

Town of Hebron Maine

Land Use Ordinance

Enacted March 13, 1982
Amended March 11, 1989, March 24, 2007, March 15, 2008,
March 21, 2009, March 18, 2023, March 14, 2026

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 principal 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 the 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 the requirements of all Federal and State statutes, permit requirements, and to the extent practicable, the provisions of the current version of the 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 total area of a lot minus the following unbuildable areas:
1. Portions of the lot containing slopes over thirty-five (35) percent.
 2. Portions of the lot shown to be within the 100-year flood plain and floodway as designated on Federal Emergency Management Agency (FEMA) maps.
 3. Portions of the lot located in the Resource Protection District.
 4. Portions of the lot which are unsuitable for development in their natural state due to drainage or subsoil conditions, including, but not limited to:
 5. Water table at or near the surface for all or part of the year.
 6. Unstable soils such as Searsport Mucky Peat.
 7. Portions of the lot covered by surface waterbodies.

The portion of the 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. **Principal Use:** The use that takes up the largest amount of 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 a small business.
- C. **Temporary Dwelling:** Anything used for temporary human habitation that is not a structure, including, but not limited to, camper trailers, tents, tent trailers, conversion vans and recreation vehicles.
- D. **Accessory Dwelling Units (ADU):**
1. A second dwelling unit contained within a single-family dwelling, attached to or sharing a wall with a single-family dwelling, or as a detached structure on the same lot as a single-family dwelling, for use as complete, independent living quarters with provision for living, sleeping, bathing, and cooking.
 2. The accessory dwelling shall be a minimum of 190 square feet, and not greater than 800 square feet or 50% of the total square footage of the principal dwelling, whichever is more restrictive.
 3. The ADU shall be secondary, incidental and subordinate to the single-family dwelling.

4. The ADU shall not be considered to be a second dwelling unit for determining the required minimum lot area.
- E. Additional Dwelling Units:
1. A dwelling unit that is attached or detached.
 2. The dwelling unit is unconstrained by square footage requirements of an ADU.
- F. Accessory Structure: A structure the use of which is incidental or subordinate to the principal use or structure. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure. An accessory structure cannot be used for human habitation unless approved pursuant to this Ordinance.
- G. Dwelling: A structure, all or part of which is designed or used for human habitation.
- H. Existing Dwelling Unit: A residential dwelling unit in existence on a lot at the time of application submission to build additional units on that lot.
- I. Principal Structure: The structure in which the principal use is located.
- J. Setback: The minimum horizontal distance from a lot line to the nearest part of a building.
- K. Frontage: The length of a lot bordering on a street, road, or right-of-way. For a corner lot, the frontage shall be on the way most traveled, as determined by the Code Enforcement Officer.

VI. Lot Requirements

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

A. Minimum Lot Size

1. The minimum lot size is one hundred 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, two dwelling units would require a minimum lot area of one hundred sixty thousand (160,000) square feet, whereas four dwelling units would require a minimum lot area of two hundred

forty thousand (240,000) square feet. (Note – creation of more than two dwelling units on a single parcel may require subdivision approval. See the Hebron Subdivision Regulations for applicability.)

3. The minimum lot area requirements apply regardless of whether or not the additional dwelling units are contained in the same structure.
4. On lots with an existing single family dwelling unit, one ADU per lot is allowed.

B. Minimum Water Frontage.

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

C. Access

The lot must have 150 feet of frontage on a town-approved road, a public easement, a private road or a deeded right-of-way.

D. Sewage Disposal

All residential and non-residential developments shall provide for a suitable sewage disposal. All individual on-site systems shall be designed by a licensed soil evaluator in full compliance with the Maine Subsurface Wastewater Disposal Rules. If an ADU, an additional dwelling unit or an additional or expanded non-residential development is to share an existing sewage disposal system, the applicant shall demonstrate to the satisfaction of the Code Enforcement Officer that the existing sewage disposal system has the capacity to safely accept the additional sewage flow.

E. Water Supply

When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

VII. Location of Structures

A. Buildable Area for Principal Structures

1. All lots must have 40,000 feet of buildable area
2. All structures must be located within a buildable area

B. Setbacks

1. No structure may be located within twenty (20) feet of a 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 residential structure with three or more dwelling units or a principal non-residential structure may not be located with fifty (50) feet of any lot line.

C. Unoccupied Manufactured Homes.

1. A manufactured home may be stored unoccupied for up to twelve (12) months on any lot in the Town of Hebron, provided the storage location conforms to the setback requirements of Section VII.B. A permit from the Code Enforcement Officer is required.
2. If any unoccupied manufactured home is stored on the lot upon which the home will be installed, the term of storage in Section VII.C.1 changes from twelve (12) months to the period of time between the issuance of the building permit and the occupancy permit for the manufactured home.

VIII. Temporary Dwellings

A. Occupied Temporary Dwellings

1. A temporary dwelling placed on a lot may be occupied for up to six (6) 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. Notwithstanding the provisions of Section R105.5 of the Hebron Building Code, if a temporary dwelling is occupied during the construction of a dwelling unit by a future occupant of that dwelling unit, the term of occupation under Section VIII.A.1 changes from six (6) months to one (1) year with an additional one (1) extension upon approval of the Code Enforcement Officer.

B. Unoccupied Temporary Dwellings.

1. A temporary dwelling may be stored unoccupied for up to six (6) months on any lot in the Town of Hebron, provided that the storage location conforms with Section VII.B 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, there is no time limit for its storage and no permit is required. The storage location must still conform to Section VII.B of this Ordinance.

IX. Exceptions

- A. The following buildings are excepted from the requirements of Sections VI.A and VII.B.
 1. Buildings that do not exceed two hundred (200) square feet that have a special, non-residential purpose. Such buildings include, but are not limited to, gate houses, school bus shelters, well houses, maple sugar shacks and pump houses.
 2. Shelters that do not exceed two hundred (200) square feet that are open to the weather and are intended for use by livestock or other animals.
- B. Replacement buildings are excepted from the requirements of Sections VI and VII 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 in 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 the code shall be subject to a fine not less than one hundred dollars (\$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 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 -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 the 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 size requirements, and that the building should have fallen under one of the exceptions to the requirement.
 2. Variance requested. The appeal must state which section of the 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 section 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 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, March 15, 2008 and March 21, 2009. The effective date of this amendment is March 14, 2026. 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.