

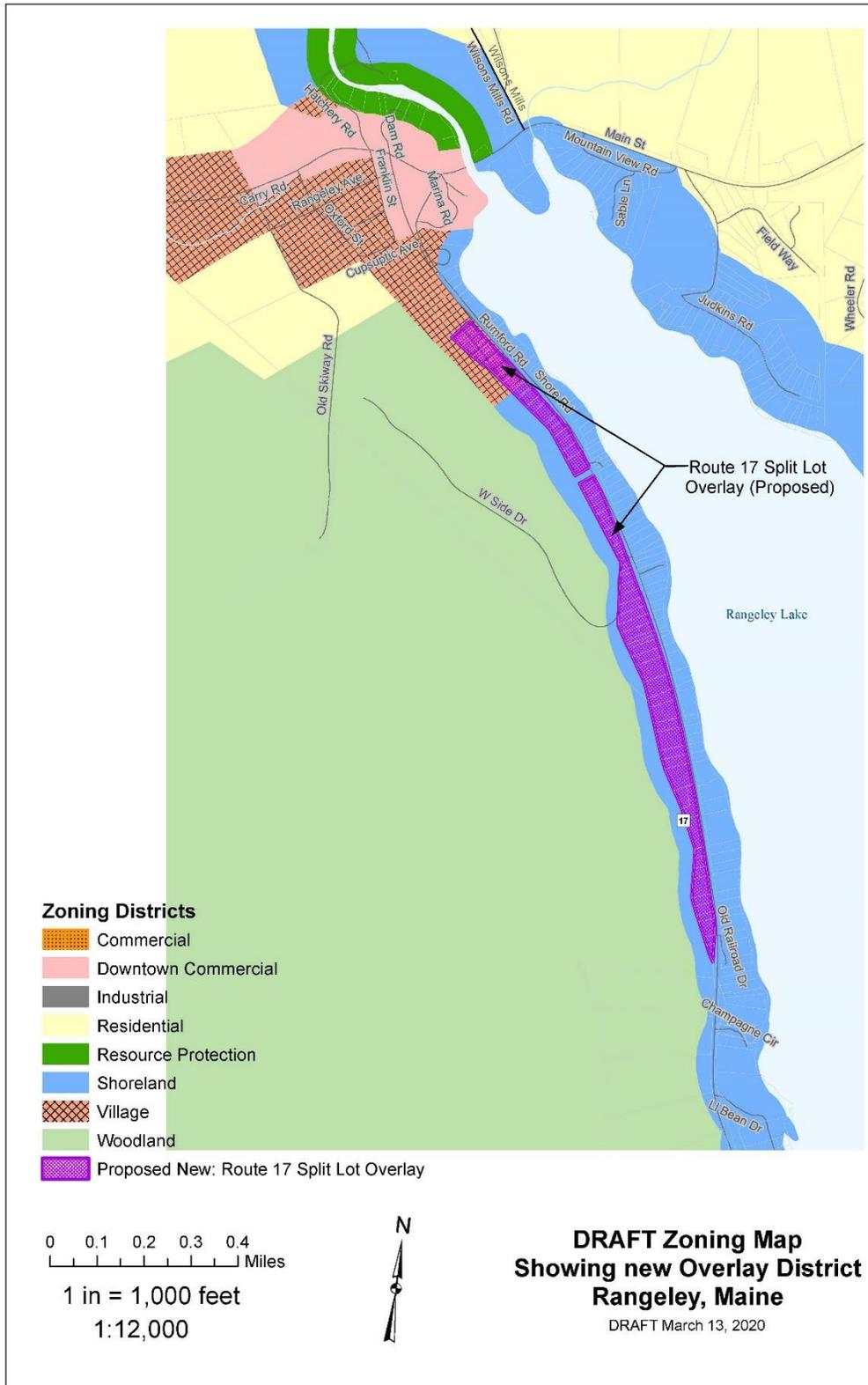
*Route 17 Split Lot Overlay District:
Proposed Amendment to Town Code, Chapter 38, Zoning*

Warrant Article #ORD-1

An Ordinance Amending the Official Zoning Map of the Town of Rangeley, Maine, and Chapter 38 Zoning, Article 38.4 Zoning Districts and Overlay Zones, and Article 38.9 Definitions, of the Town Code of the Town of Rangeley, Maine.

[Explanation: These changes attempt to remedy a hardship created by the construction of Route 17 which split lots that spanned the road into two separate lots, by creating an overlay district where lots on the inland side of the road would be allowed to have a single accessory structure without a principal dwelling.]

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Amend Article 38.4 Zoning Districts and Overlay Zones, as follows:

Amend Section 38.4.1 Establishment of Districts, as follows:

To implement the provisions of this Chapter, the Town of Rangeley, Maine, is hereby divided into the following Districts:

- .1 Resource Protection
- .2 Shoreland
- .3 Woodland
- .4 Residential
- .5 Village
- .6 Commercial
- .7 Industrial
- [.8 Downtown Commercial](#)
- [.9 Route 17 Split Lot Overlay](#)

[No change is proposed to Section 38.4.2 - 38.4.4]

Amend Section 38.4.5 District Purposes and Criteria, as follows:

- .1 Resource Protection: The Resource Protection District includes land areas least suited for and least able to sustain development due to physical site conditions involving topography, soil types, drainage, or proximity to surface waters. Development in these areas could adversely affect water quality, productive wildlife habitat, biological systems or scenic and natural values. Such areas include, but are not limited to: areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated “moderate” and “high” value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on the Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of October 1, 2008. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river; floodplains along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types

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identified as recent floodplain soils; areas of two or more contiguous acres with sustained slopes of 20% or greater; areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water; land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and 75 feet, horizontal distance, from stream as defined.

- .2 Shoreland: The Shoreland District covers land areas adjacent to the lakes and ponds of Rangeley and provides for limited seasonal and year-round residential land uses. Development along shorelands requires closer scrutiny than development situated farther away due to potential water quality and visual impacts.
- .3 Woodland: The Woodland District includes land areas presently undeveloped or containing low density development. A variety of land uses may be allowed.
- .4 Residential: The Residential District includes areas currently developed primarily as residential and extends to areas suited for such development due to physical site characteristics. The District provides for a variety of housing types.
 - .1 Tax Map 8, lots 22, 23, 24, 25a, 25, 26, 27, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 42a, 43, 33 shall be changed from “Commercial” to “Residential”.
 - .2 Tax Map 8, lots 19, 20, 21 & Map 7, lot 53 shall be changed from “Commercial” to “Residential”.
- .5 Village: The Village District includes the most highly developed areas in the Town. Development is more dense than in other areas and covers a broad mixture of land uses, including commercial, recreational, public, and residential. The village area is a vital and active area, and this district seeks to maintain the existing character and land use mix.
- .6 Commercial: The Commercial District establishes an area in Rangeley intended for commercial enterprises, which may not be compatible with other land uses. It is located so as to provide an area suited to such development due to various conditions and to discourage the proliferation of strip development.

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- .7 Industrial: The Industrial District provides for areas suitable for manufacturing, processing, treatment, research, warehousing, distribution, mining of land, and other industrial activities.

NOTE: The Industrial Zone includes the following as shown on the Town of Rangeley's tax maps:

- .1 Tax Map 12, lots 40, 41, 53, 48, 45, 42, 44, 27A, and 54.
- .2 Tax Map 16, lots 3 and 4A.

- .8 Downtown Commercial District:

- .1 Purpose

The purpose of this district is to provide for greater flexibility in dimensional requirements, development review, and encourage business development and expansions in the Villages of Rangeley and Oquossoc while protecting the public health, safety, and welfare.

- .2 Boundaries and Definitions

The Downtown Commercial District shall include the following areas exclusive of those lots or portions thereof located in the Resource Protection and Shoreland Districts:

- .1 One lot deep or 500 feet measured from the center line, whichever is less, adjacent to Route 4 from its intersection with Hatchery Brook to the Hotel Road.
- .2 One lot deep or 500 feet deep measured from the center line, whichever is less, adjacent to Route 4 from the Bald Mountain Skiway Road and the easterly edge of Lot 4G on Map 5, as depicted on the Town of Rangeley Property Parcel Maps, to the Rangeley River and Route 17 south to an extension of Cupsuptic Avenue across Route 17 to the southerly boundary of Oquossoc Marine, Map 30, Lot 6.

- .3 Dimensional Requirements

- .1 Dimensional requirements shall be as provided in Section 38.4.7.

- .4 Review of Uses Requiring a Conditional Use Permit

- .1 In the Downtown Commercial District, the Code Enforcement Officer may issue a CEO Conditional Use Permit if, after an

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application is submitted pursuant to Section 38.6, the CEO finds the following:

- .1 The proposed use will occupy an existing structure.
- .2 The structure and/or property has been utilized for a similar use as determined by the CEO within the past 24 months from the date of application.
- .3 There are no external alterations to the property, which would increase the size of the structure by 25 percent or 750 square feet whichever is less.
- .4 The hours of operation will be similar to the previous use.
- .5 Parking standards contained in Section 38.5.3 are met.
- .6 The CEO finds that all the criteria contained in Section 38.6.3 will be met.
- .7 If the CEO finds that the above criteria will not be met, a Conditional Use Permit must be approved by the Planning Board.

.9 Route 17 Split Lot Overlay:

.1 Purpose and applicability.

This overlay district recognizes the existence of nonconforming and unbuildable lots created with the construction of Route 17, and provides the ability for inland property owners on the west side of Rt 17 to build a single accessory structure without a principal dwelling on the lot. When the road was constructed the State acquired ownership of the right of way, dividing single lots into two separate lots. This overlay district allows for greater flexibility in dimensional requirements to allow for the construction of garages, storage buildings and similar accessory structures not intended for human habitation for the lot owner's personal use.

.2 Boundaries

The overlay is located on the west of Route 17, starting with Map 29 Lots 7 & 8 in the north, and as depicted on the town Zoning Map.

.3 Dimensional Requirements

.1 Dimensional requirements for the single accessory structure allowed by this Section shall be as provided in Section

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[38.4.7.](#)*

.4 Additional Requirements

.1 A Maine Department of Transportation Driveway entrance permit approval shall be required prior to town action on any application.

.2 A permit from the Code Enforcement Officer is required.

.3 No new subsurface wastewater systems shall be permitted to serve an accessory structure allowed by this Section.

.4 Notwithstanding the maximum lot coverage, the total maximum footprint for the one accessory structure on a lot without a dwelling shall not exceed 1,400 square feet.

.5 The lot must be a legal lot of record as of the effective date of this Chapter or amendment thereto.

.6 No structures are allowed within 15 feet of any state right-of-way.

[No change is proposed to Section 38.4.6 District Uses]

Amend Section 38.4.7 Dimensional Requirements, as follows:

Lots in all districts shall meet or exceed the following minimum requirements:

Table 1 - Lot Area and Frontage

Zoning District	Minimum Lot Size		Minimum Frontage	
	With Sewer	Without Sewer	Road	Shore
Resource Protection	20,000	40,000	150 feet	200 feet
Shoreland	20,000	40,000	150 feet	200 feet
Woodland	40,000	40,000	150 feet	200 feet
Residential	20,000	40,000	150 feet	200 feet
Village	10,000	20,000	100 feet	100 feet
Commercial	10,000	20,000	100 feet	200 feet
Industrial	20,000	20,000	100 feet	200 feet
<u>Downtown</u>	<u>5,000</u>	<u>20,000</u>		
<u>Commercial</u>				
<u>Rt. 17 Overlay</u>	<u>N/A^{1,2}</u>	<u>N/A^{1,2}</u>	<u>NA*</u>	<u>N/A</u>

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¹ Allowable for a single accessory structure on the inland side of Route 17 only; see Section 38.4.5(9).

² See Title 12, M.R.S. Chapter 423-A: Minimum Lot Size, Subsections 4807-4807-G for information on smaller lots and exemptions.

Table 2 - Setbacks and Coverage

Zoning District	Side Yard	Road & Street	Rear Yard	Shoreland	Maximum Lot Coverage
Resource Protection	20 feet	50 feet	20 feet	100 feet	20 percent
Shoreland	20 feet	25 feet	20 feet	100 feet	20 percent
Woodland	20 feet	50 feet	20 feet	75 feet	25 percent
Residential	20 feet	25 feet	20 feet	75 feet	25 percent
Village	20 feet	25 feet	20 feet	75 feet	Note 4
Commercial	10 feet	25 feet	10 feet	75 feet	Note 4
Industrial	20 feet	50 feet	20 feet	75 feet	Note 4
Downtown ² Commercial District	5 feet	5 feet	5 feet	75 feet	Note 4
<u>Buildable Lot Rt. 17 Overlay</u>	<u>20 feet</u>	<u>25 feet</u>	<u>20 feet</u>	<u>N/A</u>	<u>20 percent</u>
<u>Unbuildable Lot Rt. 17 Overlay</u> ^{6,7}	<u>10 feet</u>	<u>15 feet*</u>	<u>10 feet</u>	<u>N/A</u>	<u>40 percent</u>

¹The access shall comply with the driveway entrance standards.

²Distance is measured from the road right-of-way or state easement.

¹ Setbacks from public or private-owned roads or streets shall be measured from the edge of the right-of-way.

² No front setback need be any deeper than the average depth of front setbacks on the lots next to thereto on either side.

³ Setbacks from the normal high water mark shall not be less than 75' from streams and the upland edge of wetlands and 100' from great ponds and rivers.

⁴ Maximum lot coverage established by setbacks.

⁵ Driveways, sidewalks, parking lots, signs, and docks shall be set back at a minimum of 10 feet from side yard lines unless no practical alternative existed as determined by the Code Enforcement Officer ~~utilizing the criteria set forth in Section 3.C.1.B.~~

⁶ Where the overlay district standards are less stringent than for the underlying zoning district, the overlay district standards shall apply for a single accessory structure to be placed on an "unbuildable lot," in accordance with Section 38.4.5(9).

⁷ No structures are allowed within 15 feet of the State right-of-way land.

[No change is proposed to Section 38.4.8 General Requirements]

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Amend Article 38.9.2 Definitions, as follows:

.40 Lot: a parcel of land in single ownership, described on deed, plot or similar legal document. A parcel divided by a street shall be considered as two separate lots.

Definition for Article 38.4:

.41 Lot, Buildable: a lot which has sufficient dimensions and size for the construction of a primary structure and required services, such as wastewater disposal, as determined by State and Rangeley requirements.

Definition for Article 38.4:

.42 Lot, Unbuildable: a lot which does not have sufficient dimensions and size for the construction of a primary structure and the required services, such as wastewater disposal, as determined by State and Rangeley requirements.

.41-43 Lot Coverage: That percentage of the plot or lot area covered by buildings or other structures.

.42-44 Lot of Record: a parcel of land, a legal description of which, or the dimensions of which, are recorded on a document or map on file with the County Registry of Deeds.

.43-45 Manufactured Housing: a structure constructed after June 15, 1976, designed as a dwelling unit of more than 18 feet in width when assembled; designed to be transported after fabrication; and whether or not designed for location on a permanent foundation. Transportation design is not limited to movement upon stationary or permanent wheels or tracks. A manufactured home shall contain not less than 720 square feet of gross floor area. Additions not part of the basic structure shall not be included in the measurement of width.

.44-46 Marina: a shore front commercial facility with provisions for one or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.

.45-47 Market Value: the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

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- ~~.46-48~~ Mining of Land: the removal of geologic materials such as metallic ores, non-metallic minerals, or bedrock to be crushed or used as building stone or other industrial uses.
- ~~.47-49~~ Mobile Home: a structure constructed after June 15, 1976, designed as a dwelling unit of not more than 18 feet in width when assembled; designed to be transported after fabrication; and whether or not designed for location on a permanent foundation. Transportation design is not limited to movement upon stationary or permanent wheels or tracks. A mobile home shall contain not less than 600 square feet of gross floor area. Additions not part of the transportable basic structure shall not be included in the measurement of width.
- ~~.48-50~~ Motel: a building or group of buildings in which lodging is offered to the general public for compensation, and where entrance to rooms is made directly from the outside of the building. Motel includes such terms as tourist cabins and tourist court. Any transient accommodations which do not meet the definitions of Beds and Breakfast, Hotel or Inn shall be deemed to be a motel for the purpose of this Chapter.
- ~~.49-51~~ Multi-Family Dwelling: a residential structure containing three or more dwelling units.
- ~~.50-52~~ Multi-Unit Residential: a residential structure containing three (3) or more dwelling units.
- ~~.51-53~~ Nonconforming Lot: a single lot of record which, at the effective date of adoption or amendment of this Chapter, does not meet the area, frontage, or width requirements of the district in which it is located.
- ~~.52-54~~ Nonconforming Structure: a structure, which does not meet any one or more of the following dimensional requirements: setback, height, lot coverage or square footage, but which is allowed solely because it was in lawful existence at the time of this Chapter or subsequent amendments took effect. A structure which becomes nonconforming only because it is located less than 100 feet from the normal high-water line of a great pond or river shall not be deemed a nonconforming structure for the purpose of this Chapter except that the provisions of Section 38.3.3.1 and 38.3.3.4 shall apply.
- ~~.53-55~~ Nonconforming Use: use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Chapter or subsequent amendments took effect.

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- ~~.54-56~~ Normal High-Water Line: that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominately aquatic and predominately terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.
- ~~.55-57~~ Open Space Use: a use not involving a structure, earthmoving activity, or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, birds, and other wildlife habitat.
- ~~.56-58~~ Parking Space: a minimum area of two hundred (200) square feet exclusive of driveways, aisles or entrances, fully accessible for the storage or parking of vehicles.
- ~~.57-59~~ Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges over 20 feet in length, and uses projecting into water bodies:

 - Temporary: Structures, which remain in the water for less than 7 months in any period of 12 consecutive months.
 - Permanent: Structures, which remain in the water for 7 months or more in any period of 12 consecutive months.
- ~~.58-60~~ Principal Building: the building in which the primary use of the lot is conducted.
- ~~.59-61~~ Principal Use: the primary use to which the premises are devoted, and the main purpose for which the premises exist.
- ~~.60-62~~ Pond/Lake: any inland body of water which has a surface area in excess of 10 acres, except where such body of water is manmade and, in addition, is completely surrounded by land held by a single owner, and except those privately owned ponds which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.
- ~~.61-63~~ Recent floodplain soils include the following soils as described and identified by the National Cooperative Soil Survey:

 - Alluvial land
 - Hadley silt loam
 - Limerick silt loam
 - Pondunk fine sandy loam
 - Rumney fine sandy loam
 - Ondawa fine sandy loam
 - Saco silt load

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Suncook loamy sand
Winooski silt loam

- .62-64 Recreational Facilities: the following types of recreational facilities are recognized for the purpose of this Chapter:

 - .1 Public Recreational Facility: an area or structure set aside for recreational use by the general public or for the townspeople of Rangeley, not including any facility for which a user fee is charged.
 - .2 Private Recreational Facility: an area or structure set aside for recreational use for which a fee is charged or the enjoyment of which is not open to the general public or all the townspeople of Rangeley.
- .63-65 Recreational Vehicle: a vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer and motor home. To be considered as a recreational vehicle and not as a structure, it must have its tires on the ground and be legally registered pursuant to the Department of Motor Vehicle Laws.
- .64-66 Residential Structure: a building providing living accommodations.
- .65-67 River: any free-flowing body of water from that point at which it provides drainage for a watershed of 25 square miles to its mouth.
- .66-68 Road: a street or a right-of-way for public or private travel that is connected to a street and constructed in accordance with the Rangeley Road Construction Standards Ordinance.
- .67-69 Road Frontage: that portion of the lot abutting a major road or street from which the lot is served for ingress and/or egress.
- .68-70 Sand and Gravel Extraction: any operation within a twelve (12) month period, which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay or other like material from its natural location and to transport the product removed, away from the extraction site.
- .69-71 Setback: the minimum horizontal distance from a lot line to the nearest part of a structure.

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- ~~.70-72~~ Setback, Shoreline: the minimum horizontal distance from the normal high water elevation to the nearest part of a structure.
- ~~.71-73~~ Shoreland Zone: the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river; within 75 feet of a stream; or within 250 feet of the upland edge of a freshwater wetland.
- ~~.72-74~~ Sign: a name, identification, description, display or illustration for advertising or information purposes painted or represented upon any surface.
- ~~.73-75~~ Solid Waste: discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material, and landscape refuse.
- ~~.74-76~~ Stream: a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minutes series topographic map, to the point where the body of water becomes a river.
- ~~.75-77~~ Street: a right-of-way owned or accepted by the town, county, or state for public travel. Also a right-of-way dedicated for public travel and shown on a subdivision plan.
- ~~.76-78~~ Structure: anything constructed, erected, or placed, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground including, but not limited to, buildings, mobile homes, recreational vehicles, piers, floats, driveways, parking lots, streets, and satellite dishes.
- ~~.77-79~~ Subdivision: a subdivision is defined as per Title 30, M.R.S.A., Section 4956, and any future amendments thereof.
- ~~.78-80~~ Substantial Start: completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.
- ~~.79-81~~ Timber Harvesting: the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 38.5.17.3, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

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- ~~.80-82~~ Trailer, Utility: a vehicle without motive power, designed to be towed by another vehicle, but not designed for human occupancy, and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.
- ~~.81-83~~ Tributary Stream: a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term “stream” as defined elsewhere in this Chapter, and only applies to that portion of the tributary stream located within the Shoreland Zone of the receiving water body or wetland.
- ~~.82-84~~ Use: the purpose for which land or structure is arranged, designed or intended; or for which land or a structure is or may be occupied.
- ~~.83-85~~ Utilities of Essential Services: gas, electrical, communication facilities, stream, fuel, or water transmission, collection, supply or distribution systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories, and the buildings, which are necessary for the furnishing of such services.
- ~~.84-86~~ Variances: a relaxation of the terms of this Chapter where such variance would not be contrary to the public interest, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Chapter would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. As used in this Chapter, variance is authorized only for height, area, and size of structures or size of yards, and open spaces. Establishment of a use prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Land Use District, or uses in adjoining Land Use Districts.
- ~~.85-87~~ Volume of a Structure: the volume of all portions of a structure enclosed by a roof and fixed exterior walls as measured from the exterior faces of these walls and roof.
- ~~.86-88~~ Water Body: any great pond, river or stream.
- ~~.87-89~~ Water Crossing: any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include, but may not be limited to, roads, fords, bridges,

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culverts, water lines, sewer lines, and cables, as well as maintenance work
on these crossings.

.88-90 Wetland: a freshwater wetland.

.89-91 Wetlands Associated with Great Ponds and Rivers: wetlands contiguous with or adjacent to a great pond or river, and which during normal high water are connected by surface water to the great pond or river. Also included are wetlands, which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.