

Town of Hebron, Maine
Land Use Ordinance
Enacted March 13, 1982
Amended March 11, 1989, March 24, 2007
March 15, 2008 and March 21, 2009

I. Title

This Ordinance shall be known and cited as the Town of Hebron, Maine Land Use Ordinance, and will be referred to within as "this Ordinance."

II. Purpose

The purpose of this Ordinance is to protect the health, safety and general welfare of the inhabitants of the Town of Hebron by establishing standards for the location of structures and temporary dwellings within lots of land.

III. Authority

This Ordinance is hereby adopted and hereinafter amended pursuant to and consistent with Article VIII, Part Second of the Maine Constitution and 30-A M.R.S.A. § 3001 and §§ 4351-4360.

IV. Applicability

- A. This Ordinance applies to all lots in the Town of Hebron upon which any structure is to be erected of any size.
- B. This Ordinance applies to all lots in the Town of Hebron upon which any action is taken to change the primary use of a pre-existing structure.
- C. This Ordinance applies to all lots in the Town of Hebron recorded in accordance with the law after the date of enactment. The version of this Ordinance that was in effect when a lot was so recorded is the version that applies to that lot. All lots that were so recorded prior to the effective date of the current version of this Ordinance must still meet all requirements of Federal and State statutes, permit requirements, and, to the extent practicable, the provisions of the current version of this Ordinance.

V. Definitions

All definitions found in the Town of Hebron, Maine Building Code are hereby incorporated by reference. Additional definitions used in this document are as follows:

- A. **Buildable Area:** The portion of a lot that is not designated as non-buildable by any ordinance, statute or regulation of the Town of Hebron or the State of Maine.
- B. **Primary Use:** The use that takes up the largest amount of the square footage of a structure. Possible uses include, but are not limited to, care and feeding of animals, dwelling units for rent, food service, long-term storage, owner-occupied dwelling or small business office.
- C. **Temporary Dwelling:** Anything used for human habitation that is not a structure, including, but not limited to, camper trailers, tents, tent trailers, conversion vans and recreational vehicles.

VI. Lot Requirements

No structure may be constructed upon or moved onto a lot that does not meet the following minimum requirements:

- A. **Minimum Lot Size**
 - 1. The minimum lot area is one hundred and twenty thousand (120,000) square feet.
 - 2. The minimum lot area increases by forty thousand (40,000) square feet per additional dwelling unit above one. For example, a dwelling containing two dwelling units would require a minimum lot area of 160,000 square feet, where a townhouse with four dwelling units would require a minimum lot area of 240,000 square feet.
 - 3. The minimum lot area requirements apply regardless of whether or not the additional dwelling units are contained in the same structure.

- B. **Minimum Water Frontage**

For lots located in a shoreland zoning area as defined in 38 M.R.S.A. § 435, the lots must meet the requirements found in the Town of Hebron, Maine Shoreland Zoning Ordinance.

- C. **Access**

The lot must have access to a town-approved road, either directly or via a public easement, a private road or a deeded right-of-way.

VII. Location of Structures

A. Buildable Area for Dwellings and Townhouses

A dwelling or townhouse must be located within a buildable area of the lot that measures at least two hundred (200) feet in depth and two hundred (200) feet in width.

B. Setbacks

1. No structure may be located within twenty (20) feet of any lot line.
2. No structure may be located within thirty-five (35) feet of a lot line that borders a town road, public easement, private road or deeded right-of-way.
3. A townhouse may not be located within fifty (50) feet of any lot line.

C. Unoccupied Manufactured Homes

1. A manufactured home may be stored unoccupied for up to twelve months on any lot in the Town of Hebron, provided the storage location conforms with the setback requirements in subsection B of this Section. A permit from the code enforcement officer is required.
2. If an unoccupied manufactured home is stored on the lot upon which the home will be installed, the term of storage under subsection 1 of this subsection changes from twelve months to the period of time between the issuance of the building permit and the occupancy permit for that manufactured home.

VIII. Temporary Dwellings

A. Occupied Temporary Dwellings

1. A temporary dwelling placed on a lot may be occupied for up to six months, provided that such placement satisfies the sanitary provisions of the State Plumbing Code adopted pursuant to 32 M.R.S.A. § 3403-B. A permit from the code enforcement officer is required.
2. If a temporary dwelling is occupied during the construction of a dwelling unit by the future occupant of that dwelling unit, the term of occupation under subsection 1 of this subsection changes from

six months to the period of time between the issuance of the building permit and the occupancy permit for that dwelling unit.

B. Unoccupied Temporary Dwellings

1. A temporary dwelling may be stored unoccupied for up to six months on any lot in the Town of Hebron, provided the storage location conforms with subsection B of Section VII of this Ordinance. A permit from the code enforcement officer is required.
2. If a temporary dwelling is stored unoccupied on a lot that contains an occupied dwelling or townhouse, there is no time limit for its storage and no permit is required. The storage location must still conform with subsection B of Section VII of this Ordinance.

IX. Exceptions

A. The following buildings are excepted from the requirements of subsection A of Section VI, and subsection B of Section VII:

1. Buildings under 100 square feet that have a special, non-residential purpose. Such buildings include, but are not limited to, gate houses, school bus stop shelters, well houses, maple sugar shacks and pump houses.
2. Shelters under 100 square feet that are open to the weather and are intended for use by livestock or other animals.

B. The following buildings are excepted from the requirements of Sections VI and VII:

1. Replacement buildings, if the original building was destroyed by natural catastrophe or unintended destruction by fire, so long as the replacement building does not exceed the interior square footage or the footprint of the original building.

C. The following temporary dwellings are excepted from the requirements of Section VIII:

1. All temporary dwellings located on a park or campground licensed by the State of Maine.
2. All temporary dwellings located on property owned by a commercial recreational vehicle dealer.

X. Application and Enforcement

A. Application of this Ordinance

1. Code Enforcement Officer

It is the duty of the Code Enforcement Officer to apply the provisions of this Ordinance when granting building permits.

2. Planning Board

It is the duty of the Planning Board to apply the provisions of this Ordinance when approving subdivision applications.

B. Enforcement of this Ordinance

1. The Code Enforcement Officer shall enforce the provisions of this Ordinance, with the specific powers described in 30-A M.R.S.A. § 4452(1).

2. Any person who violates a provision of this code shall be subject to a fine of not less than \$100 per day. In calculating the fine, the first day is the day the Code Enforcement Officer issues the violation notice, and the last day is the day the Code Enforcement Officer issues a withdrawal of the violation notice. The fine accrues to the maximum amount allowed under 30-A M.R.S.A. § 4452(3).

3. Failure to correct the violation and pay any fine assessed may result in the Code Enforcement Officer bringing an action on behalf of the Town of Hebron in the Maine District Court.

XI. Appeals

A. Venue

Appeals of decisions of the Code Enforcement Officer or of the Planning Board based on this Ordinance are to be made to the Board of Appeals of the Town of Hebron.

B. Standing

Any person who will suffer a direct and personal injury as a result of a decision based on this Ordinance may appeal that decision. If the person appealing the decision is not the owner of the lot in question, the appeal must include information as to how the decision will adversely affect his

or her use or enjoyment of his or her property, or other information regarding a personal interest that will be directly affected by the decision, above and beyond any interest held by the general public.

C. Time Limit

Any appeal of a decision based on this Ordinance must be made within sixty (60) days of the decision.

D. Grounds

1. Incorrect Interpretation of this Ordinance

The appeal must specify which section of this Ordinance resulted in the decision, and how it was incorrectly interpreted. For example, an appeal might state that a building permit was denied because the proposed building did not conform to the lot size requirement, and that the building should have fallen under one of the exceptions to that requirement.

2. Variance Requested

The appeal must specify which section of this Ordinance resulted in the decision, and why a variance from that section should be granted. The standards for granting variances are found in 30-A M.R.S.A. § 4353.

E. Procedure

The procedure followed by the Board of Appeals of the Town of Hebron is defined in 30-A M.R.S.A. § 2691(3). That subsection includes specifics on how to request reconsideration of a Board of Appeals decision, and how to undertake an appeal of a Board of Appeals decision.

F. Tolling of Fines

If the Code Enforcement Officer has issued a violation notice under this Ordinance, the daily fine is tolled while the appeal is pending. If the Board of Appeals denies the appeal, the fines recommence as of the date of the decision. If the Board of Appeals determines that the appeal was filed with no reasonable likelihood of success, it may include such a finding in its decision, and the total amount of the fine would be calculated as if no appeal had been filed.

XII. Amendments

- A. An amendment to this Ordinance may be initiated by:
1. The Planning Board of the Town of Hebron, provided a majority of the Board has so voted;
 2. The Board of Selectmen of the Town of Hebron, provided a majority of the Board has so voted; or
 3. A written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.
- B. Any properly initiated amendment to this Ordinance may be adopted by the majority vote of a regular or special town meeting.

XIII. Validity and Severability

Should any section or provision of this Ordinance be declared by any court to be invalid or be invalidated by statute, that invalidation shall not invalidate any other section or provision.

XIV. Effective Dates

The effective date of the original Town of Hebron, Maine Land Use Ordinance was March 13, 1982. The Ordinance was amended effective March 11, 1989, March 24, 2007 and March 15, 2008. The effective date of this amendment is March 21, 2009. The effective date of any future amendments to this Ordinance will be the date of adoption by the Town Meeting. The effective date of any invalidation to this ordinance is the date of the court ruling or the effective date of the statute resulting in the invalidation.

