

DRAFT APPROVED AT 11/27/2023 ORC MEETING – FOR 12/11/2023 PUBLIC HEARING

*Except that franchise signage existing as of the date of enactment of this section may be replaced by other franchise signage as long as the area of franchise signage is not increased.

8.4 Buffering for Village 2.
The following shall apply to Village 2 only:

Non-residential buildings in Village 2 that are developed on lots adjacent to lots in residential use shall be adequately buffered and screened. The buffering and screening required under this section is such buffering or screening as the Code Enforcement Officer or Planning Board, as the case may be, deems necessary to protect all adjacent residential uses from adverse impacts from noise, odor, glare, dust, vibration, or visual impacts materially impairing the quiet and beneficial use and enjoyment of the residential uses. These measures can include, but are not limited to, a landscaped buffer strip provided to create a visual screen between the uses. Where no natural vegetation can be maintained or due to varying site conditions, the landscaping screen may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffering and screening shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking and waste collection areas. Where a potential safety hazard to small children would exist, physical screening or barriers shall be used to deter entry to such premises. The buffer areas and screens shall be maintained and vegetation replaced to insure continuous year-round screening. All exterior lighting fixtures shall be of such a design to shield the affixed light bulb from sight beyond the property boundaries, and so designed to minimize light emissions visible from neighboring properties except illumination generated from sources directly associated with emergency operations on the site.

9. DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS [XX-XX]

9.1 One (1) accessory dwelling unit may be located in any District on any lot where a single-family dwelling unit is the principal unit.

9.2 Accessory dwelling units shall comply with the setbacks described in Article II, section 2.5.

9.3 An accessory dwelling unit shall be exempt from density and minimum lot area requirements.

9.4 An accessory dwelling unit shall be constructed only:

9.4.1 Within an existing dwelling unit on the lot;

9.4.2 Attached to a single-family dwelling unit; or

9.4.3 As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

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9.5 An accessory dwelling unit shall not be subject to any additional off-street parking requirements beyond the off-street parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

9.6 An accessory dwelling unit shall be a minimum of 190 square feet in size, 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.

9.7 In the Village I, Village II, and Village Waterfront Districts an accessory dwelling unit shall be no larger than 40% of the finished and heated portion of the single-family dwelling on the parcel, up to 1,000 square feet, whichever is less. No maximum size for an accessory dwelling unit is required in all other Districts, so long as the unit is smaller than the finished and heated portion of the single-family dwelling unit on the parcel.

9.8 Prior to obtaining a building permit from the Code Enforcement Officer, the owner of the accessory dwelling unit shall provide written verification that the proposed unit is to be connected to adequate water and wastewater services. Written verification shall include the following:

9.8.1 If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to supply any additional flow created by the unit and proof of payment for the connection to the sewer system;

9.8.2 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*;

9.8.3 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

9.8.4 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 shall indicate that the water supply is potable and acceptable for domestic use.

9.9 Regulations established in Article VI, Section 9 shall not supersede private, state or local standards which may be more restrictive, including but not limited to, homeowners'

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association regulations, deed restrictions, septic requirements, shoreland zoning, and subdivision law.

9.10 A property owner may construct an accessory dwelling unit under this Section or utilize the dwelling unit allowance under Article VI, Section 10. They shall not be allowed to take advantage of the allowances of both Section 9 and Section 10.

10. DWELLING UNIT ALLOWANCE [XX-XX]

Beginning July 1, 2024, multiple dwelling units may be constructed on lots where housing is allowed, subject to the following requirements.

10.1 If a lot does not contain an existing dwelling unit, up to four (4) units shall be allowed per lot if the lot is located in an area in which housing is allowed, meets the requirements in 12 M.R.S. Ch. 423-A, and is located within a designated growth area identified in the current Wiscasset Comprehensive Plan. The four (4) dwelling units may be either within on structure or separate structures.

10.2 If a lot does not contain an existing dwelling unit and does not meet 10.1 above, up to two (2) dwelling units per lot located in an area in which housing is allowed, provided that the requirements in 12 M.R.S. Ch. 423-A are met. The two (2) dwelling units may be either within one structure or separate structures.

10.3 If a lot contains an existing dwelling unit, up to two (2) additional dwelling units may be allowed in the following configurations:

10.3.1 One within the existing structure or attached to the existing structure;

10.3.2 One detached from the existing structure; or

10.3.3 One of each.

10.4 If a lot contains two existing dwelling units, no additional dwelling units may be built on the lot.

10.5 If more than one dwelling unit has been constructed on a lot as are result of this Section, the lot is not eligible for any additional units or increases in density using this provision or the provisions established under Article VI, Section 9.

10.6 If a lot with a dwelling unit in existence prior to July 1, 2024 is torn down and an empty lot results, for the purposes of this Section, the lot shall still be considered developed and Section 10.3 would be applicable.

10.7 Dimensional, lot area, and setback requirements established under Article II of this ordinance shall apply to each dwelling unit on the lot.

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- 10.8 Prior to obtaining a building permit from the Code Enforcement Officer, the owner of the dwelling unit(s) shall provide written verification that the proposed unit is to be connected to adequate water and wastewater services. Written verification shall include the following:
- 10.8.1 If a housing structure 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;
- 10.8.2 If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for 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*.
- 10.8.3 If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
- 10.8.4 If a housing structure is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
- 10.9 Regulations established in Article VI, Section 10 shall not supersede private, state or local standards which may be more restrictive, including but not limited to, homeowners' association regulations, deed restrictions, septic requirements, shoreland zoning, and subdivision law.
- 10.10 A property owner may construct an additional dwelling unit under this Section or utilize the accessory dwelling unit regulations set forth in Article VI, Section 9. They shall not be allowed to take advantage of the allowances of both Section 9 and Section 10.

SUMMARY OF PERMITTED USES

Schedule of Uses- Land Use Matrix

1. Activity categories. The various land uses contained in the matrix are organized into the following activity classifications: Open Space; Residential; Institutional; Commercial; Industrial; and Other.

2. Symbols used in schedule of uses. The following symbols contained in the Schedule of Uses have the following meanings:

- Yes - No permit required (must comply with land use standards)
- CEO - Permitted uses which require a building permit or other type of permit from the Code Enforcement Officer
- PB - Uses requiring approval from the Planning Board in accordance with the requirements of Article VIII, Site Plan Review.
- 1,2, etc. - Numbers adjacent to letter symbols refer to notes at the end of the Schedule of Uses which contain additional requirements.
- Blank - Not permitted

3. Matrix

Use	Districts					
	Village 1 ¹	Village 2 ¹	Residential	Commercial	Rural	Nequasset Watershed ⁵
Open Space Uses						
Community garden, greenhouse, nursery or similar agricultural use		CEO	CEO	CEO	CEO	CEO
Agriculture		PB	PB	PB	PB	PB
Park, playground	Yes	Yes	PB	PB	PB	PB
Parking lot	Yes ³	Yes ³		PB ³	PB ³	PB ³
Public park	Yes	Yes	PB	PB	PB	PB
Campgrounds, commercial					PB	PB
Cemeteries					PB	PB
Confined feeding operations					PB	PB
Storage of fishing, clamming and similar gear			Yes	Yes	Yes	Yes
Golf course/driving range				PB	PB	PB
Commercial outdoor recreation				PB	PB	PB
Aquaculture					PB	PB

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Use	Districts					
	Village 1 ¹	Village 2 ¹	Residential	Commercial	Rural	Nequasset Watershed ⁵
Residential Uses						
Single-family dwelling	CEO	CEO	CEO	CEO	CEO	CEO
Accessory dwelling unit ^{8,9}	CEO	CEO	CEO	CEO	CEO	CEO
Two-family dwelling	CEO	CEO	CEO	CEO	CEO	CEO
Multi-family dwelling for 3 or more families	PB	PB	PB ⁴	PB	PB	PB
Affordable housing development ¹⁰	PB	PB	PB ⁴	PB	PB	PB
Renting of rooms in a private dwelling		Yes ²	Yes	Yes	Yes	Yes
Home occupation	CEO	CEO	CEO	CEO	CEO	CEO
Planned residential development			PB	PB	PB	PB
Open space (cluster) subdivision			PB	PB	PB	PB
Mobile home park					PB	PB
Congregate Housing	PB ⁷	PB ⁷	PB ⁷	PB ⁷	PB ⁷	No
Institutional Uses						
Charitable or educational institution	PB	PB	PB ⁴	PB	PB	PB
Church, parish house	PB	PB	PB	PB	PB	PB
Clinic, medical or dental	PB	PB ²	PB ⁴	PB	PB	PB
Convalescent or rest home, nursing home or elderly congregate housing	PB	PB ²	PB ⁴	PB	PB	PB
Day nursery		PB ²	PB ⁴	PB	PB	PB
Day care facility		PB ²	PB ⁴	PB	PB	PB
Municipal use	PB	PB	PB ⁴	PB	PB	PB
Public Utility Installation	PB	PB	PB	PB	PB	
Group home with more than 8 residents			PB ⁴	PB	PB	PB
Hospice	PB	PB ²	PB ⁴	PB	PB	PB
Library	PB	PB	PB ⁴	PB	PB	PB
Museum	PB	PB	PB ⁴	PB	PB	PB
Civic service facilities, clubhouses, social and fraternal organizations	PB	PB ²	PB ⁴	PB	PB	PB
Municipal solid waste facility					PB	PB
Social and fraternal organizations			PB ⁴	PB	PB	PB
Commercial Uses						

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Antique shop	PB	PB²		PB	PB	PB
Convenience store	PB	PB²		PB	PB	PB
Convenience store with fuel sales				PB	PB	PB
Restaurant	PB	PB²		PB	PB	PB
Use	Districts					
	Village 1¹	Village 2¹	Residential	Commercial	Rural	Nequasset Watershed⁵
Restaurant with drive-thru				PB	PB	PB
Drinking establishment	PB			PB	PB	PB
Funeral home		PB²		PB	PB	PB
Hotels, motel	PB			PB	PB	PB
Marina, boatyard					PB	PB
Marine research facility	PB				PB	PB
Offices	PB	PB²	PB⁴	PB	PB	PB
Professional building	PB	PB²	PB⁴	PB	PB	PB
Recreational use such as a bowling alley, theater, dance hall	PB			PB	PB	PB
Retail business unless otherwise listed	PB	PB²		PB	PB	PB
Retail and wholesale outlet				PB	PB	PB
Service establishment such as a bank, barbershop, tailor, Laundromat	PB	PB²		PB	PB	PB
Adult bookstore/adult video store				PB	PB	PB
Adult entertainment facility				PB	PB	PB
Airports					PB	PB
Bed and breakfast	PB	PB		PB	PB	PB
Race track					PB	PB
Farm market/farm stand	PB	PB		PB	PB	PB
Grocery store	PB	PB²		PB	PB	PB
Kennel/Dog daycare				PB	PB	PB
Small engine repairs	PB	PB²		PB	PB	PB
Vehicle body shops				PB	PB	PB
Vehicles sales and/or service	PB			PB	PB	PB
Auction barn				PB	PB	PB
Boat building and repair				PB	PB	PB
Veterinary clinic	PB	PB²		PB	PB	PB
Shopping center				PB	PB	PB
Redemption center				PB	PB	PB

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Recycling facility					PB	PB
Transportation facilities	PB				PB	PB
Spas, health clubs	PB	PB ²			PB	PB
Indoor/outdoor boat storage					PB	PB
Use	Districts					
	Village 1¹	Village 2¹	Residential	Commercial	Rural	Nequasset Watershed⁵
Agricultural/lawn equipment sales and service	PB			PB	PB	PB
Lumber yard				PB	PB	PB
Solar Energy Systems greater than 4,200 sq. ft.					PB	
Roof-mounted solar systems serving a single-family residence and ground mounted solar systems less than 4,200 sq. ft.	CEO	CEO	CEO	CEO	CEO	CEO
Industrial Uses						
Gravel pits					PB	PB ⁶
On-site manufacturing				PB	PB	PB
Trucking/distribution terminal					PB	PB
Industrial					PB	PB
Light industrial					PB	PB
Abattoir					PB	PB
Auto graveyards/junkyards					PB	PB
Bottling facility					PB	PB
Breweries and distilleries				PB	PB	PB
Microbreweries and brew pubs	PB			PB	PB	PB
Hazardous materials manufacturing/storage/distribution				PB	PB	PB
Sawmills				PB	PB	PB
Research laboratories				PB	PB	PB
Warehousing				PB	PB	PB
Other Uses						
Essential services	CEO	CEO	CEO	CEO	CEO	CEO
Essential service buildings	PB	PB	PB	PB	PB	PB
Uses similar to use requiring permit from the CEO	CEO	CEO	CEO	CEO	CEO	CEO
Uses similar to use requiring Planning Board approval	PB	PB	PB ⁴	PB	PB	PB

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- (1) See Article VI Section 8 for Development Standards related to new construction requirements for Village 1, Village 2, and Village Waterfront District.
- (2) Uses must be located entirely within 500 feet of the centerline of Routes 1 or 27 and on lots that directly abut or have direct legal access to Routes 1 or 27. Said access to Routes 1 or 27 must serve as the only access for the use except the Planning Board, pursuant to Site Plan Review, may allow access to be located on a less traveled road. New buildings shall not exceed 6,500 square feet in total floor area.
- (3) Proposals to pave, strip, grade, or remove earth materials from areas of more than 10,000 square feet within a five-year period shall receive site plan review.
- (4) Permitted uses provided buildings are not more than 3 stories in height, and are of the same general architectural appearance as existing buildings in the immediate neighborhood, and provided there are adequate off-street parking areas for the normal amount of vehicles expected to be used by inhabitants, clients and employees.
- (5) All streams in the Nequasset Lake watershed shall be protected by state shoreland regulations extended to the uppermost source of each stream. Public sewer lines, public waterlines, and municipal sewage treatment plants are not permitted.
- (6) Permitted per State Regulations.
- (7) Not allowed in Shoreland districts. [6-20]
- (8) Refer to Article VI, Section 9 for Development Standards for Accessory Dwelling Units.
- (9) A property owner may construct an accessory dwelling unit under Article VI, Section 9 or utilize the dwelling unit allowance under Article VI, Section 10. They shall not be allowed to take advance of the allowances of both Section 9 and Section 10.
- (10) In accordance with Article II, Section 2.9