1. DIMENSIONAL REQUIREMENTS

The following dimensional requirements apply to all lots on which structural development is proposed unless otherwise provided by Section 10.26,G.

* 1. Minimum Lot Size
     1. **Residential Uses and Residential Campsites.**

The minimum lot size for residential uses is 40,000 square feet per dwelling unit or residential campsite except where each dwelling unit is to use a common or community sewer and not on-site subsurface waste water disposal, the minimum lot size shall be 20,000 square feet per dwelling unit.

* + 1. **Commercial, industrial, and other non-residential uses.**

The minimum lot size for commercial, industrial, and other non-residential uses involving one or more buildings is 40,000 square feet, except as provided in Section 10.26,A,3.

* + 1. **Campsites.**

There shall be no minimum lot size requirement for lots developed only with a campsite.

* 1. Minimum Shoreline Frontage

**1.** Minimum shoreline frontage must be determined in the following manner:

**a.** In the case of a lot which borders more than one non-tidal water body, the minimum shoreline frontage requirement must be met on each water body or wetland. Where a single lot has multiple shoreline frontages on one water body (e.g., a peninsula or an island), the minimum shoreline frontage requirement must be met on each shoreline.

**b.** Frontage must be measured in a straight line between the points of intersection of side lot lines with the normal high water mark of the shoreline. Where a lot consists of an entire island, frontage must be measured as twice the diameter of the island along its longest axis.

**c.** The minimum width of any portion of any lot within 100 feet, horizontal distance, of the shoreline shall be equal to or greater than the applicable minimum shoreline frontage requirement.

**2.** For lots fronting on a flowing water draining more than 2 square miles but less than 50 square miles, a body of standing water less than 10 acres in size not including constructed ponds, or a coastal wetland, the minimum shoreline frontages are:

* + - 1. 150 feet per dwelling unit for residential uses;
      2. 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings; and
      3. 150 feet for a lot that only contains a residential campsite.

**3.** For lots fronting on a flowing water draining 50 square miles or more or a body of standing water 10 acres or greater in size, the minimum shoreline frontage is:

a. 200 feet per dwelling unit for residential uses;

b. 300 feet for commercial, industrial, and other non-residential uses involving one or more buildings; and

c. 200 feet for a lot that only contains a residential campsite.

**4.** The shoreline frontage may be waived to no less than 200 feet for public boat launches where the applicant demonstrates there will be no undue adverse impact to surrounding uses.

**5.** There is no minimum shoreline frontage requirement for lots developed only with a campsite.

* 1. Minimum Road Frontage

**1.** Minimum road frontage must be determined in the following manner:

**a.** These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.

**b.** Where the lot is located at the end of a road or on a circular turnaround with n outside diameter of less than 25 feet, the road frontage requirements shall not apply

**c.** Frontage must be measured along the traveled portion of the road between the points of intersection of side lot lines with the traveled portion of the road.

**d.** In the case of a lot which borders more than one road, the minimum road frontage requirement must be met on at least one road.

**2.** Except as provided for in Section 10.26,C,3 below, the minimum road frontage is:

* + - 1. 100 feet per dwelling unit for residential uses;
      2. 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings; and
      3. 100 feet for a lot that only contains a residential campsite.
    1. **Flexible Road Frontage Requirements In Prospectively Zoned Areas.**
       1. Except on state or state-aid highways, road frontage requirements for commercial and residential development in the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 may be reduced below those listed above in order to allow the proposed development to conform with the prevailing frontage in its immediate vicinity. The prevailing frontage is the average frontage of those lots within 500 feet on either side of the subject parcel.
       2. Reductions in road frontage must be approved only when they will not cause an increased risk of accidents or impact the posted speed of the road.

4. There is no minimum road frontage requirement for lots developed only with a campsite.

* 1. Minimum Setbacks
     1. Minimum setbacks must be applied in the following manner:
        1. Shoreline setbacks must be measured from the normal high water mark of the nearest shoreline of each flowing water or body of standing water, and from the nearest upland edge of applicable wetlands.
        2. Roadway setbacks apply to any privately or publicly owned roadway that is used for public access, including roadways used by the public for which a toll is paid, and must be measured from the travelled portion of the roadway.
     2. **Single-Family Residential Uses.**

The minimum setbacks for structures, other than those described in Section 10.26,D,3 and except as provided in Section 10.26,G are:

* + - 1. Shoreline setbacks:
         1. 100 feet from each flowing water draining 50 square miles or more and of a body of standing water 10 acres or greater in size;
         2. 75 feet from each flowing water draining less than 50 square miles; body of standing water less than 10 acres in size except for constructed ponds; coastal wetland; and non-forested wetlands located in P-WL1 subdistricts; and
      2. Roadway setbacks:
         1. 50 feet from all roadways except as provided for in Section 10.26,D,2,b,(2) and (3) below;
         2. 30 feet from all roadways within the D-RS and D- GN subdistricts, including cases where the P-FP overlaps these subdistricts; and
         3. 20 feet from all roadways on coastal islands;
      3. Side and rear property line setbacks are 15 feet.

These setbacks also apply to all parking areas associated with single-family residential uses, parking areas for trailered ramps or hand-carry launches, those structures within a recreational lodging facility constructed solely for the housing of guests or staff, remote rental cabins, and residential campsites.

* + 1. **Multi-family Dwellings, and Commercial, Industrial, and Other Non-Residential Uses.**

The minimum setbacks for multi-family dwellings and commercial, industrial, and other non-residential principal and accessory structures, other than those described in Section 10.26,D,2, 4, and 5 and except as provided in Sections 10.26,G and 10.27,Q are:

* + - 1. Shoreline setbacks:
         1. 150 feet from each flowing water draining 50 square miles or more and a body of standing water 10 acres or greater in size;
         2. 100 feet from each flowing water draining less than 50 square miles; body of standing water less than 10 acres in size except constructed ponds; coastal wetland, and non-forested wetlands located in P-WL1 subdistricts; and
      2. Roadway setbacks:
         1. 75 feet from all roadways except as provided for in Section 10.26,D,3,b,(2) and (3) below;
         2. 30 feet from all roadways in D-RS and D-GN subdistricts, including cases where the P-FP overlaps these subdistricts; and
         3. 20 feet from all roadways on coastal islands;
      3. 25 feet from the side and rear property lines, except as provided for in Section 10.27,S,4,a for outdoor cultivation of cannabis.

Except as provided for in Section 10.26,D,2 above, these setbacks also apply to all parking areas associated with multi-family dwellings and commercial, industrial, and other non-residential uses, and drive-to campsites and all other structures within a recreational lodging facility, including, but not limited to, a main lodge, dining area, workshop and parking area.

* + 1. **Campsites.**

The provisions of Section 10.26,D,4 apply to all stand-alone campsites and their related camping sites, and camping locations designed and used as only accessible by foot within recreational lodging facilities. Notwithstanding Section 10.26,D,3, the minimum setbacks for the areas designed for camping, including cleared or graded areas, fire rings, tables, and related construction, are:

* + - 1. Shoreline setbacks:
         1. 75 feet from all flowing water; bodies of standing water except constructed ponds; coastal wetlands; and non-forested wetlands located in P-WL1 subdistricts;
      2. Roadway setbacks:
         1. 50 feet from all roadways except as provided for in Section 10.26,D,4,b,(2) and (3) below;
         2. 30 feet from roads in D-RS and D-GN subdistricts; and
         3. Notwithstanding the above, the area designed for camping must be set back at least 10 feet from roads internal to a campground or a recreational lodging facility, and campsite parking areas may be located adjacent to such roads, except that the Commission may require a greater setback where necessary due to site conditions in order to protect public safety.
      3. 25 feet from property lines.
    1. **Remote Campsites.**

Notwithstanding Section 10.26,D,3 and 4, the minimum setbacks for remote campsites are:

* + - 1. Shoreline setbacks:
         1. 25 feet from all shorelines, except that the Commission may require a greater setback from shorelines for remote campsites where necessary due to site conditions in order to avoid accelerated soil erosion or sedimentation of surface waters;
      2. Roadway setbacks:
         1. 50 feet from all roadways;
      3. 25 feet from property lines.
    1. **Flexible Building Setbacks in Prospectively Zoned Areas.**
       1. For commercial or residential development in the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 subdistricts, building setback distances from roads may be less than specified in Section 10.26,D in order to meet prevailing setbacks on adjacent properties. The prevailing setback is the average setback of those principal and accessory structures on lots within 500 feet on either side of the subject parcel.
       2. In the D-GN2, D-GN3, D-RS, and D-RS2 subdistricts, road setbacks for commercial buildings may be reduced to 50 feet where all parking areas are to be placed to the side or rear of the structure.
       3. These reduced setbacks will be granted where the existing character of an area will be maintained and provided that the reduction will not adversely impact public safety.
    2. **Farm Stands and Recreation Supply Businesses without Structures.** All components of farm stands and all components of recreation supply businesses without structures, including all activity, storage, and parking areas associated with such stands and businesses, must be set back at least 30 feet from the traveled portion of all roadways, provided such will not result in unsafe conditions. Farm stands and recreation supply businesses without structures must meet setbacks for commercial facilities as specified in Sections 10.26,D,3,a, and c. A farm stand or recreation supply business without structures located on a coastal island must meet setbacks from roads specified in Section 10.26,D,3,b,(3). Pursuant to Section 10.27,B, all vegetation clearing standards apply to development of a farm stand or recreation supply business without structures.
    3. A remote rental cabin must be setback at least 1,000 feet of any public road, and at least 1,000 feet from any other type of residential or commercial development.
  1. Maximum Lot Coverage
     1. Except as provided in Sections 10.26,E,3, 10.26,E,4, and 10.26,E,5 below, the maximum lot coverage shall be 30% for all uses involving one or more buildings.
     2. “Coverage" shall be calculated by determining the percentage of lot area covered by all impervious surfaces, which include but are not limited to, buildings, driveways, sidewalks, and parking lots.
     3. **Flexible Lot Coverage Requirements in Prospectively Zoned Areas Outside of the Shoreland Areas.**
        1. For commercial and institutional development outside the shoreland area in the D‑GN, D-GN2, D-GN3, D-RS, and D-RS2 subdistricts that is proposed on lots of 2 acres or less, lot coverage may be increased to 50%. This waiver shall be granted in order to accommodate in-fill development or compact development patterns that promote pedestrian access and social interaction, provided there is no adverse impact on water bodies from surface water runoff.
     4. For lots in a D-CI subdistrict that are not within 250 feet of a major flowing water or a body of standing water 10 acres or greater in size, the maximum lot coverage shall be 50% for all uses involving one or more buildings.
     5. For lots in a D-MT subdistrict, the maximum lot coverage shall be 50% for all uses, except residential uses, involving one or more buildings. For residential uses in the D-MT the lot coverage standard in Section 10.26,E,1 shall apply.

* 1. Maximum STRUCTURE Height
     1. Except as provided for in Section 10.26,F,2, 4, and 5 below, the maximum structure height shall be:
        1. 75 feet for residential uses, campsites, and residential campsites; and
        2. 100 feet for commercial, industrial, and other non-residential uses involving one or more structures.
     2. Structures within 500 feet of the normal high water mark of a body of standing water 10 acres or greater or coastal wetland shall be no higher than 30 feet. The Commission may apply this provision at greater distances from the normal high water mark of bodies of standing water having significant or outstanding scenic values where there is the likelihood that such structures would have an adverse impact on scenic values. Bodies of standing water having such scenic values are shown in Appendix C.
     3. Features of structures which contain no floor area such as chimneys, towers, ventilators and spires and freestanding towers and turbines may exceed these maximum heights with the Commission's approval.
     4. **Structure Height in Prospectively Zoned Areas.**
        1. In areas beyond 500 feet of the normal high water mark of a body of standing water 10 acres or greater, structure height in the D-GN, D-GN2, D-GN3, D-RS, D-RS2, D-RS3, D-CI, and D-ES in prospectively zoned areas shall be limited to 35 feet. Structures used for agricultural management, structures with no floor area, or features of buildings which contain no floor area such as chimneys, towers, ventilators, and spires may exceed these maximum heights with the Commission’s approval.
        2. Structures within 500 feet of the normal high water mark of a body of standing water 10 acres or greater in size shall conform to the provisions of Section 10.26,F,2 above.
     5. **Structure Height in Trescott Township.** Structures within 500 feet of State Route 191 in Trescott Township shall be no higher than 40 feet.
  2. Exceptions to Dimensional Requirements
     1. The Commission may reduce dimensional requirements for individual buildings in a clustered subdivision development, in accordance with Section 10.25,Q,4,b.
     2. The dimensional requirements applicable to D-PD subdistricts shall be established by the Commission pursuant to the provisions of Section 10.21,H, provided that the shoreline setback requirements hereof shall not be reduced.
     3. Notwithstanding other provisions of these rules, in a proposed subdivision or area that has or is likely to have relatively dense development, the Commission may increase the minimum lot size when the Commission determines that:
        1. A larger lot size is required to provide sufficient area of suitable soil to accommodate the principal building and accessory structures, and subsurface waste water disposal, including a replacement system; and
        2. The density of development in the vicinity of the proposed site is likely to cause nitrate or other contaminant levels in ground water to exceed public drinking water standards at any public or private well or at the property boundary. The Commission may require a nitrate study to estimate likely nitrogen levels in ground water as part of a subdivision application.
     4. Where development would otherwise have an undue adverse impact on existing uses, scenic character or natural and historic resources in the area likely to be affected by the proposal, the Commission may impose additional or more protective standards with respect to clearing, frontage and setback requirements, waste water disposal, and other aspects of the development to reasonably assure that undue adverse impact is avoided.
     5. An exception may be made to the shoreline, road, and/or property line setback requirements for structures where the Commission finds that such structures must be located near to the shoreline, road, or property line due to the nature of their use. Structures which must be located near to the shoreline include structures which require direct access to the water as an operational necessity, such as piers, docks, retaining walls, and structures necessary for commercial fishing activities or water dependent uses within a D-MT subdistrict. This provision shall not apply to boat houses or float plane hangars not included within a D-MT subdistrict.
     6. An exception may be made to the minimum extent necessary to the shoreline frontage and lot size requirement on coastal wetlands for structures necessary for commercial fishing activities or water dependent uses within a D-MT subdistrict where such reduction would better serve the purpose of this subdistrict.
     7. Where development is adjacent to a water quality limiting lake, the Commission may vary the applicable dimensional requirements in accordance with Section 10.25,A,3.
     8. To the extent consistent with 12 M.R.S. § 685-B(4), the Commission may reduce the minimum lot size required for a structure whose sole purpose is to house a public utility facility or to function as a public utility, provided that:
        1. the size, height, and bulk of the facility is of a scale that permits such a reduction without adverse effect on surrounding properties; and
        2. the facility is sited and buffered to fit harmoniously into the surrounding environment.
     9. Notwithstanding the provisions of Section 10.11, structures necessary for disabled persons to gain access to buildings or facilities may be greater than the allowable size or located less than the standard setback distance from a shoreline, road and property line to the minimum extent necessary when the following criteria are met:
        1. A person with a disability as defined in 5 M.R.S. § 4553 resides in or regularly uses the dwelling or facility;
        2. The encroachment into the standard setback distance or exceeding of the allowable size applies only to the installation of equipment or construction of structures necessary for access to or egress from the dwelling or facility by the person with the disability;
        3. The access structure is necessary to create an accessible route;
        4. The access structure cannot reasonably or feasibly be created without exceeding the allowable size or encroachment into the standard setback distance; and
        5. The design of the access structure minimizes the need for exceeding the allowable size or encroachment into the standard setback distance.
     10. The Commission may reduce the minimum road setback requirement in the following cases:
         1. For subdivisions and commercial, industrial and other non-residential structures and uses, in accordance with Section 10.25,D,3,d,(2), by up to 50 percent or to no less than 20 feet, whichever is larger.
         2. For commercial, industrial and other non-residential structures and uses, to no less than 20 feet provided the following criteria are met:
            1. The road is internal to the development and not a throughway;
            2. It is impracticable to extend the road in the future to create a longer road or a throughway (based on geography, surrounding development or other characteristics);
            3. The road will be used primarily by clients or customers of the facility(ies); and
            4. The reduction in road setback will not cause an undue adverse impact to the natural resources, community character, or scenic quality of the area.
     11. The Commission may reduce the minimum water body setback requirement for a residential driveway in accordance with Section 10.27,H,2,b,(2).
     12. The Commission may reduce the property line setback where there is no practical alternative and upon prior written agreement of the adjoining property owner.
     13. The Commission may reduce dimensional requirements for the purpose of providing affordable housing opportunities, in accordance with Section 10.25,U.
     14. Notwithstanding any other provision of these rules, the Commission may increase the maximum lot coverage above the limits set in Section 10.26,E for any lot in a D-CI subdistrict upon a finding that the increase in the maximum lot coverage will not have an undue adverse impact on existing uses or natural resources.
     15. Notwithstanding any other provision of these rules, the Commission may increase the maximum lot coverage above the limits in Section 10.26,E for any lot in a D-MT subdistrict, used for a non-residential use, upon a finding that the increase in the maximum lot coverage will not have an undue adverse impact on existing uses or natural resources.
     16. The Commission may apply the dimensional requirements and standards for recreational lodging facilities in accordance with Section 10.27,Q.
     17. For lots improved with public recreational facilities the minimum lot size is 20,000 square feet, the minimum shoreline frontage is 100 feet, and the minimum road frontage is 100 feet, provided:
         1. the abutting land is subject, in perpetuity, to legally binding provisions that prohibit incompatible land uses in locations that would be adversely affected by the public recreational facility, and
         2. the public recreational facility is otherwise sufficiently sized to fulfill the use for which it is designed.

For lots improved with a public trailered ramp or public hand-carry launch that do not satisfy the above provisions, but where the ramp or launch will not have an undue adverse impact on existing uses in the project area, the minimum shoreline frontage is 200 feet. Except as provided here, the dimensional requirements contained in Section 10.26,A through F apply to lots improved with public recreational facilities. For purposes of this section, public recreational facilities are trailered ramps and hand-carry launches; trailheads; and associated facilities; that are owned, leased, or operated by a public entity and made available with or without a fee.

* + 1. The Commission may reduce the minimum setback requirements for guy wire anchors provided such reduction will not result in unsafe conditions.