



Town of Solon Building Ordinance

**Regulating the Construction, Placement, or
Expansion of Structures within the Town of Solon**

Solon, Maine

Adopted at Town Meeting July 20, 2024

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SECTION I: GENERAL

1. **TITLE:** This Ordinance shall be known and cited as the “Building Permit Ordinance” of the Town of Solon, Maine, and will be referred to as “this Ordinance.”
2. **AUTHORITY:** This Ordinance is adopted pursuant to the enabling provisions of Article VIII, part 2 Section 1 of the Maine Constitution, the provisions to Title 30-A, MRSA Section 3001 (Home Rule).
3. **PURPOSE:** The purpose of this Ordinance is to protect the health, safety, and general welfare of the residents of this town, through the regulation of construction and siting practices of residential and commercial structures, and to record the location and use of new structures for the purpose of providing efficient public services.
4. **EFFECTIVE DATE:** This Ordinance shall be effective immediately upon enactment by the Town Meeting.
5. **CONFLICT WITH OTHER ORDINANCES:** The provisions of this Ordinance apply to all activities within the Town of Solon. Compliance with this Ordinance does not relieve persons of the responsibility to comply with other state or local requirements. If the provisions of this Ordinance conflict with those of other ordinances, the stricter standard shall be followed.
6. **VALIDITY AND SEVERABILITY:** In the event that any individual provision of this Ordinance shall be found by a court of law to be invalid, it shall not affect the validity of remaining provisions or the Ordinance itself.
7. **AMENDMENTS:** This Ordinance shall only be amended by a majority vote of the Legislative Body. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of 10% of the number of voters who voted in the last Gubernatorial Election. The Planning Board shall conduct a public hearing on any proposed amendment.

SECTION II: PERMIT & APPLICATION

1. **PERMIT REQUIREMENT:** Prior to the construction or placement of any structure, accessory, or principal, over two hundred (200) square feet in size, or an addition which exceeds one hundred (100) square feet, the landowner or designated agent is responsible for applying for and obtaining a Building Permit from the Town. For the purpose of this Ordinance "Construction or placement of any structure" occurs at the time of commencement of excavation or the placement of a structure on land within the Town.

2. **SETBACK REQUIREMENTS:** For public safety, privacy, and to protect natural resources, the following setback requirements must be met by all new construction after the adoption of this Ordinance:
 - A. Fifteen (15) feet from all property lines; and
 - B. Ten (10) feet from a public or private road right of way.

3. **APPLICATION PROCEDURE:**
 - A. The landowner or their agent shall submit a Building Permit application at the Town Office on forms developed by the Planning Board. The application or accompanying documentation shall contain at least the following information:
 - i. The name and address of the landowner and Applicant (if different);
 - ii. If the Applicant is not the landowner, a written statement from the landowner authorizing the Applicant to act as the landowner's authorized agent;
 - iii. Map and Lot number and street address of the property to be developed;
 - iv. Brief narrative describing the following:
 - a) Proposed use of the structures to be built;
 - b) Proposed construction type (residential, commercial, etc.)
 - c) Size of structure;
 - d) Number of bedrooms (if applicable); and,
 - e) Number of bathrooms (if applicable);
 - v. A drawing of the construction site showing the orientation and size of existing and proposed structure(s), and their distance to property lines, water wells, wastewater disposal systems, water bodies, floodplains, compliance with Solon's Shoreland Zoning Ordinance, and other notable features;

- vi. A completed HHE-200 for any construction incorporating a septic system;
- vii. The appropriate fee, as determined in accordance with Section III, Administration, Enforcement, and Penalties, below. An application not accompanied by the correct fee will not be processed for review;
- viii. A statement that any construction materials, including excavated material, will not be placed in or otherwise impact wetlands.

B. For any structure that will be used for human habitation, the property owner of record or their agent must provide written verification that the proposed structure(s) [ADUs, additional housing units] can be connected to adequate water and wastewater services prior to the issuance of a Building Permit. Written verification must include the following:

- i. If connected to a comparable sewer system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the system;
- ii. If connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRS §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, State of Maine *Subsurface Wastewater Disposal Rules*, as amended;
- iii. If connected to Solon Water District, or equivalent centralized system, proof of adequate capacity to accommodate the added demand created by an additional unit, and proof of payment for the connection;
- iv. If proposed to be connected to a well, the Applicant must include proof that the water supply is acceptable for domestic use and can accommodate anticipated demand.

- C. Upon receipt of a Building Permit application, the Town Office staff shall notify the Chairman of the Planning Board. The Chairman is responsible for seeing that the application is placed on the agenda for the next regularly scheduled Planning Board Meeting.
- D. The Planning Board shall decide if the application is complete prior to a review for compliance with this Ordinance. If the application is determined to be incomplete, the Planning Board shall not act, except to inform the landowner or their agent of the necessary additional information. The landowner or agent is encouraged but not required to attend the Planning Board meeting to answer questions and supplement the information on the form.
- E. Upon determination that the application is complete, the Planning Board shall review the application and approve it only if it conforms to all standards of this Ordinance. The Planning Board shall act at the first meeting at which there is a quorum present unless the Planning Board and Applicant mutually agree to an extension of the time for review. The Planning Board shall notify the Applicant, the Town Clerk, and the Code Enforcement Officer (CEO) of its decision in writing within seven (7) days of its action.
- F. The Code Enforcement Officer shall issue a Building Permit by the act of signing the approved application form, or by other documentation as determined by the Town. The Building Permit shall be available at the Town Office within ten (10) working days of the date of decision.
- G. Any Building Permit issued is valid for a period of twelve (12) months from the date of issue. If the structure is not completed (as determined by a finished exterior) within the twelve-month period, the Applicant must apply for a renewal of the Building Permit and submit appropriate fees.
- H. At any time prior to completion of a structure, the Applicant may request that their permit be amended or renewed. The request shall be submitted to the Code Enforcement Officer. If the Code Enforcement Officer determines that the request involves no substantial change, they may note the change on the original Building Permit or such other form as the Town may designate for the purpose. If the CEO determines that there is a substantial change, they shall require that the Applicant appear before the Planning Board to receive approval for an Amended Permit.

- I. Any party aggrieved by a decision of the Planning Board or Code Enforcement Officer under this Ordinance may appeal to the Board of Appeals within thirty (30) days of the date of decision. The Board of Appeals shall review the appeal using the procedure specified in Section III.C.2 of the Town of Solon Site Plan Review Ordinance.

4. BUILDING PERMIT REQUIREMENTS FOR ACCESSORY DWELLING UNITS: For the purposes of this Ordinance, Accessory Dwelling Units and Accessory Apartments will be referred to as ADUs. These standards apply to residential Accessory Dwelling Units for which a permit is sought after the adoption date of this Ordinance.

- A. The wastewater and water supply requirements outlined in Section II Permit & Application, Subsection 3 Application Procedure, B, apply.
- B. Any lot where a single-family dwelling is the principal structure may establish one ADU.
- C. The lot owner of record must reside in either the primary dwelling unit or the ADU. The lot owner shall submit a signed written statement stating in which dwelling unit they will reside and submit the statement with the application materials.
- D. All ADUs must comply with Shoreland Zoning requirements.
- E. All ADUs must comply with property line setback requirements set forth in this Ordinance.
- F. ADUs do not count towards the total number of dwellings pursuant to Solon's Subdivision Ordinance.
- G. An ADU may be constructed:
 - i. Within an existing dwelling unit on the lot;
 - ii. Attached to a single-family dwelling unit; or,
 - iii. As a new structure on the lot for the primary purpose of creating an ADU.
 - iv. Within an existing accessory structure if the setback requirements of this Ordinance are met.
- H. The ADU must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, as may be amended, adopts a different minimum standard; if so, that standard applies.

- I. The ADU may not exceed 60% of the floor area of the primary dwelling unit on the lot on which it is situated.
- J. Additional parking requirements for an ADU beyond those required for the single-family dwelling are not permitted.
- K. If an Accessory Dwelling Unit is constructed without first obtaining a Building Permit, an After-the-Fact Building Permit may be issued if the ADU otherwise meets the requirements set forth in this Ordinance, provided proper documentation has been submitted to the CEO (see Section IV Administration, Enforcement, and Penalties, Subsection 2, Enforcement, F).

5. BUILDING PERMIT REQUIREMENTS FOR ADDITIONAL DWELLING UNITS ON A SINGLE LOT:

- A. The wastewater and water supply requirements outlined in Section II Permit & Application, Subsection 3 Application Procedure, B, apply.
- B. Undeveloped Parcels (no existing dwelling units on property):
 - i. If the parcel is in an area in Solon served by a public, special district or other centrally managed water system, the lot owner of record is permitted to have up to four (4) dwelling units. The third and fourth units may be located within a structure or multiple structures. If the third and/or fourth units are built within a five (5) year period, this may be subject to a subdivision process. Subdivision Ordinance requirements still apply.
 - ii. If the parcel is not in an area served by a public, special district or other centrally managed water system, the lot owner of record is permitted to have up to two (2) dwelling units per lot. The two dwelling units may be within a single structure or two separate structures. Subdivision Ordinance requirements still apply.
- C. Developed Parcels (lots with existing dwelling units on property):
 - i. If the parcel contains one (1) existing dwelling unit, up to two additional dwelling units may be constructed. The additional dwelling units may be located within, attached to, or detached from the existing structure. The lot owner may also choose to have one unit detached and one unit attached to the existing structure.
 - ii. If the parcel contains two (2) or more existing dwelling units, no additional units are allowed.

- D. All residential dwelling units must comply with the Shoreland Zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3, and municipal Shoreland Zoning Ordinances.
- E. All residential dwelling units permitted after January 1, 2024, may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.
- F. If more than one principal dwelling unit is constructed or established on a single lot, all dimensional requirements for land area and frontage shall be met for each additional dwelling unit and/or principal structure.
- G. This Section shall not be construed to exempt a property owner from the applicable provisions of the State subdivision statute, 30-A M.R.S. §4401-4408, or (Subdivision Ordinance) relating to division of a tract or parcel of land.
- H. If a dwelling unit is in existence after January 1, 2024, and is torn down after that date, that lot **will not** be treated as a vacant lot; it will be treated as if the dwelling unit was still standing (see Undeveloped Parcels versus Developed Parcels above).

6. APPLICATION APPROVAL PROCESS: The Planning Board shall approve any application which meets the standards specified in this Ordinance. If the Planning Board finds that a standard will only be met by the imposition of additional requirements, it may attach one or more conditions to its approval.

- A. The structure will not cause or aggravate pollution of any water body or groundwater source;
- B. The structure will not cause or aggravate soil erosion, or create flooding or alter water flows on neighboring properties;
- C. The structure will not create an undue burden on public services provided by the Town, including, but not limited to, fire protection, road maintenance, or water supply;
- D. The structure will not encroach on neighboring properties or rights-of-way; and,

- E. The structure has met all state and local ordinances and municipal requirements, including where applicable, subsurface wastewater disposal, shoreland zoning, floodplain management, and site plan review, and, if the structure is on a lot subject to subdivision review, a preliminary or final approval of the subdivision has been obtained.

SECTION III: RECREATIONAL VEHICLES/CAMPERS

1. **TEMPORARY OCCUPANCY PERMIT:** A Temporary Occupancy Permit must be obtained from the Code Enforcement Officer or Planning Board if a Recreational Vehicle (RV) and/or camper is placed on a property without a dwelling unit, and the RV and/or camper will be occupied for more than thirty (30) cumulative days between April 1st and October 1st. The Temporary Occupancy Permit shall include the dates the Recreational Vehicle/Camper will be occupied and address where occupation is to take place.

If the RV/Camper will not be occupied for more than thirty (30) cumulative days between April 1st and October 1st, a Temporary Occupancy Permit is not required.

Exception: This provision shall not apply to Recreational Vehicles and/or campers parked in a licensed campground or RV park.

2. **SEWAGE DISPOSAL:**

- i. Prior to issuance of a Temporary Occupancy Permit, the applicant must submit a pumping agreement with a septic pumping company, or pumping records be kept on site and made available upon request by the Code Enforcement Officer if the site does not contain a septic system in accordance with the State of Maine Subsurface Wastewater Rules.
- ii. If a Temporary Occupancy Permit is sought for a Recreational Vehicle/Camper, tent or other similar shelter that is in place and will be occupied for more than sixty (60) cumulative days, a written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each site and shall be provided to Solon's Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.

3. **EXTENDED OCCUPANCY:** When a Recreational Vehicle/Camper is placed on a property for a longer amount of time than between April 1st to October 1st, all requirements for residential structures shall be met, including the installation of a subsurface wastewater disposal system in compliance with the State of Maine Wastewater Disposal Rules, unless the Recreational Vehicle/Camper is served by a public sewage disposal system.

SECTION IV: ADMINISTRATION, ENFORCEMENT, AND PENALTIES

1. **FEES:** A schedule of fees shall be established and amended as necessary by the Board of Selectmen. Fees shall be classified into the residential, commercial, accessory structures, or Temporary Occupancy categories. Reduced fees for renewal or amendment, and provisions for waiver of fees for special circumstances may be specified.

2. **ENFORCEMENT:**
 - A. It shall be the duty of the Code Enforcement Officer to enforce the provision of this Ordinance. If the Code Enforcement Officer shall find that any provision is being violated, they shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering that action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, and/or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

 - B. The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

 - C. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, violations found, and fees collected.

 - D. Upon discovery of an apparent violation of this Ordinance, the Code Enforcement Officer shall issue a Stop Work Order if construction is underway, or a Notice of Violation Order if construction has been completed. Upon receipt of the Order, the owner, agent, or contractor shall immediately cease and desist all development activities except those which may be necessary to stabilize or secure the property.

- E. If the violation involved is a failure to obtain a Building Permit under the terms of this Ordinance, and the landowner submits a Building Permit application within thirty (30) days of an Order, the Planning Board shall review the application as a new permit. The penalty for failure to obtain a Building Permit in a timely manner shall be a fee equivalent to twice (2 times) the amount of the application fee. The Planning Board shall in no way be obligated to accept existing progress which may violate these standards, and may, in fact, require extraordinary measures or special construction techniques to correct inadequacies.
- F. If an Accessory Dwelling Unit is constructed without first obtaining a Building Permit, an After-the-Fact Building Permit may be issued if the ADU otherwise meets the requirements set forth in this Ordinance, provided proper documentation has been submitted to the CEO.
- G. If the violation involved is failure to comply with an existing Building Permit, the Code Enforcement Officer may, upon review, amend the terms of the original Building Permit or direct the owner or their agent to submit an application to the Planning Board for an amended Building Permit, in accordance with Section II Permit & Application, Subsection 3 Application Procedure, H. In either case, the Applicant shall pay a penalty of either an amount equivalent to twice (2 times) the application fee for a renewed Building Permit or the fee for an amended Building Permit.
- H. The Code Enforcement Officer will keep a complete record of all Temporary Occupancy Permits issued, their expiration dates, and fees collected. If it is discovered that there is an apparent violation of the timeframe indicated on a Temporary Occupancy Permit or an RV/Camper was placed on a lot prior to obtaining a Temporary Occupancy Permit, the landowner of record will receive a Notice of Violation Order. A copy of such Notice shall be submitted to the municipal officers and maintained as permanent record.
- I. If the violation is failure to obtain a Temporary Occupancy Permit for an RV/Camper, the property owner of record or their designated agent has two (2) business days to submit an application for a Temporary Occupancy Permit. The penalty for failure to obtain a Temporary Occupancy Permit in a timely manner shall be a fee twice (two times) the amount of the application fee.

- J. If the owner or their agents fail to respond to a Stop Work Order or Notice of Violation within thirty (30) days, the Board of Selectmen, on behalf of the residents of the Town of Solon, are authorized and directed to prosecute the violation in the appropriate Court of Jurisdiction. Court-imposed penalties for violation of this Ordinance shall be in accordance with Title 30-A, § 4452, subsection 3 of Maine State Statutes.
 - K. The Select Board, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purposes of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized Municipal Official and there is no evidence that the property owner or their agent acted in bad faith, or unless the removal of the structure or use will result in substantial environmental damage.
3. **PENALTIES:** Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply with any of the requirements thereof shall, upon conviction, be punished by a fine of not less than \$100.00 and not more than \$2,500.00 for each day on which such violations continue. Each day on which such violations shall continue a separate offense, as provided in Title 30, MRSA, Section 4966.

SECTION IV: DEFINITIONS

The following definitions apply to terms used in this Ordinance. Other terms shall have their common dictionary meaning.

ACCESSORY DWELLING UNIT (ADU) means a self-contained dwelling unit located within, attached to, or detached from a single-family dwelling unit located on the same parcel of land. An Accessory Dwelling Unit shall be subordinate to the principal dwelling unit on the lot. An accessory dwelling unit must be a minimum of 190 square feet unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, as may be amended, adopts a different minimum standard; if so, that standard applies. **An accessory dwelling unit can be no greater than 60% of the floor areas of the principal structure on the property.**

APPLICANT is anyone, including landowner or their designated agents, who submits an application for a Building Permit to the Planning Board.

ATTACHED means connected by a shared wall to the principal structure or having physically connected finished spaces.

BOARD OF APPEALS is defined in M.R.S.A. 30-A, § 4353. The Board of Appeals shall hear appeals from any action or failure to act by the official or board responsible for enforcing this Ordinance. In deciding an appeal, the Board of Appeals shall review the appeal using the procedure specified in Section III.C.2 of the Town of Solon Site Plan Review Ordinance.

BOARDING HOUSE OR LODGING HOUSE means a dwelling in which lodging, or lodging and meals are provided for compensation, to more than four persons and where a proprietor or manager resides in the building. No provisions for cooking in individual rooms other than the main kitchen are allowed.

BUILDING means any structure having a full or partial roof supported by walls or columns and used for the shelter of persons, animals, goods, or property of any kind.

CODE ENFORCEMENT OFFICER (CEO) is a person appointed by the Town of Solon to administer and enforce this Ordinance. Reference to functions ordinarily performed by the Code Enforcement Officer may be construed to include those of Building Inspector, Plumbing Inspector, Health Officer, and the like where applicable.

CONFORMING means a building, structure, use of land, or portion thereof, which complies with the provisions of this Ordinance.

CONSTRUCTION TYPE refers to the design and materials used in creating the building or structure, for example "steel garage" or "mobile home".

CENTRALLY MANAGED WATER SYSTEM means a water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This water system may be privately owned.

COMPARABLE SEWER SYSTEM is any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

COMPREHENSIVE PLAN is a document or interrelated documents consistent with 30-A M.R.S. §4326(1)-(4), including the strategies for an implementation program which are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.

DESIGNATED GROWTH AREA is an area usually delineated in a Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. If a growth area is not delineated in the Comprehensive Plan, “designated growth area” means an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality as defined by 23 M.R.S. §754.

Currently, as none of these apply to Solon, for the purpose of this definition, this area is the predominant developed part of town, or the village area.

DWELLING UNIT is any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments. Recreational vehicles (RVs) and campers are not included in this definition.

EXISTING DWELLING UNIT is a residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot.

EXPANSION OF A STRUCTURE means an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached decks, sheds, garages, porches, and greenhouses.

HOUSING is any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, time-share units, and apartments. For purposes of this Ordinance, this does not include transient housing, Recreational Vehicles (RVs), campers, or short-term rentals.

INCREASE IN NONCONFORMITY OF A STRUCTURE means any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in waterbody, wetland, road, or property boundary setback distances, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase the nonconformity.

LANDOWNER (also **OWNER**) is the person with right, title, or interest in the property to be developed. For the purpose of this Ordinance, the term "landowner" may also refer to a person who has a purchase and sales agreement or option to purchase the subject property.

LOT is a single parcel of developed or undeveloped land.

MOBILE HOME (Manufactured home or modular home) is transportable in one or more sections and is built on a permanent chassis and designed to be used as a residential dwelling unit with or without a permanent foundation when connected to meet the requirements of the State Plumbing Code and the State of Maine *Subsurface Wastewater Disposal Rules*.

MULTIFAMILY DWELLING refers to a structure containing three (3) or more dwelling units.

MUNICIPALITY is a city or a town, excluding all unorganized and de-organized townships, plantations, and towns that have delegated administration of land use controls to the Maine Land Use Planning Commission pursuant to 12 M.R.S. § 682(1).

NON-CONFORMING means a building, structure, lot, use of land, or portion thereof, legally existing at the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to all applicable provisions of this Ordinance, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect (grandfathered). Any change of use, increase in the size, or any further deviation from the dimensional standards creating the non-conformity shall constitute an increase in non-conformity. (See definition for "Increase in non-conformity of a structure.")

NON-CONFORMING LOT OF RECORD means a single lot of record shown on a plan or deed recorded prior to the effective date or adoption of this Ordinance or amendment which does not meet all the requirements of this Ordinance.

NON-CONFORMING STRUCTURE means a structure which does not meet all the requirements of this Ordinance, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

PERMIT means an official document of the Town of Solon, issued by the Planning Board, and authorized by the Code Enforcement Officer allowing a specific activity in accordance with an approval by the Code Enforcement Officer or Planning Board.

PRINCIPAL STRUCTURE refers to a structure in which the main or primary use of the structure is conducted. For the purposes of this Ordinance, principal structure does not include commercial buildings. Also known as Primary Structure.

RECREATIONAL VEHICLE (RV) is a vehicle or an attachment to a vehicle, designed for temporary seasonal use six (6) months per year (from April 1st to October 1st), for sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be currently registered with the State Division of Motor Vehicles as a motor vehicle or trailer.

RESIDENTIAL USE means a use permitted in an area by a municipal legislative body to be used for human habitation. Residential uses may include single-family, duplex, triplex, quadplex, and other multifamily housing; condominiums; time-share units; and apartments. For purposes of this Ordinance, the following uses are not included under this definition, unless otherwise allowed in local ordinance: (1) Dormitories; (2) Congregate living facilities; (3) Campgrounds, campsites, hotels, motels, beds and breakfasts, or other types of lodging accommodations; (4) Recreational Vehicles and Campers, and (5) Transient housing or short-term rentals.

SCALE DRAWING is a drawing on one or more sheets of paper that accurately represents the structure(s) to be built. A scale drawing does not have to be drawn by a draftsman or engineer, but must include all elements accurately depicted in relation to each other, either through scale measurement or with distance arrows drawn in.

SEASONAL CONVERSION means any development to a seasonal dwelling which has the effect of rendering that structure habitable for year-round occupancy. Requires permitting by the Code Enforcement Officer.

SEASONAL DWELLING means a dwelling which existed on December 31, 1981, and which was not used as a principal or year-round residence during the period from 1977 to 1981. Evidence of use as a principal or year-round residence includes, but is not limited to:

1. The listing of that dwelling as an occupant's legal residence for the purpose of:
2. Voting;
3. Filing a state tax return; or
4. Automobile registration; or
5. The occupancy of that dwelling for a period exceeding 7 months in any calendar year.

SETBACK REQUIREMENTS means the minimum horizontal distance from a lot line (property line), shoreline, or road right of way to the nearest part of a structure, or other regulated object or area as defined in this Ordinance.

SINGLE-FAMILY DWELLING UNIT refers to a structure containing one (1) dwelling unit.

STRUCTURE Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground as defined in 38 M.R.S. § 436-A (12). The term includes structures temporarily or permanently located, such as decks, patios, steps, and landings. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface wastewater disposal systems as defined in 30-A M.R.S. § 4201(5); geothermal heat exchange wells as defined in 32 M.R.S. § 4700-E(3-C); or wells or water wells as defined in 32 M.R.S. § 4700-E (8).

SUBSURFACE WASTEWATER DISPOSAL SYSTEM means a collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under Title 38 MRSA §414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system.

SUBSTANTIAL CHANGE is any change to the structure being constructed which results in an increase in the intensity of use or an increase in floor area of a building or developed area of a site.

TINY HOMES as defined in in M.R.S.A. Title 29-A, Section 101, §80-C and regulated under M.R.S.A. 30-A, § 4363. Means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

1. Complies with American National Standards Institute Standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles;
2. Does not exceed 400 square feet in size;
3. Does not exceed any dimension allowed for operation on a public way; and,
4. Is a vehicle without motive power.
5. "Tiny home" **does not** include a trailer, semi-trailer, camp trailer, recreational vehicle, or manufactured housing.

UNDUE HARDSHIP means the condition necessary for the granting of a variance, which shall include:

1. That the land in question cannot yield a reasonable return unless a variance is granted.
2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.
3. That the granting of a variance will not alter the essential character of the locality; and
4. That the hardship is not the result of action taken by the applicant or prior owner.

VARIANCE is defined in M.R.S.A. 30-A, § 4353, Subsection 4. A relaxation of the terms of this Ordinance where such variance is not contrary to the public interest and where owing to conditions peculiar to the property, and not the result of actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship (as defined). A financial hardship shall not constitute grounds for granting a variance.

As used in this Ordinance, a variance is authorized only for setback requirements. Establishment or expansion otherwise prohibited shall not be allowed by variance.

ENACTED AND ORDAINED into an Ordinance on _____, by the
Legislative body of the **Town of Solon** in lawful session duly assembled.

Selectmen of Town of Solon Certified:

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____