

# Town of Palmyra Zoning Ordinance

**Adopted at Town Meeting March 11, 1989. Attached at the end of the ordinance is a list of amendments and the dates adopted.**

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# ZONING ORDINANCE FOR PALMYRA, MAINE

## **ARTICLE I TITLE**

This ordinance shall be known and may be cited as the “Zoning Ordinance of the Town of Palmyra, Maine.”

## **ARTICLE II PURPOSE**

This ordinance is adopted in accordance with the Provisions of Title 30, M.R.S.A. as amended, and is designed to:

1. Promote the health, safety, convenience, and welfare of the inhabitants of the Town of Palmyra.

## **ARTICLE III ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS**

**Section 3-1 The Zoning Map** - A map officially entitled “Zoning Map – Town of Palmyra, Maine” is incorporated as part of this ordinance. The Town of Palmyra Zoning Map shows the town divided into the following districts:

- Agricultural/Residential District
- Commercial District
- Industrial District
- Resource Protection District

**Section 3-2 Copies of Zoning Map** - The official zoning map (certified and dated by the Town Clerk) shall be located in the Selectmen’s Office and shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the town.

**Section 3-3 District Boundaries** - District boundaries involving roadways (public and private), streams, rivers, railroads, etc., shall be deemed to be dimensioned from the centerline. When the Code Enforcement Officer (CEO) cannot precisely determine the location of a district boundary by such center lines, by the scale of dimension on the zoning map, or by the fact that it clearly coincides with a property line, he will refer the question to Planning Board for a determination. Action shall be taken within a period of thirty days from receipt by the Planning Board of a written notice or referral from the Code Enforcement Officer.

**Section 3-4 Intents and Purposes of District** - The purpose of each of the districts is as follows:

1. **Agriculture/Residential District** – The purpose of this district is to preserve the majority of the land area of the community for the conduct of all forms of agriculture. New residential development is to be planned and executed in a manner that will not disturb the basic agricultural character of the district.
2. **Commercial District** – The purpose of this district is to provide for and to regulate commercial activities and to restrict such activities to a section of the community that is already served by major roadways and utilities, to allow for growth and to provide economic stability in a manner that will cause a minimum of disruption to the agricultural nature of the town.
3. **Industrial District** – The purpose of this district is to provide for and to regulate industrial activities and to restrict such activities to a section of the community that is already served by major roadways and utilities, ~~so as~~ to allow for growth and to provide economic stability in a manner that will cause a minimum of disruption to the agricultural nature of the town.
4. **Resource Protection District**—The purpose of this district is to preserve the land, resources, and environment in an undisturbed condition for the benefit of future generations of the town and for wildlife propagation.

**Section 3-5 Permitted and Allowed Uses and Activities in Zones**

The following classifications of uses and activities have been set forth to delineate which uses and activities are not permitted, and which ones are allowed with a CEO (when specified) or Planning Board Permit in each district. If the CEO is not available, the planning board may approve items specified as CEO approval in the table below.

A = Allowed with no permit required

CEO = Allowed with CEO Permit

PB = Allowed with Planning Board Permit

SB = Allowed with Select Board Approval

NA = Not Allowed

	Agriculture/Residential	Commercial	Industrial
Additions to Non-residential Buildings	PB	PB	PB
Agriculture Farming	A	A	A
Automobile Graveyard	NA	SB	SB(4)
Commercial Activity (restricted floor size)	PB(2)	PB	PB
Churches	PB	PB	PB
Duplex (excluding subdivisions)	CEO	CEO	CEO
Additions to a Duplex	PB	PB	PB
Eating and Drinking Establishments including places that offer dancing and entertainment	NA	PB	PB
Fire Stations	PB	PB	PB
Funeral Homes	NA	PB	PB
Government Offices	PB	PB	PB
Manufacturing	NA	PB(3)	PB
Mining/Gravel Pits	PB(1)	PB	PB
Mobile Home Parks	PB	PB	PB
Motels and Hotels	NA	PB	PB
Multi-Family Dwellings	PB	PB	PB
Additions to Multi-Family Dwellings	PB	PB	PB
Outbuildings 100 sq. feet or less	A	A	A
Outbuildings in excess of 100 sq feet	CEO	CEO	CEO
Parking Lots	PB	PB	PB
Playgrounds	PB	PB	PB
Pole Permits	CEO/SB	CEO/SB	CEO/SB
Processing, manufacturing, or other industrial uses	NA	NA	PB(1)
Retail Sales and Service Establishments (without restriction as to floor size)	NA	PB	PB
Repair Shops	NA	PB	PB
Schools	PB	PB	PB
Single Family Dwellings	CEO	CEO	CEO
Addition to Single Family Dwellings	CEO	CEO	CEO
Veterinary Hospitals	PB	PB	PB
Warehousing and Wholesaling	NA	PB	PB
Wrecking, junk, demolition and scrap yards	NA	NA	SB(4)

- 1- Must not be injurious or noxious because of noise, smoke, vibration, electronic radiation, gas, fumes, odor, dust, fire, or explosion hazard, and which meet State and Federal Pollution Standards.
- 2- Commercial activities in the form of home occupations, retail sales and service establishments (including professional offices and banks) provided the gross floor area devoted to such use on a single lot is not more than 5000 square feet.
- 3- Manufacturing of products where the manufacture does not require on-site waste disposal facilities other than on-site sewage disposal facilities for sewage generated by employees and which is not injurious or noxious by reason of noise, smoke, vibrations, electronic radiation, gas, fumes, odor, dust, fire, or explosion hazard, and which meet State and Federal Pollution Standards.

- 4- Must be surrounded by a solid fence or evergreen screen completely preventing a view from any other property or public right-of-way and shall be at least five hundred (500) feet from Agricultural/ Residential districts. A Planning Board permit is only needed to address the required screening.

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## **RESOURCE PROTECTION DISTRICT**

As existing in the Shoreland Zoning Ordinance already adopted.

### **Section 3-6 Industrial Zone (added in 1998)**

- **Industrial Zone #1** will be identified as the south side of Rt. 100 from I-95 South 3500 feet with maximum setback to the Central Maine Power Company right-of-way.
- **Industrial Zone #2** will be identified as the north side of Rt. 2 (Main Street) from the Sebasticook River to Rt. 152 (Estes Avenue) with 1200-foot maximum setback.
- **Industrial Zone #3** will be identified as the south side of Rt. 2 from the Sebasticook River to Rt. 152 (Ell Hill Road) with 1200-foot maximum setback.
- **Minimum Lot Size** – Two acres
  - 50-foot setback from abutting landowners
  - 50-foot setback from edge of road right-of-way

### **Section 3-7 Commercial Zone (added in 1999)**

- **Commercial Zone #1** will be identified as the north side of Rt. 2 (Main Street) from the Newport line to the Gray Road with a maximum setback of 1200 feet.
- **Commercial Zone #2** will be identified as the south side of Rt. 2 (Main Street) from the Newport line to the abandoned Smith Road back to Interstate 95.
- **Commercial Zone #3** will be identified as the north side of Rt. 2 (Main Street) from the Lang Hill Road through the Village to the Gee Road with maximum setback of 1200 feet.
- **Commercial Zone #4** will be identified as the south side of Rt. 2 (Main Street) from South Ridge Road through the Village to the Madawaska Road with maximum setback of 1200 feet.
- **Commercial Zone #5** will be identified as the north side of Rt. 100 (Oxbow Road) from Interstate 95 (I-95) south 3500 feet with maximum setback to I-95.

**Section 3-8 Dimensional Requirements**

A) The following dimensional standards shall apply throughout the entire Town of Palmyra (NA= Not Allowed)

Districts:	Agricultural/Residential	Commercial	Industrial
1. Minimum Lot Size*			
(a) Per Dwelling Unit	2 Acre	2 Acre	2 Acre
(b) Commercial Use	2 Acres	2 Acres	2 Acres
(c) Industrial Use	NA	NA	2 Acres
2. Minimum Lot Frontage			
(a) Residential Use	200 feet	200 feet	200 feet
(b) Commercial Use	200 feet	200 feet	200 feet
(c) Industrial Use	NA	NA	200 feet
3. Minimum Structure Setbacks			
(a) For residential Dwelling Units			
Front Setback	75 feet	75 feet	75 feet
Side Setback	25 feet	25 feet	50 feet
Rear Setback	25 feet	25 feet	50 feet
Structure Separation	50 feet	50 feet	50 feet
(b) Commercial Use			
Front Setback	75 feet	50 feet	75 feet
Side Setback	50 feet	25 feet	50 feet
Rear Setback	50 feet	25 feet	50 feet
Structure Separation	50 feet	50 feet	50 feet
(c) Industrial Use			
Front Setback	NA	NA	75 feet
Side Setback	NA	NA	50 feet
Rear Setback	NA	NA	50 feet
Structure Separation	NA	NA	50 Feet
4. Maximum Lot Coverage			
(a) Residential	-	50%	50%
(b) Commercial/Industrial Use	30%	50%	50%
5. Maximum Structure Height**			
(a) Per Dwelling	35 Feet	35 Feet	35 Feet
(b) Commercial Use	35 Feet	35 Feet	35 Feet
(c) see Shoreland Zoning per 15.B2 for max. height of 35 feet			
(d) Sheds 100 sq. ft. - 200 sq. ft.	10 feet	10 feet	10 feet

\* Lots 1 acre or greater in size that were recorded at the Somerset County Registry of Deeds by 14 March 2026 shall remain eligible for construction of a single dwelling unit.

\*\*Communication Towers and Agricultural Buildings are excluded from maximum height restrictions.

B) The following definitions shall apply to the dimensional standards found in section 3-8.A.

- Required Frontage** – All lots hereinafter created after the effective date of this Ordinance shall possess a minimum frontage (1) on a road, or (2) on a deeded private right-of-way, which meets the specifications for road construction contained in the Town’s *Road Standards For Subdivisions*; provided, however, that for backlots not part of a subdivision, this road frontage requirement shall not apply if a minimum 25-foot wide access from a road to the backlot is provided by a deeded private right-of-way.
- Cul-de-Sac Frontage** – New building lots located at the end of cul-de-sacs shall be designed so that they have a minimum of 100 feet of street frontage along the front lot line in the Agricultural Residential district or a minimum of 50 feet of street frontage in all other districts; and all other dimensional requirements shall apply.

3. **Side and Rear Setback Measurements** – All setbacks shall be measured from the property line to the nearest part of the structure. Accessory structures up to 200 square feet, one story, non-permanent, can be 10 ft. from property line.
4. **Front Setback** – The front setback shall be measured from the center of the town road, right-of-way, or applicable subdivision road (public or private).
5. **Driveways, Parking Areas** – Driveways and parking areas may be located within any required setback area but shall not be located within six (6) feet of the side or rear lot lines.
6. **Structure Separations** – All structures shall be separated according to the above requirements. Separation distances shall be measured from the nearest part of each principal structure. Accessory use structures do not require a 50-foot separation. A garage for residential use is considered an accessory use structure.
7. **Minimum Lot Size** – These areas shall be calculated without including area added by any rights-of-way. All acreage required for multi-family dwellings must be classified as buildable. Easement areas, freshwater wetlands and other unusable areas shall not be classified as buildable.

### **Section 3-9 Application Procedure for CEO/Planning Board Permits**

Applications for CEO/Planning Board Permits shall be submitted in writing to the Town Office in the form as required in the applicable zoning ordinance along with the required application fee per the current fee schedule. The Town Office shall notify the applicant in writing when they may present their case before the Planning Board. If the CEO has the required approval, the Town Office will provide the phone number of the CEO for the applicant to contact to schedule a meeting.

The CEO shall be the primary approval authority for all Residential permits, to include those that are to be reviewed under the FLOODPLAIN MANAGEMENT ORDINANCE. If the CEO is not available for application review, the Planning Board shall have the authority to review for approval. If the Planning Board starts a review of an application, they shall be responsible for completion.

### **Section 3-10 CEO/Planning Board Procedure**

Applicant shall first demonstrate to the satisfaction of the CEO/Planning Board that they have adequate right, title, and interest to the property before the application shall be acted upon. During the review process, the CEO/Planning Board shall next determine if the application is complete. If the application is not complete, the applicant shall provide the required information. The CEO/Planning Board shall have the option to continue the review for compliance of the particular ordinance while waiting for submission of incomplete items. The CEO/Planning Board shall review the application for compliance with the particular ordinance. The CEO/Planning Board shall approve, deny, or approve with conditions. All written decisions of the CEO/Planning Board shall determine Findings of Fact and Conclusions of Law. If the application is for a Residential Land Use Permit, the CEO/Planning Board shall render a written decision within thirty (30) days. Dates for approval of all Non-residential permits shall be as described in that particular ordinance.

All decisions of the CEO/Planning Board may be appealed to the Board of Appeals.

### **Section 3-11 Planning Board Discretionary Requirements for Applications**

The Planning Board may waive the following requirements depending upon the circumstances and type of application and information the Planning Board needs to arrive at a decision.

1. General location information items
2. Erosion Control Plan
3. Stormwater Control Plan
4. Phosphorus Control Plan
5. Traffic and Parking Plan
6. Roadway Plans and Specifications

## **ARTICLE IV MOBILE HOME PARKS**

Mobile Home Parks shall meet minimum state guidelines as defined by the Maine Department of Human Services.

## **ARTICLE V HOME OCCUPATION**

### **Section 5-1 Purpose**

The purpose of the Home Occupation Provision is to permit the conduct of those businesses, which are compatible with the districts in which they are allowed. Home occupations are limited to those uses which they are allowed. Home occupations are limited to those uses which may be conducted within a residential dwelling without substantially changing the appearance or condition of the residence or accessory structure.

### **Section 5-2 Permitted Uses**

Any home occupation or profession which is accessory to and compatible with a residential use may be permitted if:

1. It is carried out in a dwelling unit or in a structure customarily accessory to a dwelling unit.
2. It is conducted only by a member or members of the family residing in the dwelling unit.
3. It does not materially injure the usefulness of the dwelling unit or accessory structure for normal residential purposes.

### **Section 5-3 Conditions**

All home occupations shall conform with the following conditions:

1. The home occupation shall be carried on wholly within the dwelling or accessory structure.
2. The home occupation shall be conducted only by a member or members of the family residing in the dwelling unit.
3. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours, shall not be permitted.
4. The traffic generated by such home occupation shall not increase the volume of traffic ~~so as~~ to create a traffic hazard or disturb the residential character of the immediate neighborhood.
5. In addition to the off-street (off-road) parking provided to meet the normal requirements of the dwelling, + adequate off-street (off-road) parking shall be provided for the vehicles of the maximum number of users the home occupation may attract during peak operating hours.
6. The home occupation may utilize:
  - a) Not more than twenty percent (20%) of the dwelling unit floor area provided that for the purpose of this calculation (unfinished basement and attic spaces not included).
  - b) Unfinished attic and basement spaces.  
One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty percent (50%) of the total floor area of the dwelling unit.
7. Home occupations which involve use or storage of hazardous or leachable materials more than normal residential use are not permitted.

## **ARTICLE VI. VARIANCE AND APPEAL**

### **Section 6-1 Powers and duties of the Board of Appeals**

The Board of Appeals shall have the following powers:

- a. **Administrative Appeals:** To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance.
- b. **Variance appeals:** To authorize variances upon appeal, within the limitations set forth in the Ordinance.

### **Section 6-2 Variance Appeals**

Variances may be permitted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including but not limited to lot width, structure height, and setback requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- c. The Board shall not grant a variance unless it finds that:

- 1) The proposed structure or use would meet the provisions of this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought; and
- 2) The strict application of the terms of this Ordinance would result in undue hardship.  
The term “undue hardship” shall mean:
  - i. That the land in question cannot yield a reasonable return unless a variance is granted
  - ii. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood
  - iii. That the granting of a variance will not alter the essential character of the locality, and
  - iv. That the hardship is not the result of action taken by the applicant or a prior owner.
- d. The Board of Appeals shall limit any variances granted as strictly as possible to ensure conformance with the purpose and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

### **Section 6-3 Appeal Procedure**

#### **a. Making an Appeal**

- 1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- 2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
  - i. A concise written statement indicating what relief is requested and why it should be granted.
  - ii. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- 3) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all the papers constituting the record of the decision appealed from.
- 4) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

#### **b. Decision of Board of Appeals**

- 1) A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- 2) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
- 3) The person filing the appeal shall have the burden of proof.
- 4) The Board shall decide all appeals within thirty-five (35) days after the close of the hearing and shall issue a written decision on all appeals.
- 5) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief, or denial thereof.

### **Section 6-4 Appeal to Superior Court**

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State Laws within forty-five (45) days from the date of any decision of the Board of Appeals.

### **Section 6-5 Reconsideration**

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

## **ARTICLE VII ENFORCEMENT**

**Section 7-1 Code Enforcement Officer** This ordinance shall be enforced by the Code Enforcement Officer who shall be appointed annually by the Selectmen.

### **Section 7-2 Permits**

- a) A CEO [when specified]/Planning Board Permit is required for land uses or activities as set forth under this Ordinance. Failure to obtain a permit when required by this Ordinance shall be a violation of this Ordinance punishable under Section 8-3.
- b) Permits are valid for two (2) years from date of issue. If no construction has begun within six (6) months of date of issue, the permit shall be void. If a permit has expired, the applicant must reapply. A permit is transferable to subsequent owners of the property. With Planning Board approval, a six (6) month extension may be applied to a permit due to extenuating circumstances.

## **ARTICLE VIII LEGAL PROVISIONS**

**Section 8-1 Relation to Other Ordinances** The provisions of the Shoreland Zoning Ordinance shall take precedence over any provisions of this ordinance.

**Section 8-2 Severability** The invalidity or unconstitutionality of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance.

### **Section 8-3 Violations**

- a) The Planning Board is hereby authorized to institute or cause to be instituted by the Town Attorney, in the name of the Town of Palmyra, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this Ordinance, provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this Ordinance.
- b) Any person, including but not limited to a landowner, a landowner's agent, or a contractor who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Section 4452.
- c)
  1. Any person, including but not limited to a landowner, a landowner's agent or a contractor who orders or conducts any activity without first having obtained the required permit shall be deemed to have violated the provisions of this Ordinance and shall be subject to the penalties outlined under Section 8-3(b).
  2. Any person, including but not limited to a landowner, a landowner's agent or a contractor who, after notification by the Planning Board or the Code Enforcement Officer that he/she has begun work without a permit, voluntarily complies with requirement of Section 7-2 by applying for a permit "After the Fact", may be issued a permit by the Board following payment of twice the required permit fee or a penalty of fifty dollars (\$50.00), whichever amount is greater. This will resolve the violation without further need of enforcement action.

## **ARTICLE IX AMENDMENTS**

Upon a recommendation of the Planning Board received in writing by the Selectmen and/or upon receipt of a petition by the Selectmen (said petition signed by 10% of the legal voters of the town who voted in the last gubernatorial election), the Selectmen shall call a special town meeting within 50 days to consider proposed amendment to this ordinance. An amendment to this ordinance may be enacted only with majority vote at a regular or special town meeting. No amendment to the map shall become effective until any required change on the official map has been made and attested to by the Town Clerk.

## **ARTICLE X NON-CONFORMANCE**

### **Section 10-1 Purpose**

It is the intent of these provisions to promote land use conformities, except that non-conforming conditions that legally existed before the effective date of this Ordinance or any applicable amendments shall be allowed to continue, subject to the requirements set forth in this section.

## **Section 10-2 General Requirements**

1. Transfer of ownership: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
2. Repair and Maintenance: This Ordinance allows, without a permit pursuant to this Ordinance, the normal upkeep and maintenance of non-conforming uses and structures.

## **Section 10-3 Non-Conforming Structures**

1. Expansions:
  - (a) A non-conforming structure may be added to or expanded after obtaining a permit from the permitting authority.
  - (b) Said addition or expansion shall not increase the non-conformity of the structure with respect to minimum lot sizes and property setbacks.
  - (c) Structures shall not be enlarged in a manner that violates or worsens the standard regarding the minimum lot area per dwelling unit (e.g., expansion of a single-family dwelling to a non-conforming lot to create a multi-family dwelling).
  - (d) The installation or construction of accessory structures, such as garage or shed outbuildings, shall be deemed an expansion or addition of a non-conforming structure.
2. Relocation
  - (a) A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located.
  - (b) The site of relocation shall conform to all setback or other dimensional requirements to the greatest practical extent as determined by the permitting authority.
  - (c) The applicant shall demonstrate, if necessary, that the present subsurface sewage disposal system meets the requirements of State Law and the State of Maine Subsurface Wastewater Disposal Rules or that a new system can be installed in compliance with the law and said rules.
  - (d) To determine compliance, the permitting authority shall base its decision on the size of the lot, the slope of the land, the potential for soil erosion, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.
3. Construction or Replacement
  - (a) Any non-conforming structure may be reconstructed or replaced provided that a permit is obtained from the permitting authority within five (5) years from the date of the event or occurrence causing the need to replace or reconstruct such structure.
  - (b) Such reconstruction or replacement shall comply with the setback or other dimensional requirements to the greatest practical extent as determined by the permitting authority.
  - (c) The applicant shall demonstrate that the present subsurface sewage disposal system meets the requirements of State Law and the State of Maine Subsurface Wastewater Disposal Rule, or that a new system can be installed in compliance with the law and said rules.

## **Section 10-4 Non-Conforming Uses**

1. Expansion:

An existing non-conforming use may be expanded, after obtaining a permit from the permitting authority, unless it is found that the plan does not meet the intent of this Ordinance.
2. Change of Use:
  - (a) An existing non-conforming use may be changed to another non-conforming use after obtaining a permit.
  - (b) The permitting authority shall approve a change of use unless it is found that the proposed use is not equally or more appropriate to the district than the existing non-conforming use.
  - (c) The proposed use shall have no greater adverse impact on adjacent properties than the former existing non-conforming use.
  - (d) A permitted or conforming use shall not be changed to create a non-conforming use.
3. Discontinuance
  - (a) A non-conforming use that has been discontinued or abandoned for five (5) or more years shall not be resumed, and such non-conforming use shall be deemed extinguished.
  - (b) The removal or demolition of a non-conforming structure, for whatever reason, shall not constitute an abandonment of a non-conforming structure or use, provided that the required permit for such replacement structure is obtained from the permitting authority within five (5) years from the date of removal of such non-conforming structure using the criteria found in subsection C.2.d.
4. Succession

Where a non-conforming use is succeeded by a permitted use, the property shall thereafter conform to the permitted uses, and such non-conforming use shall not thereafter be resumed.

**Section 10-5 Non-Conforming Lots**


1. Vacant Lots:
  - (a) A vacant, non-conforming lot of record legally existing on the effective date of this Ordinance may be built upon without the need for a variance.
  - (b) Said lot must be held in separate ownership and not contiguous with any other lot in the same ownership.
  - (c) All provisions of this Ordinance except lot size and frontage must be met.
  - (d) Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.
  - (e) If more than one residential dwelling unit or other use is built, located, or created on a non-conforming lot of record, the minimum lot size shall be met for each residential dwelling unit, and the frontage and all setback requirements of the district shall be met.
  
2. Contiguous Lots – Built Upon:
  - (a) If two or more contiguous lots or parcels are in the same ownership of record at the time of the adoption or amendment of the Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together.
  - (b) All such lots shall meet the requirement of the Subsurface Wastewater Disposal Rules.
  - (c) When such lots are divided, each lot thus created must conform to the dimensional requirements of this Ordinance, to the greatest practicable extent.
  
3. Contiguous Lots – Vacant or Partially Build Upon:
  - (a) If two or more contiguous lots or parcels are in the same ownership of record at the time of the adoption or amendment of this Ordinance, and
  - (b) they do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and
  - (c) if one or more of the lots are vacant or contain no principal structure, then
  - (d) the lots shall be combined to the extent necessary to meet the dimensional requirements.
  
4. Single Lot with Multiple Principal Structures – Division:
  - (a) If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold as/on a separate lot.
  - (b) All resulting lots shall meet the requirements of the State Subsurface Wastewater Disposal Rules.
  - (c) A permit shall be required prior to the creation of a non-conforming lot through the division of a lot of record with multiple, principal structures or uses thereon.
  - (d) The permitting authority shall issue the required permit upon its findings that each lot created by the division conforms, to the greatest practicable extent, to the setback and dimensional requirements of this Ordinance, other than lot area.

**ARTICLE XI OTHER CONSTRUCTION**

The Planning Board shall have the authority to promulgate such spacing requirements, as it may deem appropriate for all other construction.

LEGEND FOR ZONING MAP

 Agricultural/Residential Zone

 Commercial Zone0

 Industrial Zone

Resource Protection Zone as exists in Shoreland Zoning already adopted.

## **ARTICLE XII POLE PERMITS**

The CEO or Select Board or their designee may refuse to sign Electric and Telephone Permits if a valid Residential or Nonresidential Land Use Permit has not been obtained.

## **ARTICLE XIII DEFINITIONS**

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have their ordinarily accepted meaning, except to the extent that another meaning is clearly implied by the context of this Ordinance. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustrations, or table, the text shall control.

The word "person" includes firms, associations, organizations, partnerships, trusts, companys, or corporations, as well as an individual or any other legal entity. The words "he", "she", or "they" when used shall refer to the person or persons so designated regardless of gender.

The words "shall" or "will" are mandatory, the word "may" is permissive, The word "lot" includes "plot" or "parcel". The words "used" or "occupied", as applied to any land or building, shall be constructed to include "intended, arranged, or designed" to be used or occupied.

Abutter: The owner of any property with one or more common boundaries, or points, as well as property owners of any parcel located directly across any road, railroad or body of water along the road if the body of water is less than 100 feet wide, from the parcel involved in application or appeal. Property owner shall mean all parties listed by the Town Tax Assessor as those against whom taxes are assessed and include any Qualified Conservation Holder of an easement in any of the parcels described herein.

Accessory Dwelling Unit (ADU): Means a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit or multi-family residential structure located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet, and cannot exceed the size, nor number of floors of the principal dwelling unit on the property.

Accessory Use or Structure: A use or structure, other than an ADU, which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. 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.

Acre: The standard U.S. unit of land measurement, defined as 43,560 square feet or 4,840 square yards.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting of, denial of a permit under this Ordinance: a person whose land abuts land for which a permit has been granted; or any other person or group of persons who had suffered particularized injury as a result of the granting or denial of a permit.

Agriculture: The production, keeping, or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products.

Agricultural building: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. The structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor a place used by the public.

Applicant: The person applying for subdivision approval under this Ordinance.

Archeological or Historic Resource Areas: Areas identified by the Maine Historic Preservation Commission as having significant value as an historic or archeological resource and areas listed on the National Register of Historic Places.

As-Built-Plans: A supplemental subdivision plan that shows any changes, modifications, or revisions in the actual placement of construction of public improvements installed within the subdivision when it differs from the design submitted in the Final Plan.

Attached: Means connected by a shared wall to the principal structure or having physically connected finished spaces.

Automobile graveyard: "Automobile graveyard" means a yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 101, subsection 42, or parts of the vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations.

"Automobile graveyard" does not include:

(1) An area used for temporary storage of vehicles or vehicle parts by an establishment or place of business that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable. In order for a vehicle's storage to be considered temporary, it must be removed from the site within 180 calendar days of its receipt;

(2) An area used by an automobile hobbyist to store, organize, restore or display antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles, street rods or parts of these vehicles as these vehicles are defined in Title 29-A, section 101 as long as the hobbyist's activities comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this subsection regarding the storage of vehicles or vehicle parts that are collected by a hobbyist, except that a municipal ordinance may require areas used by an automobile hobbyist to comply with the screening requirements in section 3754-A, subsection 1, paragraph A and the standards in section 3754-A, subsection 5, paragraph A, paragraph B, subparagraph (1) and paragraph C. For the purposes of this subparagraph, an automobile hobbyist is a person who is not primarily engaged in the business of selling any of those vehicles or parts from those vehicles;

(3) An area used for the parking or storage of vehicles, vehicle parts or equipment intended for use by a municipality, quasi-municipal entity or state or federal agency;

(4) An area used for the storage of operational farm tractors and related farm equipment, log skidders, logging tractors or other vehicles exempted from registration under Title 29-A, chapter 5;

(5) An area used for the parking or storage of vehicles or equipment being offered for sale by a dealer, equipment dealer, trailer dealer or vehicle auction business as defined in Title 29-A, section 851;

(6) An area used for the storage of vehicles by an establishment or place of business that is primarily engaged in business as a new vehicle dealer as defined in Title 29-A, section 851;

(7) An area used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business; or

(8) An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in Title 29-A, section 101 that is temporarily out of service but is expected to be used by the vehicle or equipment owner or by an operator designated by the owner. This subsection does not exempt an area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area.

Automobile recycling business: "Automobile recycling business" means the business premises of a dealer or a recycler licensed under Title 29-A, sections 851 to 1112 who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, as long as 80% of the business premises specified in the site plan in section 3755-A, subsection 1, paragraph C is used for automobile recycling operations.

A. "Automobile recycling business" does not include:

(1) Financial institutions as defined in Title 9-B, section 131, subsections 17 and 17-A;

(2) Insurance companies licensed to do business in the State;

(3) New vehicle dealers, as defined in Title 29-A, section 851, licensed to do business in the State; or

(4) That portion of the business premises that is used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business.

Building: Any structure having a roof supported by columns, walls, or other framework intended for the housing or enclosure of persons, animals, or personal property (see Structure).

Building Height: The vertical distance between the mean original grade at the uphill side of the structure and the highest point of the structure, excluding chimneys, steeples, antenna, and similar appurtenances which have no floor area .

Complete Application: An application which has been accepted by the Planning Board to have included submission of the required fee, all submission materials required by this Ordinance or a waiver request form.

Commercial Driveway: A driveway that has been designed for commercial use, or which is anticipated to have more than 20 trips per day on average.

Commercial Establishment: Establishments that render goods and/or services primarily on a retail basis are customarily carried on in a building specifically for that purpose, such as retail stores, service stations, restaurants, etc.

Commercial Use: The use of lands, buildings, or structures, other than a “home occupation”, defined below, the intent and result of which activity is the product of income from buying and selling of goods and/or services, exclusive of rental or residential buildings and/or dwelling units.

Direct Watershed of a Great Pond: That portion of the watershed which drains directly to the pond through sheet or concentrated flow without first passing through an upstream pond or river.

Dwelling: Any building or structure or portion thereof designed or used for residential purposes and any structure no matter of size or dimensions, with or without wheels, which is used as a habitation containing one or more dwelling units.

1. Single-Family Dwelling: A building containing only one (1) dwelling unit for occupation by not more than one (1) household.
2. Two-Family (Duplex) Dwelling: A building containing only two (2) dwelling units, for occupation by not more than two (2) households living independently from one another.
3. Multi-Family Dwelling: A building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more households living independently of one another, with the number of households not exceeding the number of dwelling units.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time period rented. Recreational vehicles are not residential dwelling units.

Easement: The duly designated privilege or right of use which one party may have in the land of another.

Engineer: The duly designated registered professional engineer of the subdivider.

Farming. Means engaging in farming in all its branches and the cultivation and tillage of the soil as a livelihood and includes dairying; raising livestock, freshwater fish, fur-bearing animals or poultry; producing, cultivating, growing and harvesting fruit, produce or floricultural or horticultural commodities; or any practices on a farm that are incident to or in conjunction with these farming operations. For the purposes of this Title, "farming" does not include forestry, the growing of timber or the operation of a farm for recreational activity.

Farmland: As defined in 30-A M RSA, section 4401.2-B.

Flag Lot: Any lot which conforms in all other respects to setback, size, and length to width ratios for a building lot, but is only accessible by means of a private way. For the purposes of this Ordinance, that private way must be owned or held in the same interest as the lot to which it serves. The private way must conform to the requirements of this Ordinance..

Freshwater Wetland: Freshwater swamps, marshes, bogs, and similar areas which are:

- a. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence wetland vegetation typically adapted for life in saturated soils; and
- b. Not considered part of a great pond, river, stream, or brook. These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection.

Gravel Pit: An excavation for removal, processing, or storage of borrow, topsoil, loam, gravel, rock, sand, clay, silt, or other similar non-metallic earth materials, whether alone or in combination, and which does not require the use of explosives.

Height of Structure: The vertical distance between the mean original grade at the uphill side of the structure and the highest point of the structure, excluding chimneys, steeples, antenna, and similar appurtenances which have no floor area.

Home Occupation: An occupation or a profession which is customarily conducted on or in a residential structure or on a residential use property and which is clearly incidental to and compatible with the residential use of the property and surrounding residential uses and which employs no more than two (2) persons other than family members residing in the home.

Household: A group of people living together as a single unit in one housing unit, sharing expenses or meals, even if unrelated, distinct from a family but often including one, defined by shared residence and domesticity for purposes like benefits, taxes, or energy assistance, not requiring deep financial ties but a common abode. Key elements are living under one roof, common residency, and functioning as one economic or domestic unit for a period of intended permanency, excluding short-term visitors or boarders

Industrial: Connected with the assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of natural resource products.

Junkyard: "Junkyard" means a yard, field or other outside area used to store, dismantle or otherwise handle:

- A. Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture; [PL 2003, c. 312, §5 (AMD).]
- B. Discarded, scrap and junked lumber; and [PL 2003, c. 312, §5 (AMD).]
- C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

Lot: A parcel of land capable of being occupied by one principal structure and its accessories, or used for one particular purpose and designated as such on a plat.

Lot Area: The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body, land within the upland edge of a wetland, and land beneath roads serving more than two (2) lots.

Lot Coverage: The percentage of a property covered by buildings (main & accessory), driveways, and other impervious surfaces including, but not limited to, paved areas, stairways, walkways, road (including driveways), parking areas, etc. in relation to lot area. Lot coverage may be expressed in area measure (to be interpreted relative to lot area) or as a percentage of lot area.

Person: Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

Plat: A map, plan, drawing, or chart on which a subdivision of land is shown.

Pre-application: Conceptual maps, renderings and supportive data describing the project proposed by the applicant for initial inquiry and review prior to submitting an application for subdivision approval.

Prime Farm Soils: Soils identified as such by the US Department of Agriculture in the Soil Survey of Somerset County.

Principal Structure: Any building or structure in which the main use of the premises takes place.

Property Owner: All parties listed by the Town Tax Assessor as those against whom taxes are assessed and include any Qualified Conservation Holder of an easement in any of the parcels described herein.

Public Improvements: The term shall include, but are not limited to: all roads, parking lots, fire protection structures and ponds; any structure or land proposed to be used in common by occupants of the subdivision or the community; water distribution and sewer facilities and equipment and storm drainage structures.

Public Road: A road maintained and owned by the State of Maine, Somerset County, or the Town of Palmyra. It shall not include any road or way that has been discontinued or abandoned.

Repair Shop – a facility that performs repairs either for the general public for compensation or as part of a commercial enterprise. “Repair” is further defined as: the examination, maintenance, servicing, adjustment, improvement, replacement, removal or installation of a part of a motor vehicle, including, but not limited to, body work, painting and incidental services such as storage and towing, and excluding the sale of motor fuel.

Right-of-Way: Means a strip of land used or intended to be used for a street, pedestrian way, water main, sanitary or storm sewer main, or for other special use. In these Ordinances, every right-of-way established shall be shown on the plat separate and distinct from the lots and parcels adjoining such right-of-way, and not be included within the dimensions or areas of such other lots or parcels.

River, stream, or brook: Does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

Sight Distance: The distance of unobstructed vision experienced by a motorist entering a street from an access point. Sight distance is measured from an entry point ten (10) feet from the edge of the travelled way and three-and-one-half (3 ½) feet above the surface, to a point four-and-one-quarter (4 ¼) feet above street level in each direction.

Significant Wildlife Habitat: Areas identified by the Department of Inland Fisheries and Wildlife or by the Town of Palmyra (see above in Section 2) as having significant value as habitat for animals.

Setback: The distance between a legal boundary (right-of-way, lot line, or property line) and any part of a structure.

Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, either permanently or temporarily, including buildings, commercial park rides and games, satellite receiving dishes, carports, porches, and other building features, intended for the support, shelter or enclosure of persons, animals or property as defined in 38 M.R.S. 436-A(12). But not including sidewalks, fences, driveways, parking lots, poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors.

Subdivision: As defined in Title 30-A M.R.S.A Section 4401.

Tract or Parcel of Land: All continuous land in the same ownership, provided that lands located on the opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.

Trail: A recreational access identified on the Town of Palmyra Master Trail Plan or a path or way created by easement, agreement or use by the public for some form of recreation including walking, hiking, biking, skiing, horse riding, or snowmobiling.

Unique Natural Area: Areas identified by the Maine Department of Agriculture, Conservation, and Forestry Natural Areas Program as having significant value as a natural area.

Waterbody: Any great pond, river, stream, brook, or wetland.

Wetland: Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, river, stream, or brook. Wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

Working Farm: Any parcel of land where the primary use is *Farming* as defined in this section.

*I certify that the foregoing ordinance entitled TOWN OF PALMYRA ZONING ORDINANCE was adopted at Town Meeting, March 11, 1989.*

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Diane White, Town Clerk

*I certify that the following is a list of amendments to the foregoing ordinance and dates adopted.*

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Diane White, Town Clerk

- March 9, 1991
  - Art. III, Sec. 3-8 – Changes in dimensional requirement
  - Art. III, Sec. 3-9 – Application procedures, form and fee
  - Art. III, Sec. 7-2 – Permit regulations
  - Art. III, Sec. 8-3 – Violation regulations
- March 8, 1997
  - Added Art. XII – Electrical and telephone permits requirements
  - Agricultural/residential district – added requirement for permit for additions and outbuildings and fees for same.
- March 13, 1998
  - Art. III, Sec. 3-6 – Identified Industrial Zones
- March 13, 1999
  - Art. III, Sec. 3-6 – Clarification of zones and Commercial Zones identified
- March 8, 2000
  - Art. III, Sec. 3-5 – Definition and fee for Home Occupation
- October 25, 2000 – Industrial Zone – ‘except residences’ deleted
- March 10, 2001
  - Art. III, Sec. 3-8 – Dimensional requirements changed
  - Definition section added
  - Art. VI – Variance and appeal amended
  - Art. VIII, Sec. 8-3 – Violation and penalty for after-the-fact permits
- March 9, 2002
  - Art. III, Sec. 3-7 – Dimensional requirements changed in Industrial Zone
  - Art. III, Sec. 3-8 – Dimensional requirements changed in all Zones
  - Art. III, Sec. 3-8 – Roads defined
  - Art. X – Non-conforming section expanded
- October 9, 2002
  - Changed one zone from Industrial to Commercial; better defined the zones
  - Art. III, Sec. 3-8 – Changed some dimensional requirements

March 14, 2009 – Art. III, Sect. 3-8 - Front setbacks increase by 25 feet (to be measured from the center of the town road instead of right-of-way).

March 14, 2015 – Article III, Section 3-8 Agricultural/Residential District.

Agricultural/Residential – add the following:

- Allowed without a permit: Shed/building 10' x 10' or 100 square foot, one story, non-permanent structure 10 feet from property line.
- C. Setback Measurements: Accessory structures up to 200 square feet, one story, non-permanent can be 10 feet from property line.
- F. Structure Separation: Accessory buildings do not require a 50-foot set-back.

June 13, 2017 – Amended the Zoning Ordinance to create a “Fee Schedule” by removing any and all fees, fines or charges from within each individual ordinance and placing all said fees, fines or charges onto a single document call e “Fee Schedule”.

-Amendment to Zoning Ordinance to amend Article III, Section 3-7 and Article IV #8 to read “Short Form Business Renewal Permit required annually for all businesses in the Town of Palmyra”. (Subsequently deleted)

March 12, 2022 – revisions in Sections 3-3, 3-5, 3-8, 3-9, 3-10, 3-11, 5-3, , 7-2, and other revisions. Changed Section numbering in Section 3.

March 14, 2026 - Added Table of contents and created Article XIII Definitions. Revision to sections 3-3, 3-5, 3-8. Changed minimum lot size for all sections of section 3-8 to 2 acres per dwelling unit. Added definitions to new Article XIII.