

Town of Islesboro
Land Use Ordinance

ATTEST: A TRUE COPY
Tina L. Pendleton
Tina L. Pendleton
3-10-15

Proposed Changes for Review at Public Hearing
March 9, 2015 @ 5:30 PM
Town Office Meeting Room

Article III Districts

§125-32. Setback and height.

C. Lot lines: sewage disposal systems; burial sites.

- (1) No building, structure, or facility of any kind shall be built or located within 15 feet of any lot line, except that common driveways serving no more than four abutting lots may be permitted closer than 15 feet to a lot line, provided that an easement is filed with the Waldo County Register of Deeds by the property owner or owners on whose land the driveway is to be constructed. Turnoff from such driveways shall be no closer than 50 feet to the edge of the travel portion of the road. The Planning Board or the CEO may approve applications for other driveways closer than 15 feet to the side lot line if it either determines that safe access to the property is not otherwise possible.

F. Signs. Except as noted, the following shall apply to all districts in the Town of Islesboro:

- (1) Freestanding signs ~~relating to goods and/or services sold on the premises~~ shall be permitted, provided that such signs shall not exceed six square feet each in area and shall not exceed two such signs per premises. Signs relating to goods or services not sold or rendered on the premises are prohibited.

§125-33. Minimum lot size in all districts.

- B. After the effective date of this chapter, except in the Maritime Activities District, each waterfront lot adjacent to the Meadow Pond shall have a minimum of 200 feet of shore frontage per dwelling unit and not less than 150 feet of continuous frontage on a road, and no lot adjacent or not adjacent to tidal areas shall have less than 150 feet of frontage on the shore per dwelling unit nor less than 150 feet of continuous frontage on a road, except that up to four ~~waterfront lots adjacent to a tidal or nontidal area not in a subdivision,~~ may be served by a right-of-way of not less than 25 feet in width built and maintained at all times to allow access to all lots by emergency vehicles.
- I. Except in a Maritime Activities District, if more than one dwelling unit, with the exception of an accessory dwelling unit, or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements, other than road frontage, shall be met for each additional dwelling unit or principal structure.

The following is a new article and not an amendment to an existing article.

ARTICLE IIIA

Accessory Dwelling Units

§125-35.1 Definition.

- A. An accessory dwelling unit (ADU) is a small, self-contained residential unit located on the same lot as an existing single-family home. An ADU has all the basic facilities needed for day-to-day living independent of the primary residence, such as a kitchen, sleeping area and a bathroom.
- B. The installation of an ADU may be as a separate unit within an existing home, an addition to the home, or a separate structure on the lot.

§125-35.2. Purpose and intent.

The purpose of allowing ADUs is to:

- A. Encourage a diversity of housing options that help maintain a viable year round population.
- B. Provide homeowners with a means of obtaining, through tenants in either the ADU or the principal unit, rental income, companionship, security and services.
- C. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in life.
- D. Protect neighborhood stability, property values and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this Article.

§125-35.3. Standards and criteria.

ADUs shall meet the following standards and criteria:

- A. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health and any other applicable codes.
- B. The maximum size of the ADU shall not exceed 800 square feet.
- C. All unattached ADUs shall meet current plumbing codes, as well as have their own septic tank, which may be linked to the subsurface sewage disposal system of the primary residence as determined by a licensed site evaluator. Those homeowners served by the Dark Harbor Waste Water Transfer Facility need prior written permission from the Town Manager before approval of the ADU permit.
- D. No new access to the road is allowed from a lot.
- E. The primary residence and the ADU are owned by the same person and may not be sold separately unless dimensional requirements are met.
- F. The owner is required to occupy either the principal residence or the ADU as his primary legal residence.

- G. Only one ADU is permitted per residential lot.
- H. An ADU shall not have more than two bedrooms.
- I. One off-street parking space shall be provided or as many spaces deemed necessary by the CEO to accommodate the actual number of vehicles used by occupants of both the primary dwelling and the ADU.
- J. There shall be no on-street parking associated with an ADU.
- K. The applicant shall provide a covenant in a form acceptable to the Town Attorney and suitable for recording with the Registry of Deeds providing notice to future owners of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by the landowner. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section.
- L. Transfer of ownership requires a new ADU permit if the new landowner wishes to continue the ADU use.

Article VI. Definitions

§125-61. Word usage and definitions.

B. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY DWELLING UNIT - An accessory dwelling unit (ADU) is a small, self-contained residential unit located on the same lot as an existing single-family home.

An ADU has all the basic facilities needed for day-to-day living independent of the primary residence, such as a kitchen, sleeping area and a bathroom. The installation of an ADU may be as a separate unit within an existing home, an addition to the home, or a separate structure on the lot.

PRIMARY OR LEGAL RESIDENCE - A primary or legal residence is a building or dwelling being currently used by the owner as his main place of dwelling or home. A homeowner may have only one primary or legal residence.