

- * Site Location Development Act (Title 38, MRSA Sections 481-490).
- * Natural Resources Protection Act (Title 38, MRSA Sections 480 A-S).
- * Underground Oil Storage Facilities and Groundwater Protection (Title 38, MRSA Sections 561-570G).
- * Solid Waste Management Regulations (06-96 CMR Chapters 400-409).

Note: The above statutes and regulations include the latest rules adopted in due course by the appropriate agencies. Especially important are the rules and regulations pertaining to underground tanks, Maine Department of Protection regulation 006-096 Chapter 691 of 16 September 1991 and subsequent revisions as authorized by Title 38, MRSA Section 561 and following. [6-92, 3-02]

1.3.3 All building permits shall be void unless work thereunder is commenced within one year from the date of issue. A building permit is valid for one year and must be renewed by the Code Enforcement Officer at the end of one year at no additional cost to the applicant. [3-69, 6-86]

1.3.4 All building permits shall be displayed in a conspicuous place on the premises, and shall not be removed until all work covered by the permit has been approved. [3-69]

2. LOT SIZE AND SETBACK REQUIREMENTS

Throughout this section, whenever "mobile home" or "mobile home park" is referred to, also see 30-A MRSA 4358.

2.1 The minimum lot size requirement shall be met for each dwelling unit located on a parcel of land with the following exceptions:

2.1.1 Two family homes shall be subject to the same minimum lot size requirement as a single-family dwelling;

2.1.2 Elderly Congregate Housing shall conform to section 2.8 of this ordinance. [3-69, 3-70, 7-73, 6-83, 3-85, 3-86, 12-89, 3-90, 3-01, 3-02, 6-12][6-20]

2.1.3 Congregate Housing shall conform to section 2.8 of this ordinance.[6-20]

2.1.4 An affordable housing development approved on or after July 1, 2024 shall conform to Section 2.9 of this ordinance [XX-XX]

- 2.2 No structure situated on a lot will be within ten feet of the adjoining property lines except in the Village 1 District and the Village Waterfront District. [6-83, 3-98, 6-12]
- 2.3 Except in the Village 1 District and the Village Waterfront District, **where no parking minimum exists**, each lot shall provide **adequate** off-street parking as required in §2.3.1 and meet the size requirements described in §2.3.2. [6-83, 3-90, 3-02, 6-12, X-XX]

2.3.1 Off-Street Parking Schedule

Use	Number of Required Spaces
Residential Uses	
Dwelling Unit*	2 per dwelling unit
Institutional Uses	
Assembly	1 per 300 square feet of total floor area
School	1 per 3.5 seats in assembly rooms plus 1 per faculty member
Commercial Uses	
Health Club	1 per 100 square feet of total floor area
Hotel/Motel	1 per sleeping unit plus 1 per 500 square feet of common area
Medical Office	1 per 200 square feet of total floor area
Office	1 per 300 square feet of total floor area
Restaurant	1 per 100 square feet of total floor area
Retail	1 per 200 square feet of total floor area
Industrial Uses	
Manufacturing/Warehouse	1 per 500 square feet of total floor area
Other Uses	
	Sufficient spaces to accommodate the normal parking demand as determined by the Planning Board
*No additional parking space is required for an accessory dwelling unit (ADU) located on a lot that contains a preexisting single-family dwelling.	

2.3.2 The minimum size of parking spaces shall conform to the requirements of Section 9.C.3 of Article VIII, *Site Plan Review*, except that at least twenty (20) percent of the spaces shall be a minimum of ten (10) feet wide and twenty (20) feet long unless the Planning Board finds that it is clearly demonstrated that smaller parking spaces are appropriate. The larger spaces shall be identified by appropriate signage or pavement markings.

2.4 UNDERSIZED LOTS

2.4.1 See Article VI, Sections 5 & 6, Non-conformance. [6-12]

2.5 Schedule of Dimensional Requirements

	<i>Village 1</i>	<i>Village 2</i>	<i>Residential</i>	<i>Route 1 Commercial</i>	<i>Nequasset Watershed</i>	<i>Rural</i>
Minimum Lot Size	<i>None</i>	<i>1 Acre¹</i>	<i>1 Acre</i>	<i>1 Acre</i>	<i>1 Acre</i>	<i>1 Acre²</i>
Road Setback	<i>None</i>	<i>10 ft.</i>	<i>10 ft.</i>	<i>75 ft³</i>	<i>10 ft.</i>	<i>10 ft.</i>
Side, Rear Setbacks	<i>None</i>	<i>10 ft.</i>	<i>10 ft.</i>	<i>10 ft.</i>	<i>10 ft.</i>	<i>10 ft.</i>

1. 20,000 square feet with public water and sewer;

2. In the Rural Districts no business shall be built, placed or maintained upon a lot unless there is a ratio of at least 2 acres per business, except that if every business on the lot is served by Town water and Town sewer, the minimum ratio shall be one acre per business. For purposes of this section, each separate business tenant within a single structure shall constitute a separate business. When two or more uses are made of a particular lot, the lot size requirement for that lot shall equal the sum of the lot size requirements for each use treated individually; for example, the lot size requirement for a business and a single family dwelling unit on a single lot in the Rural District shall be a minimum of 3 acres of land.

3. Stairs, ramps, decks and enclosed porches not greater than 64 square feet in area may be located within said road setback zone as long as they are more than 60 feet from the centerline and meet all other sideline setback requirements. Those buildings and structures (established as of the effective date of this ordinance) which are closer to the road and which meet all other sideline setback requirements can be extended along but not closer to the road.

2.6 For the purpose of determining how many units may be placed on any parcel the lot size shall include the total area less any area which encompasses wetlands, 100 year floodplains, State designated wildlife protection areas, access roads, and paved parking areas for public use. [3-90]

2.7 In the Village 1 District, the lot owner is required to provide at least 1.5 on-site off-street parking spaces for each residential unit, unless approved otherwise by the Planning Board. However, this requirement shall not apply to residential units

located inside buildings existing as of March 10, 1990, if provision of the required amount of on-site off-street parking is not feasible; in that case, the owner is required to provide as much on-site off-street parking as feasible. [3-90, 3-98, 6-12]

- 2.8 The net residential density for Elderly Congregate Housing and for Congregate Housing shall be no more than one housing unit per three thousand (3000) square feet of acreage with a minimum of five acres. The property on which any congregare housing is to be developed must be served by the Town’s water and sewer districts. The total area of open space shall equal or exceed the area used for the total footprint of all buildings associated with Elderly Congregate Housing. Congregate Housing is not allowed in the Shoreland districts.[3-01][6-20]

2.9 AFFORDABLE HOUSING DEVELOPMENT DENSITY BONUS

2.9.1 In accordance with 30-A MRSA §4364, an automatic density bonus for certain affordable housing developments approved on or after July 1, 2023, shall apply to lots in zoning districts that have adopted density requirements, as described herein. For purposes of this section, the Planning Board shall verify that the development:

2.9.1.1 Is an affordable housing development as defined in this ordinance, which includes the requirement that a minimum of 51% of the total units on the lot are affordable;

2.9.1.2 Is in a designated growth area pursuant to 30-A MRSA §4349-A(1)(A) or (B) or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system;

2.9.1.3 Is located in an area in which multifamily dwellings are allowed per this ordinance;

2.9.1.4 Complies with minimum lot size requirements; and

2.9.1.5 Owner provides written verification that each unit of the housing development is proposed to be connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:

2.9.1.5.1 If a housing unit is connected to public, special district or other comparable sewer system, proof of adequate service to

support any additional flow created by the unit and proof of payment for the connection to the sewer system;

2.9.1.5.2 If a housing unit is connected to a septic system, 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. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

2.9.1.5.3 If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit.

2.9.1.5.4 If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

2.9.2 Long-Term Affordability: Prior to granting a certificate of occupancy or other final approval of an affordable housing development, the owner of the affordable housing development shall execute a restrictive covenant that is enforceable by a party acceptable to the municipality; and record the restrictive covenant in the appropriate registry of deeds to ensure that for at least thirty (30) years after completion of construction.

2.9.2.1 For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy.

2.9.2.2 For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

2.9.3 Density Bonus: If the requirements of Section 2.9.1 and 2.9.2 are met, the affordable housing development shall be granted:

2.9.3.1 A dwelling unit density of 2.5 times the base density that is otherwise allowed in that District. If fractional results occur when calculating the density bonus in this subsection, the number of units is rounded down to the nearest whole number.

2.9.3.2 A reduction in parking requirements to no more than two (2) off-street parking spaces for every three (3) dwelling units of the affordable housing development. If fractional results occur when calculating the density bonus in this subsection, the number of parking spaces is rounded up to the nearest whole number.

~~2.9~~ 2.10 HOOK-UP REQUIREMENT IN THE COMMERCIAL DISTRICT

~~2.9.1~~ 2.10.1 All Structures built or placed in the Commercial District after August 19, 2003 shall be hooked up to town water if they require water service and shall be hooked up to town sewer if they require sewer service, except that these requirements shall not apply to residential structures which are setback more than 250 feet from the northwesterly sideline of US Route #1.[9-03]

~~2.10~~ 2.11 HOTELS AND MOTELS [3-95]

2.11.1 Owners of all hotels and motels shall provide at least one on-premises, off-street parking space per rental unit. Such parking shall conform to the requirements of Article VIII Section 6.8 and shall be approved by the Wiscasset Planning Board. [3-95, 9-03]

~~2.11~~ 2.12 HOME OCCUPATIONS [3-95]

~~2.11.1~~ 2.12.1 A "home occupation" is a business or profession, which is carried on, in a dwelling unit, or other structure accessory to a dwelling unit, by a person residing in the dwelling unit. Home occupations shall not be considered in determining the minimum lot size requirements for the use or uses made of any lot.

~~2.11.2~~ 2.12.2 Any person may carry on one or more home occupations in any zoning district, provided:

- a. Such use or uses does not involve any modification of the dwelling unit, which will alter its outward appearance as a dwelling unit discernible from a public way;
- b. There is no outside storage of materials used in, or products resulting from, the home occupation discernible from a public way;
- c. The occupation does not generate noise, noxious odors, glare, vibrations, nor electrical interference beyond levels noted before the occupation existed and as discerned from abutting properties or from a public way;

- d. If the home occupation consists of renting rooms, whether as a bed and breakfast or otherwise, the owner must provide at least one off-street parking space on private property per rental unit. If more than seven rooms are rented, the business owner must comply with the requirements for Hotels and Motels.
- e. The occupation is registered with the Town Clerk in accordance with Article X Section 7.

~~2.12~~ 2.13 CERTIFICATE OF OCCUPANCY

~~2.12.1~~ 2.13.1 The Code Enforcement Officer must issue a certificate of occupancy before any residential or non-residential structures, buildings, accessory outbuildings or lands which required Planning Board or Appeals Board approval are occupied for that use for which the approval was given. The Code Enforcement Officer shall issue the certificate when the Code Enforcement Officer determines that the structure, building, accessory outbuilding or land, and the occupancy thereof, comply with the provisions of Wiscasset's Ordinances and with all provisions of any order by the Planning Board or Appeals Board. [3-95, 06-21]

~~2.12.2~~ 2.13.2 The Code Enforcement Officer may issue a temporary certificate of occupancy for all or part of a residential or non-residential building or structure, or for one or more nonresidential buildings or structures which are part of a larger development, provided the Code Enforcement Officer determines that such temporary occupancy would not jeopardize life or property. Any temporary certificate of occupancy shall state on its face the date on which the temporary certificate expires. The temporary certificate shall be issued for no longer than twelve months. The temporary certificate may not be renewed. After a temporary certificate expires, the non-residential building or structure for which the temporary certificate was issued shall not be occupied until The Code Enforcement Officer issues a certificate of occupancy. [3-95, 3-97, 06-21]

~~2.12.3~~ 2.13.3 The Code Enforcement Officer shall maintain a public record of all certificates of occupancy which the Code Enforcement Officer issues. [3-95]

~~2.12.4~~ 2.13.4 Failure to obtain a Certificate of Occupancy shall constitute a violation of Wiscasset's Ordinances and shall subject the appropriate persons or entities to all of the provisions of 30-A MRSA 4452 as the same maybe amended from time to time. [3-95]

~~2.12.5~~ 2.13.5 This provision is in addition to the Certificate of Compliance for special flood hazard areas found in Miscellaneous Ordinances (Article X). [3-95]