

WARRANT ARTICLE I - Shall an ordinance dated May 8, 2024 and entitled “Amendments to the Land Use Zoning Ordinance and the Town of Mount Desert Sewer Ordinance regarding exceptions to connecting to public sewer” be enacted as set forth below?

Explanation: -This Article corrects the reference in Section 6B.15 regarding which Board grants an exception to the requirement of connecting to the public sewer. It also amends the Town of Mount Desert Sewer Ordinance so that it correctly refers to the applicable section in the LUZO.

SECTION 6 STANDARDS FOR USES, PERMITS AND APPROVALS.

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6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES

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6B.15 Sanitary Standards

1. **Availability of public sewer.** All plumbing systems within two hundred (200) feet of a public sewer shall be connected to public sewer where available in accordance with local, state, and federal laws and regulations. **The Planning Board may waive Board of Selectmen may grant an exception to this requirement if all other standards of Section 6A and the applicable standards of Section 6B are met in accordance with Article 2 of the Town of Mount Desert Sewer Ordinance.**

TOWN OF MOUNT DESERT SEWER ORDINANCE

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Article 2 – USE OF PUBLIC SEWERS REQUIRED

- 2.01** The owner of any house, building or property used for human occupancy, employment, recreation, or other purpose, situated within the Town of Mount Desert and abutting on any street, alley or right-of-way, in which there is now located, **or may in the future be located,** a public sanitary sewer of the Town of Mount Desert, is hereby required, at property owner’s expense, to install suitable toilet facilities therein, and to connect such facilities, if located within two hundred feet (200’) in accordance with **§ 6.3(1) 6B.15.1** of the Mount Desert Land Use Zoning Ordinance, to the proper public sewer, in accordance with the provisions of these rules and regulations, within ninety (90) consecutive calendar days after the date of official notice to do so, provided that said public sewer is located opposite to any portion

of the frontage of the property to be served by said sewer. Provided, however, that where excavation of the public highway is otherwise prohibited by state law or regulation, or where unusual hardship exists due to the presence of ledge, incompatible elevations, or other causes, the Board of Selectmen may grant exceptions upon specific application of the owner or lessee of such properties, ~~which~~with such conditions as the said Selectmen may impose.

2. **State standards.** All subsurface sewage disposal facilities shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

WARRANT ARTICLE II - Shall an ordinance dated May 8, 2024 and entitled “Amendments to the Land Use Zoning Ordinance to modify the setback standards for lots around Little Echo Lake” be enacted as set forth below?

Explanation: It has been determined by Maine DEP that Little Echo Lake was man-made and therefore does not require a 100 ft setback from the waterbody. This Article changes the setback designation of the remaining lots on Little Echo Lake that still have a 100 ft setback and reduces it to 75 ft which is consistent with Maine DEP standards.

SECTION 3 LAND USE DISTRICTS

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3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc

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(n) The setback from the normal high-water line of a great pond is 100 feet, except for these lots where the setback is 75 feet, indicated below.

Map-Lot IDs for 75 ft. setback

Map-Lot IDs for 100 ft. setback

Long Pond & Echo Lake:

All Lots

Little Round Pond:

012-018
012-019
012-019-001

Little Round Pond:

012-015-001
012-020

Round Pond:

011-120
011-122
011-123
011-124
012-013

Round Pond:

011-90
011-118
011-119

Little Echo Lake:

009-098
009-099
009-100
009-101
009-102
009-107
009-120-010
009-120-010-001
009-120-011
009-097

~~Little Echo Lake:~~

~~009-107~~
~~009-120-010~~
~~009-120-010-001~~
~~009-120-011~~
~~009-097~~
~~009-107-003~~

009-107-003

(Added November 16, 2009)

(Amended May 3, 2011)

(Amended May 8, 2018)

(Amended May 8, 2024)

WARRANT ARTICLE III - Shall an ordinance dated May 8, 2024 and entitled “Amendments to the Land Use Zoning Ordinance regarding standards for unregistered vehicles” be enacted as set forth below?

Explanation: This Article amends the wording of section 6B.17 to specify that no more than two unregistered vehicles are allowed to be stored on a lot. Any more than two would constitute an “Automobile Graveyard” and would require different standards per state rules.

SECTION 6 STANDARDS FOR USES, PERMITS AND APPROVALS.

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6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES

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6B.17 Vehicles, Unregistered

No more than two (2) unregistered and/or uninspected vehicles may be stored on any residential lot. ~~unless said vehicles cannot be viewed from any public way.~~

WARRANT ARTICLE IV - Shall an ordinance dated May 8, 2024 and entitled “Amendments to the Land Use Zoning Ordinance regarding Individual Private Campsites” be enacted as set forth below?

Explanation: This Article amends the definition of individual private campsites by adding the number of people who can use one, adding specificity on what site improvements an individual private campsite entails, and clarifying the minimum lot area when they are located in the Shoreland Zone.

SECTION 6 STANDARDS FOR USES, PERMITS AND APPROVALS.

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6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES

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6B.9 Individual Private Campsites.

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, ~~or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.~~
2. All individual private campsites on lots located wholly or partially within the shoreland zone shall be located on lots with at least 30,000 square feet of total area.
3. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
4. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
5. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a

gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

6. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
7. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.
8. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

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SECTION 8 DEFINITIONS
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INDIVIDUAL PRIVATE CAMPSITE: ~~An area of land which is not associated with a campground, but which is used for tent camping.~~ An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include, among other things, a gravel pad, parking area, fire pit, or tent platform.

WARRANT ARTICLE V - Shall an ordinance dated May 8, 2024 and entitled “Amendments to the Land Use Zoning Ordinance regarding Permitted, Conditional, and Excluded Uses for Residential Dwelling Units” be enacted as set forth below?

Explanation: This Article amends the wording in Section 3.4 (Table of Allowed Uses) so that Residential Dwelling Units (specifically Residential Dwelling One Family, Residential Dwelling Two Family, and Residential Dwelling, Multi-Family) are consistent with the defined terms in Section 8 of the LUZO.

SECTION 3 LAND USE DISTRICTS

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3.4 Permitted, Conditional, and Excluded Uses by District:

All land use activities, as indicated in the following table, shall conform with all of the applicable land use standards in Sections 6.A., 6.B., and 6.C. The district designation for a particular site shall be determined from the Official Land Use Zoning map.

- P** Use allowed without a permit (but the use must comply with all applicable land use standards)
- C** Use allowed with conditional use approval from the Planning Board Use allowed with conditional use approval from the Planning Board, except where the code enforcement officer may authorize minor changes in the placement and size of improvements for an approved conditional use permit
- X** Use is prohibited
- CEO** Use allowed with a permit from the code enforcement officer

- VR1 VILLAGE RESIDENTIAL ONE
- VR2 VILLAGE RESIDENTIAL TWO
- VR3 VILLAGE RESIDENTIAL THREE
- R1 RESIDENTIAL ONE
- R2 RESIDENTIAL TWO
- SR1 SHORELAND RESIDENTIAL ONE
- SR2 SHORELAND RESIDENTIAL TWO
- SR3 SHORELAND RESIDENTIAL THREE
- SR5 SHORELAND RESIDENTIAL FIVE
- RW2 RURAL OR WOODLAND TWO
- RW3 RURAL OR WOODLAND THREE
- VC VILLAGE COMMERCIAL
- SC SHORELAND COMMERCIAL
- RP RESOURCE PROTECTION
- C CONSERVATION
- SP STREAM PROTECTION

Section 3.4 Permitted, Conditional, and Excluded Uses by District

DISTRICTS:			SR 1							
LAND USE:	VR 1	R 1	SR 2	RW	VC	SC	C	RP	SP	VR3
	VR 2	R 2	SR 3	2						
			SR 5	RW						
				3						
RESIDENTIAL										
<u>Dwelling 1 & 2 Residential Dwelling One Family & Residential Dwelling Two Family</u>	CEO	CEO	CEO ^(d)	CEO	CEO	CEO ^(d)	C	C ⁸	C ⁴	X
<u>Dwelling, Multiple Residential Dwelling, Multi-Family</u>	C	C	C	C	C	X	C	X	X	X
Accessory Residential Dwelling Unit	CEO	CEO	CEO	CEO	CEO	C	C	C ⁸	C ⁴	C ^e
Accessory structures including structural additions and guest houses ^(c)	CEO	CEO	CEO	CEO	CEO	CEO	C	C ⁸	C ⁴	X
Cluster and Workforce Subdivisions	C	C	X	C	C	X	X	X	X	X
Residential Storage Building/Shed	CEO	CEO	CEO	CEO	CEO	CEO	C	C ⁸	C ⁴	X
Mobile Home Park	C	X	X	X	X	X	X	X	X	X

(c) A separate garage is an accessory structure. A separate garage with a dwelling unit shall be deemed a dwelling unit.

(d) See Section 6B.11.3 (Lots)

(e) Accessory residential dwellings in the VR3 District must be for staff housing only.

WARRANT ARTICLE VI - Shall an ordinance dated May 8, 2024 and entitled “Amendments section 5.4 of the Land Use Zoning Ordinance notification responsibility for conditional use approval process” be enacted as set forth below?

Explanation: This Article amends the wording in Section 5.4.3 to clarify that the Town is responsible for sending notices on Conditional Use Approvals rather than the Planning Board.

SECTION 5 CONDITIONAL USE APPROVAL

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5.4 Review Procedures

Pre-Application Procedures – Prior to submitting a Conditional Use Approval Application an applicant or authorized agent may request to appear at a regular meeting of the Planning Board to discuss the proposed project. The pre-application review shall not be construed as representing either the pendency or the commencement of the application process per se.

Formal Application Procedures – The review procedures set forth below may, at the Planning Board’s discretion, be undertaken at a single meeting.

1. **Determination of completeness.** Following receipt of a formal Conditional Use Approval application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.
2. **Notification of completeness.** As soon as the Board determines that the application is complete, the Board shall notify the applicant of this finding and issue a dated receipt.
3. **Public hearing and notice of meeting.** On each application for Conditional Use Approval the Planning Board shall hold a public hearing not less than ten (10) days after public notice. The **Planning Board Town** shall send notice of each public hearing by first class mail to all abutting property owners and shall publish such notice in a newspaper with local circulation at the applicant's expense. The notice shall include the date, time, and place of the meeting at which the application will be considered.

WARRANT ARTICLE VII - Shall an ordinance dated May 8, 2024 and entitled “Amendments to the Land Use Zoning Ordinance regarding dimensional requirements for Residential Dwelling Units and Accessory Dwelling Units” be enacted as set forth below?

Explanation: This Article amends Section 6B.11 to clarify the dimensional requirements for Residential Dwelling Units and be in compliance with State Law LD2003. It also adds standards for Accessory Dwelling Units (which are already allowed) and clarifies that they are only allowed on lots where there is a single residential dwelling unit.

SECTION 6 STANDARDS FOR USES, PERMITS AND APPROVALS.

6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES

6B.11 Lots

3. Requirements for lots wholly outside the Shoreland Zone

1. **Lots abutting more than one road.** Lots which abut more than one road shall have the required setbacks along each road used as an entrance or exit.
2. ~~**Dimensional requirements one-family or two-family dwellings.** One family and two-family dwellings are allowed in all districts, as indicated in Section 3.4, subject to the following: All dimensional requirements shall be met separately for each and every one-family dwelling on a lot. All dimensional requirements shall be met separately for each and every two-family dwelling on a lot.~~

EXCEPTION:

~~For any existing or new lot that is wholly outside the Shoreland Zone, one accessory residential dwelling unit is allowed per lot without an increase in the minimum lot size requirement. Accessory residential dwelling units are incidental and subordinate to the principal use or structure and may be no more than 75 percent of the living area of the primary dwelling unit. The accessory residential dwelling shall meet town and state standards for wastewater disposal and the lot on which the accessory residential dwelling is located shall conform to current minimum lot size standards.~~

2. Residential Dwelling One-family, Two-family and Multi-family.

- a. All dimensional requirements shall be met separately for each and every Residential Dwelling one-family on a lot.
- b. A Residential Dwelling Two Family shall be considered a single structure and all dimensional requirements shall be met separately for each and every Residential Dwelling Two Family on a lot.

c. Dimensional Standards shall be met for each residential dwelling unit in a Residential Dwelling Multi-Family.

3. **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.

a. Accessory residential dwelling units can be within the Residential Dwelling One-Family, attached to it, or in a new structure.

b. 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.

c. The accessory residential dwelling must have adequate water supply and shall meet town and state standards for wastewater disposal.

d. For an accessory 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.

4. **Requirements for Lots Wholly or Partially within the Shoreland Zone**

4. **Multiple structures.** If more than one residential dwelling unit, principal governmental, institutional, commercial, or industrial structure or use, or combination thereof, is constructed or established on a single parcel that is wholly or partially within the Shoreland Zone, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

SECTION 8 DEFINITIONS

ACCESSORY RESIDENTIAL DWELLING UNIT: ~~A dwelling unit either attached to a single-family principal dwelling or located on the same lot and having an independent means of access. A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land.~~

RESIDENTIAL DWELLING UNIT: A room or a group of rooms designed for permanent, seasonal, or temporary habitation by one family at a time that includes cooking, toilet, and sleeping facilities. The term shall include mobile homes, accessory dwelling units, and rental units that contain cooking, toilet and sleeping facilities (regardless of the time period rented). Recreational vehicles are not residential dwelling units.

RESIDENTIAL DWELLING ONE-FAMILY: A structure or a portion of a structure designed for human habitation that includes facilities for cooking, eating, and sleeping for one family.

RESIDENTIAL DWELLING TWO-FAMILY: A single structure containing two attached dwelling units, each of which has independent access. The two dwelling units shall share a common floor, roof, or wall. A covered porch or enclosed breezeway measuring no longer than 12 feet in length between the two dwellings shall meet the requirement of a shared floor, roof, or wall.

RESIDENTIAL DWELLING MULTI-FAMILY: A structure or a portion of a structure designed for human habitation that includes facilities for cooking, eating, and sleeping for three or more families. The units may or may not have an internal connection to another unit or units.

WARRANT ARTICLE VIII - Shall an ordinance dated May 8, 2024 and entitled “Amendments the Land Use Zoning Ordinance clarify the timing for approval of permits” be enacted as set forth below?

Explanation: *This Article amends the procedure to administer permits (Section 7.5) by clarifying timelines for reviewing and issuing permits.*

SECTION 7 CODE ENFORCEMENT OFFICER

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7.3 Permits Required

It shall be unlawful, without first obtaining a permit from the appropriate reviewing authority, to engage in any activity or use of land or structure requiring approval in the district in which such activity or use would occur; or expand, change, **install** or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed. Approval shall be required for:

1. **Activities requiring Code Enforcement Officer approval.** Any activity listed in Section 3.4 requiring approval from the Code Enforcement Officer.

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7.5 Procedure for Administering Permits

1. **Submission of Permit applications to Code Enforcement Officer**

1. **Determination of complete application.** Within 30 days of the date of receiving a written application for approval of either the Code Enforcement Officer or the Planning Board, the Code Enforcement Officer shall notify the applicant in writing either that the application has been accepted as a complete application or, if the application is incomplete, that specific additional material is needed to make the application complete.
2. **Code Enforcement Officer permits and approvals.** The Code Enforcement Officer shall within a period of ten (10) business days after determining an application is complete either approve, approve with conditions, or deny such applications in accordance with the provisions of this Ordinance.

23. Referrals. All applications which require Conditional Use Approval of the Planning Board or action by the Board of Appeals shall within a period of thirty (30) days of completeness be referred to the applicable board for action and public notice shall be given. After approval, with or without conditions by such Board, the Code Enforcement Officer shall issue a permit within ten (10) working days after being notified of such approval.

~~3. **Code Enforcement Officer permits and approvals.** In all other cases involving approval by the Code Enforcement Officer, the Code Enforcement Officer shall within a period of ten (10) working days approve or deny such applications in accordance with the provisions of this Ordinance.~~

7.6 Violations. If, upon inspection or investigation, the CEO shall find what appears to be a violation, he/she shall notify in writing the person(s) believed to be responsible, within ten ~~working~~business days. The notice shall describe the nature of the violation, and state what appeal procedures may be available.

The CEO shall order any necessary action to correct the violation, including discontinuance of the activity and/or removal of buildings, and abatement of nuisance conditions. The CEO shall maintain a copy of all such notices, which shall be available for public inspection during regular office hours. Each day that the violation occurs shall constitute a separate offense, beginning with the day following notification by the Code Enforcement Officer of such violation. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

WARRANT ARTICLE IX - Shall an ordinance dated May 8, 2024 and entitled “Amendments the Land Use Zoning Ordinance clarify the timing for approval of permits” be enacted as set forth below?

Explanation: This Article amends the LUZO procedure for administering permits to clarify the standards for certificates of occupancy.

SECTION 7 CODE ENFORCEMENT OFFICER

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7.5 Procedure for Administering Permits

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6. Certificate of Occupancy. No structure or portion of a structure that is regulated by this ordinance may be occupied until a Certificate of Occupancy has been issued by the Building Inspector/Code Enforcement Officer. Temporary Certificates of Occupancy are permitted provided no serious life safety hazard exists as judged by the Authority Having Jurisdiction/Code Enforcement Officer. Occupancy without written approval is a violation of the of the ordinance and subject to penalties as prescribed in Section 7.10 of the ordinance.

1. The National Fire Protection Association 101 Life Safety Codes, shall be enforced, as amended from time to time and adopted/approved by the State Fire Marshal’s Office.
2. Contractors or Sub-contractors installing structural or mechanical parts of a building regulated, by a, b, c, & d below of this ordinance shall sign off on the Certificate of Occupancy that said installation is in accordance with the requirements contained in said section.
 - a. **Chimneys, Smoke Pipes or Flue Pipes.** Chimneys, smoke pipes and flue pipes shall conform with the requirements of the 1996 National Fire Protection Association 211 Code for Chimneys, Fireplace, Vents and Solid Fuel Burning Appliances, or as amended.
 - b. **Oil Burner Installation.** Oil burner installation and service shall conform to the requirements of the National Fire Protection Association 31 Oil Burning Equipment current edition as designated by the State of Maine Oil and Solid Fuel Board.
 - c. **LP Gas Equipment Installation.** LP Gas equipment installation and service shall conform to the requirements of the National Fire Protection Association 58 Liquefied Petroleum Gases, Storage and Handling, current edition as designated by the State of Maine Oil and Solid Fuel Board.

The Secretary of State shall issue certificates of title for new tiny homes beginning with model year 2020. The Secretary of State shall issue a certificate of title for a used tiny home of any model year that was previously issued a State of Maine certificate of title. A certificate of title issued pursuant to this subsection remains in effect unless cancelled pursuant to section 669. Therefore, no Certificate of Occupancy shall be issued.

- b. Tiny homes constructed on a site in a more traditional stick-built manner but meeting certain size standards established in the laws and codes adopted.

This type of tiny home would be a structure constructed under the same codes and standards as a larger, more traditional dwelling and on a foundation, but still meeting the size limitation of less than 400 SF. This is identified in the MUBEC rules under the IRC (Chapter 5) which would be allowed the use of Appendix V. Appendix V provides some code exceptions that have been approved to accommodate the limited size and deemed to provide an acceptable level of safety for the occupants. This type of construction would be subject to all other utility codes adopted by the State of Maine, to include but not limited to, the Maine Internal Plumbing code, State Electrical codes, and Fuel Gas codes.

- c. The Town of Mount Desert does not enforce the Maine Uniform Building & Energy Codes (MUBEC); therefore, a Third-Party Inspector would be required to conduct all inspections, at the property owners' expense of the Tiny Home to assure it meets all the requirements listed above and attached, and provide a report to the Code Enforcement Department, prior to issuing a Certificate of Occupancy.