

2. Off-street parking spaces required:

Use	Number of Parking Spaces Required
Dwellings	2 spaces per dwelling * <a href="#">1.5 Parking spaces are required for Affordable Housing Developments</a>
Accessory apartment	<del>1 space per accessory apartment</del> <a href="#">No spaces required</a>
Sale or rental of goods, merchandise, or equipment	1 space per 250 sq ft gross floor area
Office, clerical, research, or services not primarily related to the sales or rental of goods or merchandise	1 space per 250 sq ft gross floor area
Manufacturing, processing, creating, repairing, renovating, cleaning, painting	1 space per 500 sq ft gross floor area
Schools with students less than 16 years of age	1 space per employee plus 1 space per 10 students
Schools with students 16 and older	1 space per employee plus 1 space per 4 students
Places of worship	1 space per 4 seats
<del>Libraries</del> <a href="#">Libraries</a> museums, art galleries , and art centers	1 space per 250 sq ft gross floor area
Social, fraternal clubs, union halls, community centers, function halls, movie or live theaters	1 space per 4 seats, if fixed, or 1 space per 100 sq ft gross floor area
Indoor/outdoor recreation, except for personal use	15 spaces minimum, or 1 space per 250 sq ft gross floor area
Hospital	1 space per 2 beds
Nursing home	1 space per 4 beds
Congregate care/community living facility	1 space per unit
General food service, tavern, bar, brew pub, cocktail lounge , bottle club	1 space per 4 seats
Deli, bakery, ice cream parlor, take out food service	1 space per 250 sq ft gross floor area
Hotel, motel, bed & breakfast, cabin or similar rental	1 space per room plus 3 spaces
Motor vehicle related sales and service	1 space per 250 sq ft gross floor area
Warehousing distribution center	1 space per 500 sq ft gross floor area
Passenger transit terminal	6 spaces per 1000 sq. ft. gross floor area
Services related to animals	1 space per 100 sq ft gross floor area
Public safety, municipal owned facilities	1 space per 250 sq ft gross floor area
Drycleaner, laundromat	1 space per 250 sq ft gross floor area
Funeral home	1 space per 4 seats
Campground	1 space per campsite

- For the purposes of the table above, gross floor area is the sum of all floors within a building or use. The Board may consider deducting closet and storage space.
- For buildings with 2 uses, the parking requirements for each use will be applied and totaled.
- For expanded buildings/uses there only needs to be spaces for the expansion.

## SECTION 17

### PERFORMANCE STANDARDS

### SPECIFIC ACTIVITIES AND LAND USES

The following performance standards apply to the following specific activities and land uses. The general performance standards in Section Sixteen which may be applicable to the specific activities and land uses contained in this Section also apply.

#### A. Accessory Apartments

1. Purpose: The purpose of this standard is to allow homes in Fryeburg to accommodate one additional, 800 square foot rental dwelling unit so that the owner-occupant may have the income necessary to maintain the unit.
2. As an accessory use in a single family dwelling, the renting of a single apartment in a dwelling is permitted provided the following conditions, 3 through 10, are met.
3. There may be no new external construction to increase the size of the structure to accommodate the accessory use, except as may be required by safety codes; however, there may be construction within the home to accommodate the accessory apartment.
4. The water and sewage facilities meet all existing laws and codes.
5. The building is owner-occupied.
6. No additional Off-street parking is required~~provided~~ to meet the requirements of this Ordinance.
7. All required permits are obtained for construction of the apartment and a Certificate of Completion is obtained prior to the apartment being rented.
8. The accessory apartment is no larger than 40% of the total area of the building.
9. One non-illuminated sign, no larger than two square feet in area, may be erected on the premises only during times when a vacancy exists.
10. Any apartment created under this section need not meet the requirements for multi-family housing contained elsewhere in this Ordinance.

#### B. Adult Businesses

1. "Adult business" means any business, a substantial or a significant portion of which consists of selling, renting, leasing, exhibiting, displaying or otherwise dealing in obscene materials which depict or describe any of the following:
  - a. human genitals in a state of sexual stimulation or arousal;
  - b. acts of human masturbation, sexual intercourse or sodomy;
  - c. fondling or other erotic touching of human genitals, pubic region, buttock or female breast;
  - d. less than completely and opaquely covered:
    - (1) human genitals, pubic region
    - (2) buttock
    - (3) female breast below a point immediately above the top of the areola; and



- e) Owner provides written verification that each unit of the housing development is connected to adequate water and wastewater services prior to certification of the development for occupancy. Written verification must include the following:
- i. If a housing unit is connected to a 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;
  - ii. 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.
  - iii. 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; and
  - iv. If a housing unit is connected to a well, proof of access to a sufficient supply of potable water. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

#### 4. Long-Term Affordability

A. Prior to granting a certificate of occupancy or other final approval of an affordable housing development, a municipality must require that the owner of the affordable housing development 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:

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; and
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.

#### B. Density bonus

If the requirements in Section 2(B)(1) and (2) are met, a municipality must:

1. Allow an affordable housing development to have a dwelling unit density of at least 2.5 times the base density that is otherwise allowed in that location; and
2. Require no more than two (2) off-street parking spaces for every three (3) dwelling units of an affordable housing development.

If fractional results occur when calculating the density bonus in this subsection, the number of units is rounded down to the nearest whole number. The number of parking spaces may be rounded up or down to the nearest whole number.

~~f.~~

#### **S. Food and Alcohol Service**

1. The application for a permit must state the maximum seating and standing capacity of the building. Any expansion or enlargement over this capacity requires a new permit.
2. When subsurface waste water disposal is proposed, completed soil evaluation forms (HHE-200) must be submitted. All proposed subsurface disposal systems must meet the State of Maine Subsurface Waste Water Disposal Rules.
3. Restroom facilities for the patrons must be provided on the premises.

#### **T. Sawmills**

1. Temporary sawmills (On a property for 60 days or less per calendar year) must meet the following standards:
  - a. Temporary sawmills must not be located within 100 feet of any dwelling not owned or occupied by the sawmill operator, school, or religious institution.
  - b. Temporary sawmills shall meet the sound level limits of this Ordinance
  - c. Temporary sawmills shall not cause the erosion and waterborne transportation of soil onto any abutting property.



## SECTION 25 DEFINITIONS AND WORD USAGE

### A. Construction of Terms

1. In this Ordinance, certain terms or words are to be interpreted as follows:
  - a. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual or any other legal entity;
  - b. The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular;
  - c. The word "must" is mandatory, and the word "may" is permissive. The use of "may" as in "no buildings may be built," or "buildings may not be built," means that permission is not granted to build buildings and thus they are not allowed to be built;
  - d. The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied;"
  - e. The word "building" includes the word "structure," and the word "dwelling" includes the word "residence;"
  - f. The word "lot" includes the word "plot" or "parcel."
2. In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text controls.
3. Terms not defined have the customary dictionary meaning.

### B. Definitions

In this Ordinance the following terms have the following meanings unless a contrary meaning is specifically prescribed:

**Accessory Apartment:** One additional 800 square foot dwelling unit located within a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet. ~~or smaller sized rental dwelling unit that is allowed as an accessory use of a single family dwelling. See Section Seventeen, Performance Standards, Specific Activities and Land Uses.~~

**Accessory Use or Structure:** A use or structure of a nature customarily incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, may not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or common wall is considered part of the principal structure.

**Activity:** The specific use or uses to which a premise is put.

which includes activities, supervision, meals and if requested, supervision with assistance. Other services may also be provided.

**Adventure Park:** A commercially operated park, offering forms of entertainment such as roller coasters, rides, zip lines, rock climbing walls, games, or similar.

**Affordable housing development.** “Affordable housing development” means

1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and
2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.
3. For purposes of this definition, “majority” means more than half.
4. For purposes of this definition, “housing costs” means:
  - a) For a rental unit, the cost of rent and any utilities (electric, gas, water, sewer, and/or trash) that the household pays separately from the rent; and
  - a)b) For an ownership unit, the cost of principal, interest, property taxes (including assessments), private mortgage insurance, and homeowner’s insurance.

**Agent:** Anyone having written authorization signed by a property owner to act in behalf of that property owner.

**Aggrieved Party:** A person whose land is directly or indirectly affected by the grant or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted.

**Agriculture:** Any public or private use of land or structures for propagation, production management maintenance, harvesting, processing and/or sale of produce and/or animals, including but not limited to farming, and livestock husbandry forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products fruits and vegetables Christmas trees, nursery stock and ornamental and green house products; but specifically excluding the operation of a commercial slaughterhouse or other commercial processing of animal by-products. Agriculture