Selectmen's Office
Town of Waterboro

TOWN OF WATERBORO
BOARD OF SELECTMEN
NOTICE OF PUBLIC HEARING

The Town of Waterboro Board of Selectmen will hold two public hearings at the Waterboro Town Hall, 24 Townhouse Road, on Tuesday, May 24, 2016 beginning at 6:00 pm.

Public Hearing #1 is to hear public comment regarding proposed amendments to the Zoning Ordinance, Article 2, Section 2.08 – Size Reductions or Increases with minor revisions to sections 8.01, 9.02, 10.01 & 12.01.

Public Hearing #2 is to hear public comment regarding proposed amendments to the Zoning Ordinance, Article 7, Section 7.03 – Campground Developments.

Copies of the proposed amendments are available at the Town Hall and on the town website, www.waterboro-me.gov.

24 Townhouse Rd. East Waterboro, Maine 04030 • Tel. 247-6166 • Fax 247-3013
www.waterboro-me.gov
email: waterboro@waterboro-me.gov

Proposed Amendments to Waterboro Zoning Ordinance
Article 2 General Provisions Section 2.08 with
minor revisions to sections 8.01,9.02,10.01 & 12.01

Note: The symbol of "* * * * *" indicates that there is missing text that will remain unchanged, which has been left out of this document for the purpose of brevity. Underlines indicate proposed language to add, and ~~strikeouts~~ indicate proposed removals of language.

~~**Section 2.08 Size Reductions or Increases -** Except as provided by the express provision of this Ordinance or by the Town's Subdivision Regulations dealing with unique design or development types (see for example Sections 2.06, 8.02, 8.03), the provisions of this ordinance dealing with lot size, setback, frontage and side yard requirements; height limitations; parking and loading areas, sign and billboard size may not be changed. They are designed to achieve the purposes of this ordinance (see Section 1.02) and reflect differing location and physical characteristics affecting the land or water areas involved (see Section 1.04). However, minor percent increase or decrease in the stated requirements, M.R.S.A Title 30-A §4353 (4), for issuing a variance are met. (AMENDED 3/11/00)~~

~~Lots created before the enactment of the Waterboro Zoning Ordinance that are substandard are required to have a Standard Boundary survey performed or present evidence to show the true boundary lines, (i.e. a plot plan prepared by a certified surveyor), before a building permit can be issued. (AMENDED 3-12-88 & 3-11-89)~~

~~In addition, any single lot of record on the date of enactment of this ordinance in any zoning district created by this ordinance may if the existing requirements of state law are met, be used to construct, renovate, or reconstruct a primary use and structure in spite of the fact that otherwise applicable dimensional requirements of this ordinance can not be met except where the realignment of lots is possible (see Section 9.01). Applications for building permits in cases where all applicable setback requirements cannot be met shall be reviewed by the Planning Board and may be appropriately conditioned to avoid harm to adjacent property owners and public, in accordance with the standards set forth in Section 4.02 of this ordinance. (AMENDED 9-25-90, 11-12-96 & 3-11-00) Departures from the usual dimensional requirements of this ordinance shall be kept to a minimum. Applications for building permits in cases where all applicable setback requirements can be met may be submitted directly to the Code Enforcement Officer and shall not require prior Planning Board review. (AMENDED 11-12-96)~~

Section 2.08 Setback Reductions-If an existing lot of record does not comply with the minimum lot size requirements of the zone in which it is located the following shall apply to all setbacks:

1. Yard requirements.

a. Rear. There shall be behind every building a rear yard having a minimum depth of the established by the zone in which the property is located as found in section 3.03 or 25 percent of the average depth of the lot, whichever is less.

b. Side. There shall be a minimum distance of the side yard setback established by the zone in which the property is located between any building and the side property line or the side yard setback shall be ten feet and increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum side yard setback as found in section 3.03 for the zone in which the property is located.

c. Front. There shall be in front of every building a front yard having a minimum depth of the setback established by the zone in which the property is located as found in section 3.03 or 25 percent of the average depth of the lot whichever is less.

2. Land Takings

Any land taken by eminent domain or conveyed for a public purpose shall not be deemed in violation of this provision. Any setback, or lot that is reduced below the minimum dimensional requirements as a result of land taken by eminent domain or conveyed for a public purpose shall not be deemed nonconforming. Setbacks for the enlargement of any existing building located on such a lot shall be referenced to the property line as it was located prior to the eminent domain action or the conveyance for a public purpose.

3. Non-Conforming Residential Structure Expansions

A legal nonconforming residential building may not be enlarged beyond the size permitted by dimensional regulations for buildings in said district except that an existing non-conforming building line parallel to the property line may be extended, but in no case shall the yard setback requirement for said addition be reduced to less than five feet.

4. Non-Conforming Non-Residential Structures

An existing lawfully non-conforming, non-residential building or structure may be extended or enlarged, provided that it satisfies the following criteria:

a. Any enlargement shall only be used to accommodate the needs of the existing use or different conforming use proposed to occupy the entire structure as outlined by the applicant.
b. An enlargement which purpose is to provide for additional floor space as a result of the addition of a new business under separate ownerships shall not be allowed;

5. Shoreland Zoning Standards

a. None of the above standards shall apply within the shoreland zone. All setbacks as determined in the Shoreland zoning ordinance Article 7 of the Zoning Ordinance.

Definition added to address the Average Depth of a Lot

- *Lot measurements* means the following measurements:

(1) The depth of a lot shall be considered to be the uninterrupted distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

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Article 2 General Provisions Section 2.08 with
minor revisions to sections 8.01,9.02,10.01 & 12.01

Section 8.01 ~~Height~~ Modifications for Special Structures ~~-As stated in Section 2.08 modifications (departures) from the~~ pProvisions of this ordinance are not generally contemplated or encouraged but nonetheless permitted in circumstances which involve nonconformance (see Article 9), planned unit development (see Section 8.02), cluster development (see Section 8.03), otherwise unusable substandard lots (see Sections 2.08 and 9.05), and where the requirements for the issuance of a variance are met (see Section~~s 2.08 and~~ 10.04).

Section 9.02 Existing Uses and Structures Which Conform With This Ordinance -Uses of land or structures, which on the date of enactment of this ordinance are in compliance with the provisions of this ordinance, may not subsequently be converted to uses which are not permitted by the provisions of this ordinance subject only to the provisions in Section 2.07 dealing with uses similar in character to permitted uses. Nor may uses of land or structures, which on the date of enactment of this ordinance conform with the provisions of this ordinance, be subsequently expanded in a manner which gives rise to nonconformance unless such nonconformity is minor and meets all of the requirements for ~~the issuance of a variance (see~~ Section 2.08 and Article 10~~)~~.

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Section 10.01 Establishment - Pursuant to the provisions of M.R.S.A Title 30-A §2691 and §4353 (1) a Zoning Board of Appeals is established for the Town of Waterboro to receive, hear, and decide appeals from interpretations of this ordinance and decisions of the officer (see Sections 2.05 and 13.02), the Planning Board and/or the Selectmen (see Sections 11.04 and 13.02), and all requests for variances ~~(see Section 2.08)~~ within the limitations established by M.R.S.A Title 30-A §4353 (4).

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Section 12.01 Permit and Review Fees

Variance Request $330.00 (see Section ~~2.08 and~~ 10.04)

~~Review on Non-conforming lots $25.00 (see Section 2.08)~~

DELETE THE FOLLOWING:

Section 7.03 Campground Developments (AMENDED 9/25/90)

~~Every campground providing temporary space for recreational vehicles must (unless the provisions of a particular zoning district impose more stringent requirements) have access to public roads over roadways (public or private) which are no less than fifty (50) feet wide. Campgrounds must also maintain an internal all weather road system with all roads being 50 feet in width, well drained, and lighted at an intensity of not less than two (2) foot candles. Internal roads should not dead-end, but if this is unavoidable, a turnaround area at least one hundred (100) feet in diameter must be provided.~~

~~Campgrounds must provide a safe water supply for each recreational vehicle and camping space at a rate of no less than fifty (50) gallons per day for each recreational vehicle and campground space. Campgrounds must provide an internal sewage collection system to which all suitable equipped recreational vehicles and any other toilet, washing or shower facilities in the park or campground shall be connected. A waste water treatment and sewage disposal system approved by the State of Maine Department of Environmental Protection and Department of Human Services must also be provided. All waste water collection and disposal, must meet state and town plumbing codes and be installed and maintained by the campground operator.~~

~~Campgrounds are required to provide a suitable system for the storage, periodic collection, and ultimate disposal of solid waste and garbage. Containers must be covered, rodent proof, and mounted on or in racks or holders to prevent ripping. Such facilities must be within one hundred and fifty (150) feet of each recreational vehicle or camping space.~~

~~Campgrounds are required to provide each recreational vehicle space with electricity of one hundred and ten (110) volts per recreational vehicle. All installations shall meet state and town electrical codes, be capable of functioning in all weather and be maintained by the campground operator. Unless such electrical system is installed underground, sufficient overhead wire clearance, no less than fourteen (14) feet from the ground, shall be maintained.~~

~~Campgrounds which reserve areas for recreational vehicles or tent campers must provide at least five thousand (5000) sq. ft. for each vehicle or camping space. In addition, a permanent all weather structure, meeting all setbacks, suitably divided to provide urinal facilities for men and women and hot and cold water for shower, lavatory, and washing machine (including drying) facilities, must also be provided for at a ratio of one (1) of each of the above facilities for every four (4) vehicle or camping spaces. Several structures providing the described facilities may need to be located at convenient points within the campground, however, no individual structure shall have less than one (1) of each of the above facilities and pieces of equipment.~~

Proposed Amendments to Waterboro Zoning Ordinance
Article 7, Section 7.03 – Campgrounds & Article 14 - Definitions

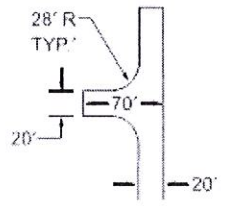
REPLACE WITH THE FOLLOWING:

Section 7.03 Campground Developments

All campgrounds shall comply with state licensing procedures and regulations for campgrounds. (M.R.S.A. 10-144 Ch.25)

Campgrounds shall be open only from May 1st to October 31st each year. From November 1st until April 1st, all services such as water and electricity shall be turned off or disconnected and no person shall occupy any site in the campground.

Campgrounds must maintain an internal all weather road system with all roads being 20 feet in width, well drained, and lighted at an intensity of not less than two (2) foot candles or 21.5 lumens at the ground level of any pole location. Internal roads should not dead-end. However, if a dead end is proposed the design for the turnaround area shall be a hammer-head design meeting the dimensions as shown in the diagram below. Two parking spaces shall be provided for recreational vehicle sites. One parking space is required for each tenting camp site.



ACCEPTABLE ALTERNATIVE
TO 120' HAMMERHEAD

Campgrounds must provide a buffer strip at least 25 feet wide, planted with trees and shrubs or retains natural vegitation, between the campground and adjacent lots and all camping sites and facilities shall be screened from the view of any abutting residence within 200 feet. Campgrounds which reserve areas for recreational vehicles shall provide at least one thousand two hundred and fifty (1,250) sq. ft. for each camp site except those camping sites within the Shoreland Zone which shall be 5,000 square feet in size. Tenting sites must provide a minimum site size of 1,000 square feet. All camping spaces shall be at least 25 feet in width. In addition, all campgrounds shall provide permanent all weather service structures, meeting all setbacks, suitably divided to provide men's and women's toilet/privy facilities within a 500 foot radius of each camping space to be served. Campgrounds that serve self-contained recreational vehicles with sewer and water connections at each site shall be exempt from the 500-foot radius requirement for service buildings. Laundry facilities or showers may be centrally located in a campground or contained in several service buildings but all toilets must be installed in separate compartments. Bathroom facilities shall be provided at a rate of one per every four un-sewered camping sites.

Campgrounds must provide a safe and reliable water supply for each recreational vehicle and camping space at a rate of no less than fifty (50) gallons per day for each recreational vehicle and campground

space. Campgrounds must provide an internal sewage collection system to which all suitable equipped recreational vehicles and any other toilet, washing or shower facilities in the park or campground shall be connected. A waste water treatment and sewage disposal system (dump station) approved by the State of Maine Department of Environmental Protection and Department of Human Services may also be provided. All waste water collection and disposal, must meet state and town plumbing codes and be installed and maintained by the campground operator.

Campgrounds are required to provide a suitable system for the storage, periodic collection, and ultimate disposal of solid waste and garbage. Containers must be covered, rodent proof, and located on suitable crushed stone or concrete pads. Such facilities must be within five hundred (500) feet of each recreational vehicle or camping space.

Campgrounds are required to provide each recreational vehicle space with electricity of one hundred and ten (110) volts per recreational vehicle. All installations shall meet state and town electrical codes, be capable of functioning in all weather and be maintained by the campground operator. Unless such electrical system is installed underground, sufficient overhead wire clearance, no less than fourteen (14) feet from the ground, shall be maintained at all times.

No rigid enclosed addition may be affixed to any recreational vehicle other than a recreational vehicle accessory enclosure as defined herein.

Article 14 Definitions

Add to Definitions:

Recreational Vehicle Accessory Enclosure

A factory-manufactured rigid metal or vinyl enclosure, with dimensions not exceeding ten (10) feet in width and the length of the recreational vehicle, and designed for use with recreational vehicles. The term shall not include decks, patios, awnings, awning tents, screen panels or unenclosed roof projections.