

[YMCA Sign]

Article \_\_\_\_ To see if the Town will vote to amend Section 146-5.2(A) (Exemptions) of Chapter 146 (Signs) of the current Land Use Code as follows [text that is struck through indicates a deletion; text that is underscored indicates an addition]:

§ 146-5.2 Exemptions.

- A. Because of their significance to the community or the conveyance of public information, the following signs are exempt from these requirements: national, state and county flags, holiday decorations and banners, flags, the old gas pump in front of Gimbel's store, church and signs relating to church services, fraternal and veteran's organizations, the school sports scoreboards and the public announcement sign at the entrance to the schools, emergency services signs relating to emergency health care (hospital signs), public utility and highway maintenance signs, a public announcement sign at the YMCA for emergency and community notices, the time/temperature sign at the north intersection of Oak Street and Townsend Avenue and the "Welcome to Boothbay Harbor" sign south of the CMP substation. Also, because of their landmark value, Brown Bros. fisherman, Fisherman's Wharf's mill stone and the words "Trading Post" on the roof of the Trading Post building.

[State Fire Marshal]

Article \_\_\_\_ To see if the Town will vote to amend the current Land Use Code as follows:

**I. Section 170-12 Permit application procedure, is amended as follows [text that is struck through indicates a deletion; text that is underscored indicates an addition]:**

**1. A new subsection B(7) is added to read as follows:**

(7) In addition to the items required to be shown on the plan as set forth above, the applicant shall submit with the application any and all permits required by the State Fire Marshal for the subject project or evidence that no such permits are required from the State Fire Marshal. This evidence shall be in the form of correspondence from the State Fire Marshal's office, clearly relating to the project being applied for. The Code Enforcement Officer may, at her or her discretion, waive this requirement if it is clear that the proposed project is outside the jurisdiction of the State Fire Marshal's Office.

**II. Section 170-67 Other required permits, is amended as follows [text that is struck through indicates a deletion; text that is underscored indicates an addition]:**

The granting of site plan approval does not relieve the applicant from the need to obtain any other permits or approvals required prior to the commencement of any activity or use, such as subdivision approval, building, plumbing and electrical permits, subsurface wastewater disposal permits, sewer connection permits, and the like. Furthermore, if the proposed development project requiring Site Plan review requires a permit under the Site Location of Development Act, the Stormwater Management Law or the Natural Resources Protection Act or is otherwise under the jurisdiction of the Maine Departments of Environmental Protection or Transportation, or requires approval and/or permitting through the State Fire Marshal's Office, then final approval of the site plan application shall not be granted by the Planning Board until all such approvals and/or permits are obtained. If the project requiring Site Plan review does not require permitting through any of the aforementioned offices or agencies, then evidence of that fact must be provided to the Planning Board in the form of correspondence from the relevant office or agency clearly relating to the project requiring Site Plan review, stating that no permitting by or through the said office or agency is required. All such permits or approvals submitted shall be current and valid at the time of Planning Board approval. The fact that the applicant may have obtained or been granted such permits or approvals prior to site plan review may be considered by the Planning Board as evidence as to the plan's compliance with applicable review standards but shall not be deemed conclusive evidence as to compliance.

**III. Section 170-101.11 Administration, is amended as follows [text that is struck through indicates a deletion; text that is underscored indicates an addition]:**

**1. A new subsection U is added to read as follows:**

(U) If the proposed activity or use requiring review for the purposes of permitting under Section 170-101.11(B), or as required in Table 1, requires a permit under the Site Location of Development Act, the Stormwater Management Law, or the Natural Resources Protection Act or is otherwise under the jurisdiction of the Maine Departments of Environmental Protection or Transportation, or requires approval and/or permitting through the State Fire Marshal's Office, then final approval of the shoreland permit application shall not be granted by the Planning Board or the Code Enforcement Officer until all such approvals and/or permits are obtained. If the proposed project under shoreland review does not require permitting through any of the aforementioned offices and/or agencies, then evidence of that fact shall be provided to the Planning Board or the Code Enforcement Officer (whichever is the reviewing authority) in the form of correspondence from the relevant office or agency clearly relating to the project requiring shoreland permit review, stating that no permitting by or through the said office or agency is required. All such permits or approvals submitted shall be current and valid at the time of Planning Board approval.

[Manufactured Housing]

Article \_\_\_\_ To see if the Town will vote to amend the current Land Use Code as follows:

**I. Section 170-27(E) Schedule of Uses, is amended as follows [text that is struck through indicates a deletion; text that is underscored indicates an addition]:**

1. Under the heading “Residential Uses,” on the item line “Manufactured housing exclusive of mobile homes (modular)”, the “RP” column, currently blank, is changed to “P”.
1. Under the heading “Residential Uses,” under the heading “Residential Uses”, on the item line “Mobile homes”, the “GR” column remains “C”, the “SR” column is changed from blank to “C”, the “DB” column is changed from blank to “C”, the “LC/M” column is changed from blank to “P”, the “WW” column is left blank, the “GB” column remains “C”, and the “RP” column is changed to “P”.

[Schedule of uses]

Article \_\_\_\_ To see if the Town will vote to amend the current Land Use Code as follows:

Section 170-27(E) Schedule of Uses, is amended as follows [text that is struck through indicates a deletion; text that is underscored indicates an addition]:

1. Under the heading "Residential Uses," for the item "Multifamily dwellings" the block in the "DB" column, currently blank, is amended to add "**P<sup>22</sup>**".
2. Under the heading "Commercial Uses," for the item "Motels, hotels, inns" the block in the "DB" column, currently blank, is amended to add "**P<sup>23</sup>**".
3. A new footnote 22 is added to read as follows: "**Downtown Business A, B and C**".
4. A new footnote 23 is added to read as follows: "**Downtown Business B and C only**".

[LD 2003]

Article \_\_\_\_ To see if the Town will vote to amend the current Land Use Code as follows:

I. Section 170-27(E) Schedule of Uses, is amended as follows [text that is struck through indicates a deletion; text that is underscored indicates an addition]:

1. Under the heading "Residential Uses," following the item "Single-family dwellings", a new item line is added to read "Accessory dwelling Units<sup>20</sup>". On this item line, the "GR" column is filled in as "C", the "SR" column is filled in as "C", the "DB" column is filled in as "C", the "LC/M" column is filled in as "P", the "WW" column is left blank, the "GB" column is filled in as "C", and the "RP" column is filled in as "P".
2. A new footnote 20 is added to read as follows: "<sup>20</sup>Accessory dwelling units shall be in accordance with §170-31.1".
3. A new footnote 21 is added to read as follows: "<sup>21</sup>Multifamily dwellings can be designated as Affordable Housing Developments according to §170-31".

II. Section 170-28 Schedule of Dimensional Requirements, is amended as follows [text that is struck through indicates a deletion; text that is underscored indicates an addition]:

1. The heading "Minimum Land Area per Dwelling Unit or Use (square feet)" is amended to indicate the applicability of two footnotes, as follows: "Minimum Land Area per Dwelling Unit or Use (square feet)<sup>L,M</sup>".
2. A new footnote L is added to read as follows: "<sup>L</sup>Accessory dwelling units do nt count towards the net residential density calculation".
3. A new footnote M is added to read as follows: "<sup>M</sup>Multiple principal dwelling units are allowed on a single lot so long as all dimensional standards are met".

III. Section 170-31 Affordable housing; density bonus, is amended as follows [text that is struck through indicates a deletion; text that is underscored indicates an addition]:

§ 170-31 Affordable housing; density bonus.

- A. Notwithstanding other provisions of this Land Use Code, there shall be a density bonus for affordable housing subdivisions and/or senior citizen housing (excluding mobile home parks) of 25%, to be calculated by subtracting the respective percentage from the lot size normally required in the district from the lot size requirement, to arrive at the overall density requirement of the development. This density bonus shall be available only to proposed developments served by

public water and sewer where the developer submits evidence and the Planning Board determines that at least 25% of the housing units can be afforded by households at or below 80% of Boothbay Harbor's median household income (per figures published by the State Planning Office).

**B. Affordable housing developments are eligible for a density bonus of up to 250% of the base residential density for multifamily dwellings in §170-28 Schedule of Dimensional Requirements if the project meets the affordable housing development requirements of Title 30-A MRS §4364, in the determination of the Planning Board, sewage disposal capacity exists, and the applicant agrees to market such lots or units within defined affordable guidelines. Deed restrictions or other binding provisions must be made that continue the affordability to future purchasers or renters.**

IV. Section 170-49(C) Multifamily dwellings, is amended as follows [text that is struck through indicates a deletion; text that is underscored indicates an addition]:

C. Building size limitation. There shall be no more than four units per structure. This limitation may be increased to six units per structure with the approval of the Planning Board in accordance with the requirements of Subsection B above. This provision shall not apply to affordable housing developments or elderly housing projects, as defined.

V. The "Parking Schedule" set forth in Section 170-50 Parking Standards, is amended as follows [text that is struck through indicates a deletion; text that is underscored indicates an addition]:

1. The number of required spaces for the listed use "Residential" is amended to read: "2 per dwelling unit, not including Accessory Dwelling Units".
2. Immediately following the listed use "Residential", a new use is added to read: "Residential, Multifamily dwelling designated as Affordable Housing Development under §170-31(B)". The number of required spaces for this use is added to read: "2 per 3 dwelling units".

VI. Section 170-57 Two dwellings in one lot, is amended as follows [text that is struck through indicates a deletion; text that is underscored indicates an addition]:

§ 170-57 ~~Two~~Multiple principal dwelling units in one lot.

The distance between ~~two~~ dwelling units in separate principal structures on one lot or parcel shall be at least equal to the minimum side yard setback for the district in which the dwellings are to be located.

**VII. A new section 170-31.1 Accessory dwelling units (ADUs) is added to read as follows:**

**170-31.1 Accessory dwelling units (ADUs)**

- A. Accessory dwelling units (ADU/ADUs) shall be accessory to the use of the premises as a single-family dwelling and shall be on the same lot as a single-family dwelling unit. Only one ADU shall be permitted per lot.**
- B. ADUs must comply with all local dimensional standards and other applicable zoning district requirements except the following:**
- (1) Minimum land area per dwelling unit or use in §170-28 Schedule of Dimensional Requirements. An ADU shall not be counted as a unit when calculating density or minimum lot area per dwelling unit.**
  - (2) Minimum parking requirements in §170-50 Parking Standards. No additional parking spaces shall be required for ADUs.**
- C. In zoning districts where ADUs are allowed, the reviewing authority according to §170-27 Schedule of Uses shall approve an ADU upon a determination that the following conditions are met:**
- (1) ADUs shall have an interior floor area of at least 190 square feet, but no larger than 800 square feet. For the purposes of this section, “interior floor area” shall mean the total enclosed floor area within the accessory dwelling unit (ADU), measured from the interior faces of the exterior walls.**
  - (2) ADUs shall not alter the single-family character of the property, as determined by the permitting authority. This includes ensuring the ADU is secondary in scale and visual prominence to the single-family dwelling and minimizing impacts on surrounding properties. Exterior floor areas, including but not limited to porches, decks, or patios, may be permitted but shall not exceed 25% of the ADU’s interior floor area.**
  - (3) If the ADU’s primary entrance is not the same as that for the principal dwelling unit, the ADU shall have a separate front, rear, or side entrance to the outside and comply with applicable code standards for egress.**
  - (4) ADUs must be connected to adequate water and wastewater services.**
    - a. ADUs must demonstrate adequate capacity in areas served by municipal or private sewers.**
    - b. ADUs in areas not served by municipal or private sewers shall be treated as a separate dwelling unit for the purposes of septic design. Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.**



(5) ADUs shall comply with all applicable building, plumbing, electrical, and fire safety codes in effect at the time of application.

D. ADUs shall not be rented or leased for a duration of less than four months when financial compensation is involved. Financial compensation includes any form of payment provided to occupy the ADU. This does not include informal arrangements where no payments are made. Subleasing or allowing additional occupants under separate agreements for shorter durations is not permitted.

(1) A certificate of occupancy issued for an ADU reviewed and approved pursuant to §170-31.1 shall contain the following condition: "This accessory dwelling unit shall not be rented or leased for a duration of less than four months when financial compensation is involved. Financial compensation includes any form of payment provided to occupy the ADU. This does not include informal arrangements where no payments are made. Subleasing or allowing additional occupants under separate agreements for shorter durations is not permitted. The owner of the ADU must provide a copy of the executed lease or rental agreement, upon request by the Town, to verify compliance with this condition."

VIII. Section 170-113(B) is amended with respect to the terms set forth below as indicated. Text that is struck through indicates a deletion; text that is underscored indicates an addition. Terms added to the list shall be located alphabetically within the list.

#### ACCESSORY DWELLING UNIT

A self-contained dwelling unit located within, attached to, or sharing a wall with a single-family dwelling unit or as a new structure for the primary purpose of creating an accessory dwelling unit located on the same parcel of land. Accessory dwelling units are designed to be occupied by a person or persons living independently from the person(s) occupying the principal dwelling.

#### ACCESSORY STRUCTURE OR USE

A use or structure which is customarily incidental and/or subordinate to the principal use or structure and located on the same lot. Accessory uses, when aggregated (formed by collection into a mass or sum), shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or garage attached to the principal structure by a roof or a common wall is considered part of the principal structure. For accessory dwelling uses, see Accessory Dwelling Unit.

#### AFFORDABLE HOUSING DEVELOPMENT

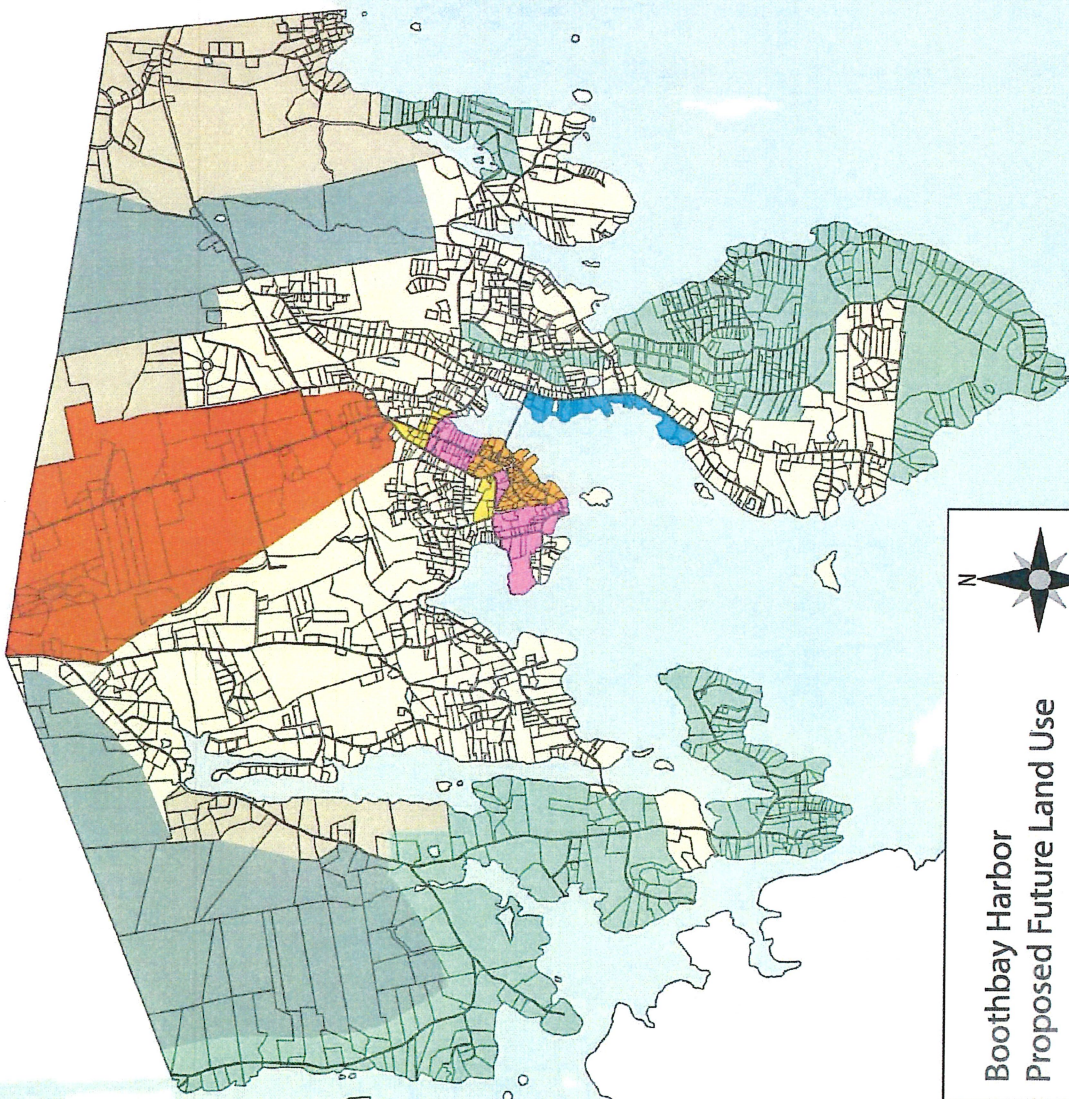
Affordable Housing Development as defined by Title 30-A MRS §4364.

**DUPLEX**

A residential structure containing ~~T~~two dwelling units in one structure. A duplex does not include a single-family dwelling and an accessory dwelling unit located within or attached to the single-family dwelling.

**NET RESIDENTIAL DENSITY**

The number of units per net residential acre. Net residential density does not include accessory dwelling units.



**LEGEND**

**Proposed Future Land Use**

- Downtown Business A
- Downtown Business B
- Downtown Business C
- General Business
- Maritime/Waterfront District
- Rural
- Special Residential
- General Residential Growth
- General Residential Rural

**Boothbay Harbor  
Proposed Future Land Use**

All areas in Boothbay Harbor except the proposed Rural District and General Residential-Rural District are considered growth areas. They include the Downtown Business, General Business, Maritime/Waterfront, Business Park, General Residential Growth and Special Residential Districts.

[Schedule of Dimensional Requirements]

Article \_\_\_\_ To see if the Town will vote to amend the current Land Use Code as follows:

Section 170-28 Schedule of Dimensional Requirements, is amended as follows [text that is struck through indicates a deletion; text that is underscored indicates an addition]:

1. Under the heading “Minimum Land Area per Dwelling Unit or Use (square feet),” for the item “With Town water and sewer” the block in the “DB” column is amended as follows:

~~Residential 10,000~~

~~All other 2,000~~

DB-A - No Minimum Area Required for any Dwelling or Use

DB-B and DB-C – Residential 10,000, All other 2,000

2. Under the heading “Minimum Side Yard<sup>1</sup> and Rear Yard Setback or the Center Line of Rights-of-Way Less Than 25 Feet in Width, Whichever is Greater (feet)” for the item “Residential” the block in the “DB” column is amended as follows:

~~15-10~~ (J)

3. Under the heading “Minimum Side Yard<sup>1</sup> and Rear Yard Setback or the Center Line of Rights-of-Way Less Than 25 Feet in Width, Whichever is Greater (feet)” for the item “All Other” the block in the “DB” column is amended as follows:

~~15-10~~ (J)

**[Building Standards]**

Article \_\_\_\_ To see if the Town will vote to amend the current Land Use Code as follows:

- 1. Section 170-35.(C) Building standards, is added as follows [text that is struck through indicates a deletion; text that is underscored indicates an addition]:**

C. In Downtown Business A, single-family dwelling units that are not accessory dwelling units shall contain a minimum of 500 square feet of living area, to include sleeping, bathing and cooking facilities as well as dedicated utility rooms. This area shall be exclusive of access stairs, access hallways, fire escapes, decks, patios, and porches.

[Nonconforming Structures]

Article \_\_\_\_ To see if the Town will vote to amend the current Land Use Code as follows:

**1. Section 170-83(D) Nonconforming structures, is amended as follows [text that is struck through indicates a deletion; text that is underscored indicates an addition]:**

- D. Expansion. A nonconforming structure may be added to or expanded after obtaining a permit from the Code Enforcement Officer, if such addition or expansion does not increase the nonconformity of the structure. An increase in area shall not be considered to increase the nonconformity of the structure. Lateral extensions of preexisting, nonconforming structures within a setback are not considered an increase in nonconformity, ~~unless the extension exceeds the greater of 20 feet or 50% of the existing lateral extent~~. The shoreland zoning standards in Chapter 170, Article VIII, shall govern structures in the shoreland zoning setback. However, such increase shall not be permitted if it creates or increases a safety hazard.

## [Height of Building]

Article \_\_\_\_ To see if the Town will vote to amend the current Land Use Code as follows:

**1. Section 170-41(B) Height of building, is amended as follows [text that is struck through indicates a deletion; text that is underscored indicates an addition]:**

B. Unless otherwise specified, the maximum height of a building shall be as follows:

(1) ~~In the General Business District (commonly known as "the meadow"), the Limited Commercial/Maritime District, and the Working Waterfront District, the maximum building height shall be 35 feet or 2 1/2 stories, whichever is less.~~

~~(2) In all other districts,~~ The maximum height of a building shall be ~~30~~35 feet.

~~(3)~~ 2 Structures within the Shoreland Zoning District must cross reference the height standards specific to those structures within the district.

~~(4)~~ 3 Exceptions: television or radio towers, church spires, belfries, monuments, water and fire towers, water standpipes, cooling towers, cupolas, chimneys, elevator bulkheads, smokestacks, flagpoles, grain silos and windmills or other structures necessary for essential services.