5.5.2. If a lot already contains one (1) existing dwelling unit, the addition of up to two (2) additional dwelling units may be allowed as follows: One (1) within the existing structure or attached to the existing structure; One (1) detached from the existing structure; or One (1) of each; [per 4364-A 1. Use allowed]

- 5.5.3. If a lot contains two (2) existing dwelling units, no additional dwelling units are allowed; [per DECD 19-100 Ch. 5 Section 3 B.1.d]
- 5.5.4. If more than one (1) dwelling unit has been constructed on a lot as a result of this allowance in accordance with M.R.S. Title 30-A §4364-A, the lot is not eligible for any additional units or increases in density; [per §4364-A 2. Zoning requirements and DECD 19-100 Ch. 5 Section 3 B. 2. A]
- 5.5.5. Dimensional requirements per Article 6 of this Land Use Code shall apply and off-street parking is required in accordance with **Land Use Code Section 5.10**; [allowed in accordance with §4364-A 3. General Requirements]
- 5.5.6. The property owner shall provide written verification that each proposed dwelling unit is to be connected to adequate water and wastewater services to include: proof of water and sewer payment; proof of adequate service to support additional wastewater flow created by the dwelling unit; proof of adequate service to support additional water flow created by the dwelling unit including the volume and supply of water required; proof of adequate sewage disposal for subsurface wastewater to include plans for subsurface wastewater disposal prepared by a site evaluator licensed by the State of Maine in accordance with 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules which must be verified as adequate by the Town of Howland plumbing inspector pursuant to 30-A M.R.S. §4221; and proof of access to potable water as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine Department of Health and Human Services Maine Center for Disease Control and Prevention Ch. 231 Rules Relating to Drinking Water along with any test of an existing or proposed well which must indicate that the water supply is potable and acceptable for use; [per 4364-A 4. Water and Wastewater]
- 5.5.7. Dwelling units must comply with shoreland zoning requirements by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances along with any overlay protection district requirements; [per 4364-A 4. Shoreland Zoning]
- 5.5.7. Dwelling units must comply with all permitting, subdivision and/or site plan requirements and all applicable Codes and Ordinances of the Town of Howland. [per 30-A MRSA §4364-A 7. Subdivision requirements]

NEW 5.6 Titled "Accessory Dwelling Units"

- 5.6** Accessory Dwelling Units. For any existing or new lot with a Residential Dwelling One-Family that is wholly outside the Shoreland Zone, one accessory residential dwelling unit is allowed per lot without an increase in the minimum lot area requirement. NOTE: private, state or local standards such as homeowners' association regulation, deed restrictions, set back, density, septic requirements, shoreland zoning and subdivision law may also apply.

- 5.6.1.1 Accessory residential dwelling units can be within the Residential Dwelling One-Family, attached to it, or in a new structure on the lot for the primary purpose of creating an accessory dwelling unit:
- 5.6.1.2 An accessory dwelling unit must be a minimum of 190 square feet and may be no more than 75 percent of the living area of the primary dwelling unit.
- 5.6.1.3 The accessory residential dwelling unit must have adequate water supply and shall meet town and state standards for wastewater disposal. An owner of an accessory dwelling unit must provide written verification that the proposed accessory dwelling unit is to be connected to adequate water and wastewater services prior to certification of the accessory dwelling unit for occupancy. Written verification must include the following:
 - 5.6.1.3.1 If an accessory dwelling 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.
 - 5.6.1.3.1.1 If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a 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*
 - 5.6.1.3.1.2 If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
 - 5.6.1.3.1.2.1 If an accessory dwelling unit is connected to a well, proof of access to potable water. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
 - 5.6.1.3.1.2.2 For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to a single-family dwelling unit, the dimensional requirements and setback requirements are the same as the dimensional requirements and setback requirements of the single-family dwelling unit
 - 5.6.1.3.1.2.3 An accessory dwelling unit is not subject to any additional motor vehicle parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located
 - 5.6.1.3.1.2.4 For an accessory residential dwelling unit permitted in an existing accessory building or secondary building or garage as of the implementation date, the required setback requirements in local ordinance of the existing accessory or secondary building apply

New Definitions:

ACCESSORY RESIDENTIAL DWELLING UNIT: A self-contained dwelling unit located within, attached to or detached from a Residential Dwelling, One-Family located on the same parcel of land

LIVING AREA. The total of all floor areas of a residential structure excluding garage area; basement or attic area, except when these areas are used or intended to be used for human habitation; and other building area, that is not accessible by a stairway or where the floor to ceiling height is less than 5 feet; and area between the outside of exterior walls and the inside of those walls.

- 5.6 **Deposit of Waste or Junk:** No land, except municipal refuse disposal facilities, may be used for deposits of waste or junk, unless equipped with fully adequate arrangements for pacification of what is offensive.
- 5.7 **Sewage Emission:** No use which emits sewage is permitted in any zone unless it is connected to the public sewer system or is equipped with its own adequate sewer disposal facilities according to the Sewer Ordinance for Howland and the State of Maine Plumbing Code.
- 5.8 **Structures With Party Wall:** Structures with a party wall shared with a neighbor on side and without windows facing side property line may, as exception, be built with no setback on the side with the party wall with the additional requirements that the affected neighbor's consent, in writing, must be sought.
- 5.9 **Setback Requirements:** Prescribed setback in front may be lessened or shall be enlarged to conform with the average setback in front of the existing buildings on the affected portion of the street within the zone. No setback is required between an industrial building and a railroad right-of-way. A sign may be placed in the front setback area but may not protrude outside property lines.
- 5.10 **Traffic Safety:** Where essential for traffic safety, a property owner may be required to keep vegetation, sign or other obstruction below three feet in the required setback.
- 5.11 **Parking:** Every new structure and use shall be provided with adequate off-street parking facilities for all cars which may frequent the structure. In case of extension or alteration of a use, the extension of the entire alteration shall be provided with adequate parking. As applies, one or several of the most restrictive of the following parking standards shall govern:
- A. Two spaces for each 3.5 persons accommodated in an establishment for assembly, entertainment or eating;
 - B. One space for each 250 square feet of retail floor space or for each two berths at a marina;
 - C. One space for each three persons who may frequent excursion facilities.

- D. One space for each of the first three employees and for each 1.5 additional employees; or
- E. In cases which the above standards do not apply, the Planning Board shall establish reasonable proportionate standards.

- 5.12 **Location of Parking Facilities:** Location of parking facilities shall be on a lot in the same ownership, within 150 yards walking distance, in each case not closer to the lot line than the required setback. Parking lots for more than five cars shall be designed that no car needs to back into the street. Parking lots for more than five cars in residential zones may be required by the Planning Board to be fully screened from view from the street.
- 5.13 **Loading and Unloading of Trucks:** All uses frequented, i.e., about thirty (30) times a year, loading and unloading trucks shall be equipped with adequate off-street space for this purpose and, if necessary, to prevent backing into the street for turning movements.
- 5.14 **Municipal Parking Facilities:** Where the Town may provide municipal parking facilities adjacent uses may be proportionately freed from the off-street parking requirements provided such use participates proportionately in the cost for such municipal facility.
- 5.15 **Temporary Structures and Signs:** Temporary structures necessary for construction of permitted facilities and temporary signs of maximum six square feet exemplified by signs pertaining to lease or sale of the premises are permitted for a reasonable time in all zones.
- 5.16 **Dangerous Situations:** Banks that have been dug into and left without an adequate pitch to them or open holes are considered dangerous and harmful and will not be permitted.

ARTICLE 6. REGULATIONS PERTAINING TO INDIVIDUAL DISTRICT ZONES

6.1 MIXED USE DISTRICT

The purpose of the Mixed Use District is to provide higher density development, which promotes the traditional neighborhood and encompasses a broad range of uses including some commercial and residential as well as municipal services.

- a) **PERMITTED USES:** Single-family and Multi-family Housing Units (with accessory uses customarily incidental to residential uses), Mobile Home Parks (subject to the regulations of the Mobile Home Park Ordinance), Nursing Homes, Boarding Homes, Churches, Schools, Municipal Facilities

and Services, Service Organizations, Banks, Restaurants and Cafes, Beauty Shops, Medical/Dental Clinics/Offices, Professional Offices, Gas Stations, Day Care Centers, Bed and Breakfast Accommodations, Cemeteries, Greenhouses, Small Retail Businesses and Home-Based Occupations.

- b) **LOT AREA:** Minimum 10,000 square feet; for other uses listed above a minimum of 13,000 square feet.
- c) **FRONTAGE:** Minimum of 100 feet.
- d) **SETBACK:** In front a minimum of 20 feet; on side a minimum of 10 feet; and in back a minimum of 10 feet.
- e) **GROUND COVERAGE:** Minimum of 650 square feet.
- f) **BUILDING HEIGHT:** Maximum of 30 feet.
- g) **ANIMALS:** The usual household pets may be kept. Usual household pets include, but not limited to, cats, dogs, ferrets, canaries, parrots, parakeets, hamsters, white mice and guinea pigs.
- h) **MOBILE HOME OR TRAILER:** Any mobile home or trailer placed on a lot shall be skirted. The skirted must have a minimum of two vents measuring at least 6" X 12" and placed so as to provide cross ventilation. There must be a removable opening by the water line to allow installation and service of the water meter. Contact water department for more information.

6.2 INDUSTRIAL DISTRICT

The purpose of the Industrial District is to accommodate industrial or manufacturing operations, which on the basis of actual physical characteristics and in their normal operations have little or no adverse effect to the surrounding area.

- a) **PERMITTED USES:** Manufacturing, Sales, Storage, Truck Terminal, Wholesale, Repair Service and Sales of Motor Vehicles, Gasoline Stations, Retail and Service Establishments Intended to Service Primarily the Industrial District, Junkyards and Automobile Graveyards (conforming to the Junkyard and Automobile Graveyard Ordinance), Accessory Uses (customarily incidental to the above uses exemplified by Office, Laboratory and Watchmen's Dwelling), and One Sign pertaining to the premises not larger than 36 square feet.

- b) **LOT AREA:** A minimum of one acre.
- c) **FRONTAGE:** Minimum of 200 feet.
- d) **SETBACK:** In front a minimum of 50 feet, on the side and back a minimum of 20 feet.
- e) **BUILDING HEIGHT:** A maximum of 30 feet.

6.3 RESIDENTIAL DISTRICT

The purpose of the Residential District is to encourage high standard residential development with essentially One-family Homes and prevent development which might be incompatible with single-family residential uses.

- a) **PERMITTED USES:** Single-family Housing Units, Accessory Uses (customarily incidental to the above permitted use and not detrimental to a residential neighborhood) and Home-based Occupations.
- b) **LOT AREA:** Minimum of 20,000 square feet. (100' X 200')
- c) **FRONTAGE:** Minimum of 100 feet.
- d) **SETBACK:** In front 15 feet, on side a minimum of 15 feet, and in back a minimum of 15 feet.
- e) **GROUND COVERAGE:** ~~Minimum of 11,200 square feet for one story dwelling, 900 square feet for a two story dwelling.~~ **Minimum ground coverage for one story dwelling unit – no restriction as long as setback requirements are met.**
- f) **BUILDING HEIGHT:** Maximum of 30 feet.

- g) **ANIMALS:** The usual household pets may be kept. Usual household pets include, but are not limited to, cats, dogs, ferrets, canaries, parrots, parakeets, hamsters, white mice and guinea pigs.

6.4 RURAL RESIDENTIAL DISTRICT

The purpose of the Rural Residential District is to provide for low-density development as a means of preserving the open space characteristics of country living and prevent development which may, in the foreseeable future, require extension of municipal services.

- a) **PERMITTED USES:** Single-family and Two-family Housing Units, Accessory uses (customarily incidental to a residential use), Campgrounds, Tourist Accommodations, Recreational Activities (and associated facilities), Wildlife and Fishery Practices, Agricultural Practices, Tree Farms, Horse Stables, Animal Clinics, Auction Barns, Horticulture Activities, Mineral Extraction (provided a \$500 bond is posted with the Town Treasurer to guarantee compliance with the conditions that one month after completion of extraction or a predetermined date, the area is made safe and sightly by grading), Forest Management Activities (including Commercial Timber Harvesting), Non-Commercial Scientific, Educational or Nature Observation Purposes, Low-impact Retail Establishments, Churches, Cemeteries and Home-based Occupations.
- b) **LOT AREA:** A minimum of 1 acre.
- c) **FRONTAGE:** A minimum of 200 feet.
- d) **SETBACK:** A minimum of 20 feet all around.
- e) **GROUND COVERAGE:** A minimum of 750 square feet.
- f) **ANIMALS:** The usual household pets may be kept. Usual household pets include, but not limited to, cats, dogs, ferrets, canaries, parrots, parakeets, hamsters, white mice and guinea pigs. If other than the usual household pets are kept, a minimum of 2½ acres is needed.

6.5 RECREATION AND OPEN SPACE DISTRICT

The purpose of this District is to protect and provide for the continuation of forestry and open space, and permit compatible recreational development in

harmony with reasonable levels of rural residential development in keeping with the special rural character, environmental protection needs, and limited rural infrastructure.

- a) **PERMITTED USES:** Single-family Housing Units, Accessory Uses (customarily incidental to a residential use), Campgrounds, Tourist Accommodations, Sporting Camps, Recreational Activities, Wildlife and Fishery Practices, Forest Management Activities (including Commercial Timber Harvesting), Agricultural Activities, Tree Farms, Horse Stables,

Horticulture Activities, Mineral Exploration and Extraction (provided a \$500 bond is posted with the Town Treasurer to guarantee compliance with the condition that one month after completion of extraction or a predetermined reasonable date, the area is made safe and sightly by grading), Scientific, Educational or Nature Observation Purposes, Cemeteries and Home-based Occupations.

- b) **LOT AREA:** A minimum of 30,000 square feet.
- c) **FRONTAGE:** A minimum of 150 feet.
- d) **SETBACK:** In front a minimum of 25 feet, on the side a minimum of 15 feet and in back a minimum of 30 feet.
- e) **GROUND COVERAGE:** A minimum of 750 square feet.
- f) **BUILDING HEIGHT:** A maximum of 30 feet.
- g) **ANIMALS:** The usual household pets may be kept. Usual household pets include, but are not limited to, cats, dogs, ferrets, canaries, parrots, parakeets, hamsters, white mice and guinea pigs. If other than usual household pets are kept, a minimum of 2½ acres is needed.

6.6 AQUIFER PROTECTION OVERLAY DISTRICT

The purpose of the proposed Aquifer Protection District is to promote and protect the public health, safety and welfare by ensuring adequate quality and quantity of drinking water for residents and businesses. To protect water resources it is sometimes necessary to limit development and the types of activities allowed in the Aquifer Protection District. Within an Overlay District, the requirements of the underlying district continue to apply, except where the requirements of the Protection Overlay District are more stringent.

PROHIBITED USES: Prohibited uses within the Aquifer Protection Overlay District include the manufacture, use, storage (above or below ground) or disposal of hazardous materials (including fuel, oil and gasoline), landfills and/or open dumps, junkyards and/or automobile graveyards, wastewater treatment or non-sanitary wastewaters, storage of sludge and/or septage, road salt (or other deicing chemicals) stockpile or storage, gasoline stations, motor vehicle repair or body shop, marine repair, car wash, and storage of animal manure or commercial fertilizers.

ARTICLE 7. DEFINITIONS

Applicant: The person applying for a building or use permit.

Basement: Any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Building Height: The vertical distance between the mean original grade and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Boarding House: A rooming house or lodging where meals are served for the guests.

Campground: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters. Such accommodations are deemed to include space for parking automobiles, automobile trailers, recreational vehicles, erection of tents and other shelters, tables and cooking facilities.

Code Enforcement Officer: Individual appointed by the Municipal Officials to enforce the Ordinances of the town and to issue permits.

Commercial Use: The use of lands, buildings or structures, other than “home occupation”, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental or residential buildings and/or dwelling units.

Community Facility: Facility to be used by numerous residents exemplified by auditorium, library and park.

Convalescent Home: A boarding house where a majority of the guests of which are convalescent, semi-invalid or invalid.

Cottage: Building designed to be used as a residence during less than eight months of the year but not being a dwelling as defined in this ordinance

Dimensional Requirements: Numerical standards relating to spatial relationships including, but not limited to, setback, lot area, road frontage, shore frontage and height.

Driveway: A vehicular access-way less than five hundred (500) feet in length serving two lots or less.

Dwelling: A permanent building with a minimum coverage of 650 square feet, equipped with a heating system designed to uphold a temperature of 68° F. through the winter, with running water and sewer, with a water closet and bath or shower and meeting with the standards of the latest issue of National Building Code, recommended by the municipal building code.

Family: One or more persons occupying a premise and living as a single housekeeping unit.

Foundation: The supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frost wall.

Ground Coverage: Area of ground of the heated part of a dwelling or the entire building for other use.

Home Occupation: An occupation or profession which is customarily conducted on or in a residential structure or property and which is: 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Hotel: A building with numerous rooms for rent to permanent or transient guests which to reach their rooms they must pass through an attended lobby. A hotel differs from a Lodging House in its character which is not residential in that it usually is a larger building expressly built for its purpose.

Industrial: The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Lodging House: A rooming house used primarily for transient guests, usually staying for a few days.

Lot: A continuous parcel of land with frontage on street approved by the Planning Board occupied by one principal use with customary incidental accessory structures or by a group development in one ownership.

Lot Area: The area of land enclosed within the boundary lines of a lot.

Marina: A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.

Mobile Home and Mobile Home Park: Refer to Mobile Home Park Ordinance of Howland.

Motel: A hotel where the guests can reach the rooms from the parking lot without passing through an attended lobby.

Nursing Home: See Convalescent Home

Person: An individual, corporation, government agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Principal Structure: A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal Use: Any facility other than one which is wholly incidental or accessory to another use on the same premises.

Public Facility: Any facility, including but not limited to, buildings, property, recreation areas, and roads which are owned, leased or otherwise operated or funded by a governmental body or public entity.

Recreational Facility: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat-launching facilities.

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp 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.

Rooming House: A building of residential character usually in the neighborhood, usually a converted large dwelling, several rooms of which are rented to guests usually staying more than two weeks.

Setback: The distance between lot lines or proposed street or public property line on the official map or zone boundary and the nearest part of any principal or accessory structure more than three feet high, except that a sign may be placed in the front setback area. Setback on front means on one or several street sides.

Sign: Structure, device, letter, word, model, banner, pennant, insignia, flag or other representation which is used in the nature of an advertisement, announcement or direction of larger than 2' X 2'. The area of a sign is the area on one side of the smallest, simple geometric shape exemplified by a square, circle, rectangle, etc., compassing all lettering, wording, design, symbols, together with the background which is not a normal part with a normal color of a building. An inconspicuous support exemplified by a slim post is not part of the sign.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporary or permanently located, such as docks and satellite dishes.

Trailer Park: Two or more trailers placed on a lot shall constitute a trailer park and must abide by the regulations of the Howland Trailer Park Ordinance.

Waste: Anything not to be normally used within a reasonable period of time. A car not registered for ½ year is regarded as waste unless held up for sale within an establishment for such purposes. Junk is regarded as waste unless kept in a junkyard conforming with this Ordinance.

