

**Shall an ordinance entitled, “An Ordinance to Amend the Town of Bowdoinham Land Use Ordinance to Allow for Accessory Dwelling Units” be enacted?**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed out~~.  
Other sections of the Ordinance are unchanged.

**ARTICLE 2. DEFINITONS**

Dwelling: Any building or structure or portion thereof designed or used for residential purposes.

1. Accessory dwelling – an independent dwelling unit that has been added onto, or created within, a single-family detached dwelling, or is an accessory building to a single-family detached dwelling.

**ARTICLE 4. PERFORMANCE STANDARDS**

**B) Accessory Dwelling**

An accessory dwelling shall meet the following standards:

- 1) An accessory dwelling unit shall be limited to a gross floor area of 1,600 sq/ft.
- 2) The Single-Family Dwelling and the accessory dwelling must comply with Maine Subsurface Wastewater Disposal rules.
- 3) Either the single-family dwelling or the accessory dwelling unit must be occupied by the owner of the property. At least one of the units shall be occupied as a primary residence.
- 4) If the accessory dwelling unit is to be located within a non-conforming structure of record, the accessory dwelling unit must be constructed so that the structure is not made more non-conforming.
- 5) If the accessory dwelling unit is to be constructed separate from the single family dwelling it must meet all applicable setbacks.
- 6) If the accessory dwelling unit is to be in the shoreland zone and/or the floodplain, the accessory must be considered a dwelling unit and meet all applicable dimensional requirements.
- 7) An accessory dwelling unit shall be counted as a dwelling unit subject to State of Maine Subdivision law at MRS §4401 and Town of Bowdoinham Road Standards.

**ARTICLE 5. LAND USE DISTRICTS**

**A) Establishment of Districts**

- 1) For the purposes of this Ordinance, the Town of Bowdoinham is hereby divided into the following base land use districts:
  - a) Residential/Agricultural District
  - b) Village I District
  - c) Village II District
- 2) Overlay Districts. The Shoreland Overlay Districts, established in Article 5, are special purpose zoning districts in which additional regulations, beyond those set forth in the base districts apply. The regulations of the base districts shall remain in effect unless the regulations set forth in the overlay district are more stringent.

#### **B) Rules Governing Base District Boundaries**

- 1) The location and boundaries of the land use districts are established as shown on the “Town of Bowdoinham Land Use Map,” dated June 14, 2017, which is hereby made a part of this Ordinance. This map shall be on file in the office of the Town Clerk.
- 2) Unless otherwise set forth on the Town of Bowdoinham Land Use Map, district boundary lines are
  - a) property lines,
  - b) the centerlines of roads, or such lines extended,
  - c) boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
  - d) the center lines of water courses or such lines extended, and
  - e) boundaries indicated as following or parallel to the centerlines of roads shall be construed to follow or be parallel to the centerline of that roadway, or
  - f) the Town boundary lines.
- 3) Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

#### **C) Land Use Requirements**

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

#### **D) Residential/Agricultural District-**

- 1) Dimensional Requirements:
  - a) For All Lots Which Do Not Meet Subsection b below.
    - (i) Minimum Lot Size – 1 acre

- (ii) Maximum Residential Density – 1 acre<sup>1</sup>
  - (iii) Minimum Road Frontage<sup>2</sup> - 150 feet
  - (iv) Minimum Setbacks for Buildings<sup>3</sup> –
    - (A) Front Yard – 50 feet
    - (B) Side Yard – 10 feet
    - (C) Rear Yard – 10 feet
- b) Lots Which Are Within A Subdivision (which is created after June 10, 2009).
- (i) Minimum Lot Size – 1 acre
  - (ii) Maximum Net Residential Density – 1 acre<sup>1</sup>
  - (iii) Minimum Road Frontage – 150 feet
  - (iv) Minimum Setbacks for Buildings –
    - (A) Front Yard – 50 feet
    - (B) Side Yard – 10 feet
    - (C) Rear Yard – 10 feet
  - (v) Open Space Requirement – 25% of Net Residential Area
- c) Structures shall not cover more than 20% of any lot. <sup>4</sup>

**E) Village I District-**

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<sup>1</sup> One Accessory Dwelling Unit that meets the standards of Article 4, Section B shall be exempt from any density requirements or lot area requirements. (Note: written in reference to DECD proposed rule 19-100; Chapter 5; Section 4.B.3.a)

<sup>2</sup> The Minimum Road Frontage requirement may be waived by the Code Enforcement Officer if the property meets the Back Lot Performance Standard in Article 4, Section B.

<sup>3</sup> The setback shall be the minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps and decks. Except that, ramps needed for disability access into a principle dwelling shall be exempt from the minimum setbacks.

<sup>4</sup> Structures may cover up to 30% of lots that are legally non-conforming due to lot size.

- 1) Dimensional Requirements:
  - a) Minimum Lot Size – 20,000 sq. ft.
  - b) Minimum Lot Size for Subdivisions with Community Subsurface Wastewater System – 10,000 sq. ft.<sup>5</sup>
  - c) Maximum Residential Density – 20,000 sq. ft.<sup>1</sup>
  - d) Minimum Road Frontage - 75 feet
  - e) Minimum Setbacks for Buildings –
    - (i) Front Yard - 20 feet
    - (ii) Side Yard - 10 feet
    - (iii)Rear Yard - 10 feet
  - f) Maximum Building Height – 35 feet
  - g) Structures shall not cover more than 30% of any lot. Lots legally non-conforming due to lot size may have up to 50% structure coverage.

**F) Village II District-**

- 1) Dimensional Requirements:
  - a) Minimum Lot Size – 30,000 sq. ft.
  - b) Minimum Lot Size for Subdivisions with Community Subsurface Wastewater System – 10,000 sq. ft.<sup>5</sup>
  - c) Maximum Residential Density – 20,000 sq. ft.<sup>1</sup>
  - d) Minimum Road Frontage - 100 feet
  - e) Minimum Setbacks for Buildings –
    - (i) Front Yard - 30 feet
    - (ii) Side Yard - 10 feet
    - (iii)Rear Yard - 10 feet
  - f) Maximum Building Height – 35 feet
  - g) Structures shall not cover more than 30% of any lot.

**KEY**

**District-**

**R/A– Residential/Agricultural District**

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<sup>5</sup> A subdivision shall not exceed the maximum residential density for the district.

VDI – Village I District

VDII – Village II District

**Reviewing Authority-**

A – Allowed without a permit

RC– Permitted with permit from Road Commissioner

CEO – Permitted with permit from Code Enforcement Officer

LPI – Local Plumbing Inspector

PB – Permitted with permit from Planning Board

SPR – Site Plan Review permit

SB – License from Select Board Required- SBA - Annual License and SBM – 5-year license

P – Permit Required

NP – Not permitted

**See Footnotes at end of Table. All uses are subject to the general performance standards of Article 4.**

<u>LAND USES</u>	<u>DISTRICT</u>		
	<u>R/A</u>	<u>VDI</u>	<u>VDII</u>
<u>Agricultural &amp; Resource Uses-</u>			
Access onto Town Road	RC	RC	RC
Agriculture	A	A	A
Agriculture products processing	SPR	SPR	SPR
Boarding and riding stables (private)	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Extractive industry	SPR	SPR	SPR
Earthmoving (less than 100 cubic yards)	A	A	A
Earthmoving(100 cubic yards or greater)	CEO <sup>3</sup>	CEO <sup>3</sup>	CEO <sup>3</sup>
Farm Stand	SPR <sup>6</sup>	SPR <sup>6</sup>	SPR <sup>6</sup>
Gravel Pit	SPR	SPR	SPR
Greenhouse (under 10,000sf)	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Greenhouse (10,000sf or greater)	SPR	SPR	SPR
Hoop House	A	A	A
Indoor Growing Facility	SPR <sup>5</sup>	SPR <sup>5</sup>	SPR <sup>5</sup>

Non-permanent Structure	A	A	A
Non-roadside or cross-country distribution lines (greater than 34.5kV)	SPR	SPR	SPR
Marijuana Cultivation Facility	SPR & SB <sup>A</sup>	SPR & SB <sup>A</sup>	SPR & SB <sup>A</sup>
Solar Energy System – Large	SPR	SPR	SPR
Solar Energy System – Small	A	A	A
Subsurface Wastewater Disposal System	LPI	LPI	LPI
Timber Harvesting	A	A	A
Wind Mill	CEO <sup>3</sup>	CEO <sup>3</sup>	CEO <sup>3</sup>
Agricultural or Resource Use not specified above	CEO <sup>3</sup>	CEO <sup>3</sup>	CEO <sup>3</sup>
Accessory structures, uses or services (for items above)	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>
<u>Residential Uses-</u>			
Condominiums	PB	PB	PB
Single-family dwelling	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Two-family dwelling	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
<u>Accessory Dwelling Unit</u>	<u>CEO &amp; LPI<sup>2</sup></u>	<u>CEO &amp; LPI<sup>2</sup></u>	<u>CEO &amp; LPI<sup>2</sup></u>
Multi-family dwelling (3 or more)	PB & CEO <sup>1</sup>	PB & CEO <sup>1</sup>	PB & CEO <sup>1</sup>
Manufactured Housing Park	PB	PB	PB
Subdivision	PB	PB	PB
Home Occupation	A	A	A
Non-permanent Structure	A	A	A
Temporary Building	A	A	A
Residential Use not specified above	CEO	CEO	CEO
The construction, alteration, relocation, demolition or replacement of any building or part thereof.	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Accessory structures, uses or services (for items above)	p <sup>4</sup>	p <sup>4</sup>	p <sup>4</sup>
<u>Industrial Uses-</u>			
Automobile Graveyard	NP	NP	SPR & SB <sup>A</sup>
Automobile Recycling Business	NP	NP	SPR & SB <sup>M</sup>
Airport (Public Use)	SPR	NP	SPR

Air Strip (Private Use)	SPR <sup>6</sup>	NP	SPR <sup>6</sup>
Bulk oil & fuel storage (over 500 gallons, except for on-site usage)	NP	SPR	SPR
Distribution Center	SPR	SPR	SPR
Junkyard	NP	NP	SPR & SB
Landfill	SPR	SPR	SPR
Light manufacturing	SPR	SPR	SPR
Lumber yard	SPR	SPR	SPR
Manufacturing	SPR	SPR	SPR
Pulp mill	NP	NP	SPR
Saw mill	SPR	SPR	SPR
Solid waste transfer station	SPR	SPR	SPR
Warehouse	SPR	SPR	SPR
Wood Processing Facility	SPR	SPR	SPR
Industrial Use not specified above	SPR	SPR	SPR
The construction, alteration, relocation, demolition or replacement of any building or part thereof.	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Accessory structures, uses or services (for items above)	SPR	SPR	SPR
<u>Institutional Uses-</u>			
Cemetery	SPR	SPR	SPR
Church	SPR	SPR	SPR
Civic, convention center	SPR	SPR	SPR
Community Center	SPR	SPR	SPR
Governmental Facilities	SPR	SPR	SPR
Hospital	SPR	SPR	SPR
Medical clinic	SPR	SPR	SPR
Museum	SPR	SPR	SPR
Outdoor recreation (parks, playgrounds, etc)	SPR	SPR	SPR
Public or private school	SPR	SPR	SPR
Public facility utility	SPR	SPR	SPR
Institutional Use not specified above	SPR	SPR	SPR

The construction, alteration, relocation, demolition or replacement of any building or part thereof.	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Accessory structures, uses or services (for items above)	SPR	SPR	SPR
<u>Commercial Uses-</u>			
Adult businesses	SPR	SPR	SPR
Amusement Facility	SPR	SPR	SPR
Art gallery/craft shop/gift shop	SPR	SPR	SPR
Automobile Repair Garage	SPR	SPR	SPR
Automobile Sales Business	SPR	SPR	SPR
Automobile Service Station	SPR	SPR	SPR
Bar	SPR	SPR	SPR
Bed & Breakfast	SPR	SPR	SPR
Boarding & Lodging facility	SPR	SPR	SPR
Boarding and riding stables (public)	SPR	SPR	SPR
Boat building/repair	SPR	SPR	SPR
Campground	SPR	SPR	SPR
Commercial complex	SPR	SPR	SPR
Commercial Kitchen	SPR <sup>5</sup>	SPR <sup>5</sup>	SPR <sup>5</sup>
Communication tower	SPR	SPR	SPR
Construction Business	SPR	SPR	SPR
Convenience store	SPR	SPR	SPR
Daycare Center	SPR	SPR	SPR
Dry Cleaning	NP	SPR	SPR
Financial institution	SPR	SPR	SPR
Funeral home	SPR	SPR	SPR
Grocery store	SPR	SPR	SPR
Gym / Fitness club	SPR	SPR	SPR
Health Services	SPR	SPR	SPR
Home-Based Business	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>
Hotel, motel	SPR	SPR	SPR
Kennel- (breeding/boarding facility)	SPR	SPR	SPR



Laundry, (see dry cleaning)	NP	SPR	SPR
Marijuana Establishment	SPR & SB <sup>A</sup>	SPR & SB <sup>A</sup>	SPR & SB <sup>A</sup>
Marijuana Social Club	NP	NP	NP
Metal Plating	NP	SPR	SPR
Nursing home, care facility	SPR	SPR	SPR
Outdoor recreation (golf course, etc)	SPR	SPR	SPR
Professional offices, office building	SPR	SPR	SPR
Publishing, printing	SPR	SPR	SPR
Redemption center	SPR	SPR	SPR
Restaurant	SPR	SPR	SPR
Repair service (other than auto & boat)	SPR	SPR	SPR
Retail business	SPR	SPR	SPR
Salon / Day Spa	SPR	SPR	SPR
Self storage facility	SPR	SPR	SPR
Service business	SPR	SPR	SPR
Telecommunication Tower	SPR	SPR	SPR
Theater	SPR	SPR	SPR
Veterinary clinic	SPR	SPR	SPR
Wholesale business	SPR	SPR	SPR
Wind Mill Farm	SPR	SPR	SPR
Commercial Use not specified above	SPR	SPR	SPR
The construction, alteration, relocation, demolition or replacement of any building or part thereof.	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Accessory structures, uses or services (for items above)	SPR	SPR	SPR

<sup>1</sup> A Building Permit from the Code Enforcement Officer is required.

<sup>2</sup> Must show 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. Must show proof of access potable water via connection to a public water system or a private well. (Note: written in reference to DECD proposed rule 19-100; Chapter 5; Section 4.B.5.b-d)

<sup>3</sup> A Land Use Permit from the Code Enforcement Officer is required.

<sup>4</sup> A permit for an accessory structure or use shall be given by the same permitting authority who issued the permit for the original use/structure, if a permit was required.

<sup>5</sup> A Home-Based Business is allowed if it meets the Performance Standard in Article 4, Section D. If the Performance Standard in Article 4, Section D is not met, then Tier I Site Plan Review Permit shall be required from the Code Enforcement Officer. All Home-Based Businesses must register their business name with the Town Clerk.

<sup>6</sup> A Tier I Site Plan Review Permit shall be required from the Code Enforcement Officer.

Given under our hands this 25<sup>th</sup> day of April, 2023.

**SELECT BOARD OF THE TOWN OF BOWDOINHAM:**



Peter Lewis, Chair



Mark Favreau, Vice Chair



Allen Acker



Peter Feeney



Deb Smith