

**MULTI-FAMILY DWELLING UNIT SUBDIVISION ORDINANCE
TOWN OF SIDNEY, MAINE**

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I. GENERAL

- A. Title:
This Ordinance shall be known and cited as the "Multi-Family Dwelling Unit Subdivision Ordinance of the Town of Sidney, Maine."

- B. Purpose:
The intent of this Ordinance is to control the density of building, to protect public health and safety, and to permit moderate growth in compliance with the comprehensive plan of the Town of Sidney.
- C. Administration:
The Planning Board of the Town of Sidney shall administer these standards.
- D. Scope:
These provisions shall pertain to all the land proposed for multi-family dwellings as herein defined within the boundaries of the Town of Sidney.

II. DEFINITIONS

In general, words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

- A. Building Height:
 - 1. The vertical distance between the highest point of the roof and the average grade of the ground adjoining the building.
- B. Dwelling Unit:
 - 1. A room or group of rooms, designed for living quarters for only one family, including separate facilities for sleeping and cooking.
- C. Family:
 - 1. One or more persons occupying a premise and living in a single housekeeping unit as distinguished from a group occupying a boarding house or hotel.
- D. Multi-Unit Housing:
 - 1. Shall mean a structure or structures located on a single lot, which structures are designed or used to house 2 or more families. This definition shall not include accessory apartments or mobile home parks.
- E. Proposal:
 - 1. Proposed multi-unit housing project.
- F. Structure:
 - 1. Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind.
- G. Subdivision:
 - 1. The division of a tract or parcel of land into three or more lots, whether accomplished by sale, lease, development, building, or otherwise, in any five year period. For the purpose of this Ordinance the term "subdivision" shall include such developments as, multi-unit housing, planned unit developments, condominiums, clusters, and mobile home parks where there are three or more units involved.

III. MULTI-FAMILY DWELLING UNIT SUBDIVISION REQUIREMENTS

Multi-family dwelling units shall meet all the following criteria:

- A. Lot area shall be one acre for each building, plus one-half acre for each bedroom in the building. For boarding homes, nursing homes and medical and convalescent facilities the requirement shall be one acre for each building and one quarter acre for each bedroom.
- B. Road frontage for each building shall exceed by 50% the minimum road frontage requirements for a single family dwelling unit as set forth in the "Zoning Ordinance of the Town of Sidney".
- C. No building shall contain more than 8 dwelling units. This limitation shall not apply to boarding homes, nursing homes or medical and convalescent facilities.
- D. No building shall exceed 35' in height.
- E. There shall be a minimum of two off-street parking spaces for each dwelling unit. For boarding homes, nursing homes and medical and convalescent facilities, parking must be adequate as determined by number of rooms and size and time shifts of staff members.
- F. Buildings shall be spaced at least 100' from each other. Buildings shall be set back at least 90' from the center of traveled ways, and 25' from any property line.
- G. Proposals of 18 or more dwelling units shall provide at least two points of access on to the existing public way.
- H. Screening - See Section VI of the Zoning Ordinance of the Town of Sidney.

IV. MUNICIPAL REVIEW PROCEDURE

- A. General
 - 1. All proposed multi-family units shall be reviewed by the Planning Board. The applicant or his agent will request an appointment to meet with the Planning Board through its Chairman. This request should be made at least one week prior to a regular Planning Board meeting.
 - 2. No person may sell, lease, or convey for consideration, or offer or agree to sell, lease or convey for consideration any unit in a proposal within the Town of Sidney which has not been approved by the Board and recorded in the Kennebec County Registry of Deeds.
 - 3. No public utility, water district, sanitary district, or any utility company of any kind shall install service to any unit in a proposal for which a plan has not been approved by the Board.
 - 4. No land clearing, grading, building, or work of any kind other than that purely incidental to the proper surveying, marking, or testing

the soil or subsoil as required by these regulations shall be performed in any proposal prior to Board approval of the final plan.

V. APPLICATION

A. Application:

An application for Planning Board approval of a proposed multi-family dwelling unit subdivision shall contain at least the following information:

1. The name of the owner and/or developer of the land and a copy of the certified and registered deed.
2. The name of the contractor or builder responsible for construction of the multi-family dwelling unit subdivision.
3. The name(s) of the architect, engineers, licensed soil evaluator, and any other professional and technical expertise employed, or planned to be employed during completion of the proposal.
4. The proposed water supply.
5. Proposed access roads, giving dimensions and type of surface.
6. A plan accurately drawn to scale of 1 inch equals 100 feet, showing the actual shape and dimensions of the lot to be built upon, and contour lines at ten foot intervals.
7. The on-site soils survey in accord with the State Plumbing Code.
8. The existing and intended use of each building or structure.
9. Application fee of \$25.00, plus \$5.00 for each unit, payable to the Town of Sidney.
10. Written notification to abutting landowners.

If any of the above information should change at any time, the applicant shall immediately notify the Planning Board.

VI. HEARINGS

- A. See Section III, Subsection E of the Administrative Ordinance of the Town of Sidney.

VII. GUIDELINES FOR REVIEW

When reviewing any multi-family dwelling unit subdivision proposal, the Planning Board shall find that the proposed subdivision:

- A. Will not result in undue water or air pollution. In making the determination it shall at least consider: The elevation of land and its relation to the flood plains, the nature of soils and subsoils and their ability to support waste disposal; the slope of the land and its effect on effluence; and applicable state and local health and water resources regulations;
- B. Has sufficient water available for its needs;
- C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized.
- D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- E. Will not cause unreasonable highway or road congestion or unsafe conditions with respect to the use of existing or proposed highways or roads;
- F. Will provide for adequate sewage waste disposal;
- G. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
- H. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- I. Is in conformance with other town Ordinances, state, and federal laws.
- J. Surface waters outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, sub-chapter 1, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of the body of water.
 - 1. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.
 - a. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shore land strip narrower than 250 feet which is not lotted the proposed subdivision shall be reviewed as if lot lines extended to the shore.
 - b. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its

equivalent under shoreland zoning, Title 38, chapter 3, subchapter 1, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983.

- K. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- L. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway maps and Flood Insurance Rate maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
- M. Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.
- N. River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application for purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9.
- O. Storm water. The proposed subdivision will provide for adequate storm water management.
- P. Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.
- Q. Has adequate financial and technical capacity to meet the above stated standards.

VIII. ENFORCEMENT

- A. Enforcement shall be as provided under Section V--Enforcement -of the Administrative Ordinance of the Town of Sidney.

IX. WAIVERS AND VARIANCES

- A. Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where

there are special circumstances of a particular plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of this Ordinance.

X. SEVERABILITY AND EFFECTIVE DATE

- A. The invalidity of any provision of these standards shall not invalidate any other part.
- B. The effective date of this Ordinance is March 12, 1983 as amended on March 18, 1989, March 17, 1990, and March 16, 1991.