

ARTICLE 5: PERFORMANCE STANDARDS

Section 5.1 ACCESSORY APARTMENTS

The purpose of the provisions concerning accessory apartments is to provide a diversity of housing for town residents while protecting the rural character of the community. Accessory apartments may be utilized for rental purposes as well as in-law accommodations subject to the following requirements. ~~If the accessory apartment does not meet all of said requirements, then a conditional use permit shall be required:~~

- ~~A. The dwelling shall have only one main entrance and all other entrances shall appear subordinate to the main entrance. An entrance leading to a foyer with entrances leading from the foyer to the two dwelling units is permitted. No open or enclosed outside stairways shall be permitted above the first story.~~
- B. The main dwelling unit shall have at least fifteen hundred (1500 sq. ft.) square feet of floor area and the accessory apartment shall not exceed fifty (50%) percent of the floor area of the main dwelling unit. Floor area measurements shall not include unfinished attic, basement or cellar spaces, nor public hallways or other common areas.
- C. ~~An accessory apartment shall be made part of the main residence, or located in a separate building whose primary function is not as a dwelling unit, such as a garage or barn. An~~ accessory apartment or tiny home as defined in 29-A MRSA § 101(80-C), may be constructed or altered as a building for the primary purpose of creating an accessory apartment, but notwithstanding the provisions of Section 4.2(A)(8), the maximum number of dwelling units shall be two (2).
- D. Accessory apartments shall not be permitted for any nonconforming structure or use, where the nonconformity is due to the use of the premises, as opposed to nonconforming dimensional requirements.

ARTICLE 5: PERFORMANCE STANDARDS

Section 5.19. MANUFACTURED HOUSING & ~~MOBILE HOMES~~ PLACED ON LOTS OUTSIDE OF MOBILE HOME PARKS

~~All manufactured housing and mobile homes to be located on any lot within the Town after March 5, 1988 must conform to the following.~~ Manufactured housing is allowed on any lot where a single-family home is permitted subject to the following requirements:

- A. The Maine State Plumbing Code.
- B. All manufactured housing ~~shall be at least fourteen (14') feet in width,~~ shall have a pitched roof with a minimum pitch of ~~three (3")~~ two (2) inches in height for every twelve (12") inches of horizontal movement.
- C. Shall have exterior siding which is residential in appearance.
- D. Shall be placed on a permanent foundation in compliance with the ~~Building Code of the Town of Durham~~ Maine Uniform Building and Energy Code (MUBEC) or the foundation standards of the Maine Manufactured Housing Board.
- E. Notwithstanding the requirements in the ~~immediately~~ preceding sentence, ~~and any~~ manufactured housing or mobile home which was legally sited within the Town as of ~~January 1, 1989~~ August 4, 1988 may be replaced on any lot within said Town even though it may not meet the foregoing design criteria.
- F. Any such relocated manufactured housing or mobile home must still comply with the State of Maine Plumbing Code as well as any zoning requirements applicable to other types of single-family dwellings.

ARTICLE 15: MOBILE HOME PARKS

Repeal the current Article 15 and replace it with the following:

Section 15.1. GENERAL

Design and performance standards. Mobile home parks are subject to Planning Board conditional use and review under the following site plan standards. Except as stipulated below, mobile home parks shall also meet all the requirements for a residential subdivision, and shall conform to all applicable state laws and local ordinances or regulations. The Planning Board shall give reasonable consideration to allowing existing mobile home parks to expand in their current locations. Where the provisions of this section conflict with specific provisions of Article 6, Subdivision of Land, the provisions of this section shall prevail. The plan presented to the Planning Board shall designate all lots to be used within the proposed mobile home park.

Section 15.2. LOT AREA & WIDTH REQUIREMENTS

Lot area and lot width requirements. Notwithstanding the dimensional requirements located in Article 4 of this chapter, mobile home park lots shall meet the following lot area and lot width requirements:

- A. Lots served by individual subsurface wastewater disposal systems:
 - 1. Minimum lot area: 20,000 square feet.
 - 2. Minimum lot width: 100 feet.
- B. Lots served by a central on-site subsurface wastewater disposal system approved by the Maine Department of Health and Human Services:
 - 1. Minimum lot area: 12,000 square feet.
 - 2. Minimum lot width: 75 feet.
- C. Required minimum lot widths provide separation and yard space between units on adjacent park lots. Units may be oriented perpendicular or parallel to the mobile home park roads.
- D. The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area.
- E. No part of any lot which is part of a road right-of-way, part of a required buffer strip, or part of a required open space shall be used for the purpose of computing lot area or any size, setback, frontage or other dimensional requirement which may be imposed.

Section 15.3. UNIT SETBACK REQUIREMENTS

A. Unit setback requirements:

1. On lots 12,000 square feet in area or larger, structures shall not be located less than 15 feet from any boundary lines of an individual lot.
2. On lots which abut a public way either within the park or adjacent to the park, structures shall meet the front setback provisions of this chapter.

Section 15.4. BUFFERING

- A. Buffering. If a mobile home park is proposed with a residential density of at least twice the density of residential development on immediately adjacent parcels of land, or at least twice the net residential density permitted in the zoning district in which the park is located if the immediately adjacent parcels of land are undeveloped, the park shall be designed with a continuous landscaped area not less than 50 feet in width which shall contain no structures, streets or utilities, except that utilities may cross a buffer strip to provide service to the mobile home park.
- B. For the first 25 feet of the buffer strip as measured from the exterior boundaries of the park, the Planning Board shall consider natural buffering which forms an effective visual barrier to be located on all exterior lot lines of the park, except that driveways shall be kept open to provide visibility for vehicles entering and leaving the park. When natural features such as topography, gullies, stands of trees, shrubbery or rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be considered.

Section 15.5. ROAD DESIGN, CIRCULATION, & TRAFFIC IMPACTS

- A. Road design, circulation and traffic impacts. roads within a park shall be designed by a professional engineer licensed in the State of Maine.
- B. Roads within the mobile home park shall meet the following minimum geometric design standards:
1. Minimum right-of-way width: 23 feet.
 2. Minimum width of paved way: 20 feet.
- C. Any road within a park with an expected average daily traffic of 200 trips per day or more shall have at least two road connections leading to existing roads, other roads within the park or other roads shown on an approved subdivision plan.
- D. No individual lot within a park shall have direct vehicular access onto an existing road.
- E. The intersection of any road within a park and an existing external road shall meet the following standards:

1. Angle of intersection. The desired angle of intersection shall be 90°. The minimum angle of intersection shall be 75°;
 2. Maximum grade within 75 feet of intersection. The maximum permissible grade within 75 feet of the intersection shall be 2%;
 3. Minimum sight distance. Minimum entrance sight distances shall meet the requirements of Section 5.2 Access Management;
 4. Distance from other intersections. The center line of road street within a park intersecting an existing road shall be no less than 125 feet from the center line of any other road intersecting that road.
- F. The application shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on a recognized methodology of the kind relied on by transportation engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis by a licensed professional engineer with experience in transportation engineering

Section 15.6. GROUNDWATER IMPACTS

- A. Assessment submitted. The application for approval of any mobile home park shall include an analysis of the impacts of the proposed mobile home park on groundwater quantity and quality. The hydrogeologic assessment shall be prepared by a certified geologist or licensed professional engineer experienced in hydrogeology and shall contain at least the following information:
1. A map showing the basic soils types;
 2. The depth of the water table at representative points throughout the mobile home park;
 3. Drainage conditions throughout the mobile home park;
 4. Data on the existing groundwater quality, either from test wells in the mobile home park or from existing wells on neighboring properties;
 5. An analysis and evaluation of the effect of the mobile home park on groundwater resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park and at the mobile home park boundaries. For mobile home parks within the watershed of Runaround Pond, projections of the development's impact on groundwater phosphate concentrations shall also be provided; and,
 6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.
- B. The proposed mobile home park shall not, alone or in conjunction with existing activities, render the groundwater unfit as a public or private drinking water supply as determined by applicable regulations.

- C. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan
- D. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.

Section 15.7. UTILITIES

- A. When a central on-site subsurface wastewater disposal system is proposed, the applicant must demonstrate that suitable land area with suitable soils exists on the property to provide for a replacement system. Such replacement system must also be approved by the Local Plumbing Inspector and, if required under the State of Maine Subsurface Wastewater Disposal Rules, by the Maine Department of Health and Human Services. The location for that replacement system must be located on the site plan. The area devoted to the replacement system may not be used for any other purpose.
- B. Utilities. Electrical utilities and telephone lines may be located above ground or underground within a mobile home park

Section 15.8. MISCELLANEOUS REQUIREMENTS

- A. No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and without meeting the appropriate lot size, lot width, setback and other requirements for the district where it is located. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval:
 - 1. The land within the park shall remain in unified ownership and the fee to lots or portions of lots shall not be transferred.
 - 2. No dwelling unit other than manufactured housing shall be located within the park.
- B. Limitation on Lot Numbers and Conflicting Ordinances. Except as required under Title 38, Maine Revised Statutes Annotated, or an ordinance adopted pursuant to Title 38 that addresses wastewater disposal, shoreland zoning, and other environmental impacts, no part of these provisions shall be construed to limit the number of lots in a mobile home park or circumvent the intent of MRSA Title 30-A, §4358, or conflict with its provisions.

ARTICLE 19: DEFINITIONS

Section 19.1. DEFINITIONS

- A. **Construction of Language:** All words not defined herein shall carry their customary and usual dictionary meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural. The word "shall" is used to indicate the mandatory and the word "may" is used to indicate the permissive. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied." Obvious typographical errors may be disregarded in interpretation of this Ordinance. Definitions followed by [brackets] indicate that the words have specific reference to individual articles and do not generally apply to all articles.
2. **ACCESSORY APARTMENT:** A separate, secondary dwelling unit, including tiny homes, located on a property with a single-family dwelling that is subordinate to the main dwelling in terms of size and use.
- ~~61. **DOMICILE HOME STAND:** That part of each individual mobile home lot which has been reserved for the mobile home. [Article 15, Mobile Home Parks]~~
64. **DWELLING:** Any building or structure or any portion thereof designed or used for residential purposes.
- a. **Single-Family Dwelling:** A Structure containing only one Dwelling Unit for occupation by not more than one family. The terms shall include modular homes and mobile homes and tiny homes as defined herein.
- b. **Two-Family Dwelling:** A single structure containing two Dwelling Units on one parcel of land, such building being designed for residential use and occupancy two families living independently of each other.
124. **MANUFACTURED HOME:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. [Article 11, Floodplain Regulations]
125. **MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. [Article 11, Floodplain Regulations]
126. **MANUFACTURED HOUSING:** A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim.
133. **MOBILE HOME (INSIDE A MOBILE HOME PARK):** ~~(1) Those units constructed after June 15, 1976, commonly called "never mobile homes", which the~~

~~manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which, in the traveling mode, are fourteen (14') body feet or more in width and are seven hundred and fifty (750 sq. ft.) or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein; except that the term shall include any structure which meets all the requirements of this paragraph, except the size requirements and with respect to which manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq; and, (2) Those units commonly called 'modular homes', which the manufacturer certifies are constructed in compliance with the State's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning, or electrical systems contained therein. (3) A vehicular portable structure built on a chassis of which wheels are an intrinsic part designed to be used with or without a permanent foundation as a residence for one of more persons that does not meet either of the definitions contained in sub-paragraphs (1) and (2) above. [Article 15, Mobile Home Parks] A structure constructed after June 15, 1976, commonly referred to as a "newer mobile home," which the manufacturer certifies as being built in compliance with the United States Department of Housing and Urban Development (HUD) standards under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.). Such structures are transportable in one or more sections, built on a permanent chassis, and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including plumbing, heating, air-conditioning, and electrical systems contained therein. The term also includes any structure that meets all HUD standards and for which the manufacturer voluntarily files the required certification.~~

134. **MOBILE HOMES (OUTSIDE OF MOBILE HOME PARKS):** ~~Factory-fabricated structures which are built on permanent chassis and are used as dwelling units when connected to the required utilities. For the purposes of this Ordinance, mobile homes are considered to be single-family dwellings if they are occupied by one family only. Mobile homes must conform to this Ordinance and to Article 15.~~
135. **MOBILE HOME PARK LOT:** That parcel of a mobile home park that provides facilities for long term occupancy of a mobile home and designed for the exclusive use of its occupants. [Article 15, Mobile Home Parks] The area of land on which an individual manufactured home is situated within a mobile home park and which is reserved for use by the occupants of that home.
136. **MOBILE HOME PARK:** ~~A contiguous parcel of land that has a minimum of twenty (20) acres but no more than one hundred (100) acres and is plotted for the~~

~~development of a minimum of twenty (20) mobile home lots~~ A parcel of land under unified ownership approved by a municipality for the placement of 3 or more manufactured homes in accordance with Article 15. [~~Article 15, Mobile Home Parks~~]

137. **MODULAR HOMES:** ~~Factory-built dwellings which are constructed with floor joists and not upon a permanent chassis. For the purposes of this Ordinance, multi-sectional modular homes and single-wide modular homes are considered to be single-family dwellings if they are occupied by only one family.~~ Housing units that the manufacturer certifies are constructed in compliance with the State's laws and rules governing the construction of manufactured housing, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including plumbing, heating, air-conditioning or electrical systems included in the structure. For the purposes of this ordinance, modular homes are considered to be single-family dwellings.
138. **TINY HOME:** A living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:
- a. Complies with American National Standards Institute standard A119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles;
 - b. Does not exceed 400 square feet in size;
 - c. Does not exceed any dimension allowed for operation on a public way under this Title; and
 - d. Is a vehicle without motive power.
- "Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing as defined by State law.