

**TOWN OF LAMOINE
MOBILE HOME PARK ORDINANCE**

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SECTION I. Purpose

To promote the orderly development of mobile home parks to insure the health, safety, and general welfare of the residents of the park and the town of Lamoine.

SECTION II. Legislative Authority

1. Authority

- A. This ordinance is adopted pursuant to Home Rule Powers as provided for in Article VII-A of the Maine Constitution and Title 30-A M.R.S.A., Section 3001.
- B. This ordinance shall be known as the Mobile Home Park Ordinance of the town of Lamoine, adopted and effective by vote of the Town Meeting on April 17, 1998

2. Administration

- A. The planning board of the town of Lamoine shall administer this ordinance.
- B. No person shall construct, develop, establish, expand or operate a mobile home park without having first obtained a permit from the planning board. A permit shall be granted for a period of one (1) year. If construction is not initiated within the one (1) year period, the permit expires and the applicant must reapply to the planning board for another permit. Each permit shall be issued only for the site designated in the plans accompanying the application and shall not be transferable or assignable to any other site.

SECTION III. Validity and Severability

1. Validity and Severability

- A. Should any section or provision of this ordinance be declared by any court to be invalid, such decision shall not affect the validity of any other section or provision of the ordinance.

SECTION IV. Applicability

This ordinance shall apply to all development proposals for new construction of mobile home parks and to any expansion of existing mobile home parks.

SECTION V. Application Procedure and Site Plan Content

All mobile home park applications shall follow the submission requirements of Section 5 of the Lamoine subdivision ordinance. The following additional information shall also be submitted:

1. Current zoning of property
2. A soil erosion sediment control plan for construction and permanent control
3. Statement of applicant's financial and technical capabilities, as specified by the Planning Board.

SECTION VI. Application, Hearing and Enforcement Procedures

All application, hearing, and enforcement procedures shall follow the requirements of the Building and Land Use Code of the town of Lamoine as amended.

SECTION VII. Subject to Subdivision Approval

Review Requirements: All mobile home parks, including the expansion of an existing park, shall require subdivision approval by the Planning Board.

SECTION VIII. Other Requirements

1. Minimum Unit Size

- A. With on-site sewage disposal within the park, the minimum individual unit size shall be 12,000 square feet, provided that a community septic system, approved by the Department of Human Services, is utilized and that the maximum residential density in the park does not exceed one dwelling unit per 20,000 square feet of buildable land. Where on-site sewage disposal is located on each unit, the unit size shall be at least 20,000 square feet.

2. Dimensions

- A. Dimensions for individual sites or lots are as follows:
 - 1. Minimum lot width: 50 feet
 - 2. Minimum Yard setbacks
 - a. Front: 10 feet
 - b. Rear: 15 feet
 - c. Side: 10 feet

3. Open Space and Recreation

An area equal to at least 10% of the combined area of all individual lots shall, in addition, be reserved for playgrounds and other recreational facilities and open space.

4. Private Streets

Private streets in a mobile home park shall comply with all applicable standards in the subdivision ordinance, except that the minimum right-of-way shall be 23 feet, and with appendix B of the “Rules of the Department of Professional and Financial Regulation Manufactured Housing Board Rules and Regulations” relating to mobile home parks (revised March 5, 1997) and any subsequent revisions.

5. Buffer Yards

A mobile home park shall maintain a 25-foot buffer yard along all property lines, except where the mobile home park abuts a residential use or development, where the minimum yard shall be 50 feet. Buffer yards shall be required only when the per-acre density of homes within the park is at least two times greater than the residential density on immediately adjacent parcels of land

or if the parcels are undeveloped, the maximum net density permitted by the ordinance. The buffer yard, which may be included as part of the required open space, shall be sufficiently landscaped or fenced to effectively screen the park from surrounding properties.

6. *Landscape Plan*

A mobile home park shall have a landscape plan which takes into consideration the relationship of individual sites to one another, the proposed use of open space, the relationship of the park to surrounding property and a specific planting scheme. The plan shall include a permanent landscape maintenance program.

7. *Placement on Pad*

In a mobile home park, each individual unit shall be placed upon a permanent foundation and shall have a skirting placed around its base to screen the base from view. Each unit shall be emplaced in accordance with the Installation Standards specified in the State of Maine Manufactured Housing Standards of the Manufactured Housing Board of March 1993 and any subsequent amendments.

8. *Location over Aquifers or in the Shoreland Zone*

No mobile home park shall be located over significant sand and gravel aquifers such being defined as those soils specified as glacial stream deposits (Qg), raised beach deposits (Qb), and glacial till (Qt), in figure two of the “*Sand and Gravel Aquifer Study of Lamoine Maine*” of November 1983 by Robert Gerber Inc. consulting Civil Engineers and Geologists nor shall they be located in the Shoreland Zone.

9. *Compliance with Mobile Home Safety Standards*

All mobile homes located in a mobile home park shall meet the applicable mobile home safety standards adopted by the town of Lamoine if manufactured before June 15, 1976 or the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70 if manufactured after June 15, 1976. Mobile homes that are not certified by the manufacturer to meet these standards shall be brought to conformance with these standards subject to inspection and approval by the Code Enforcement Officer.

SECTION IX. Review Criteria

All mobile home parks are subject to the same review criteria as are required for commercial and industrial permits in Section 8.C. of the Lamoine Building and Land Use Code as amended and section 12 of the Subdivision Ordinance.

SECTION X. Conformance with Other Laws, Regulations

The proposed mobile home park shall be in conformance with all pertinent local, state, and federal ordinances, statutes, laws, and regulations.

SECTION XI. Definitions

A. CONSTRUCTION OF LANGUAGE

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance or their ordinarily accepted meaning.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.

The words "shall" and "will" are mandatory, the word "may" is permissive.

The word "lot" includes the words "plot" and "parcel".

The word "building" includes the word "structure".

The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied".

The words "Town" or "municipality" mean the Town of Lamoine, Maine.

B. DEFINITIONS OF KEY TERMS

In this Ordinance the following terms shall have the following meanings:

Abutter: The owner of any property with one or more common boundaries, or across the street or stream from, the property involved in an application or appeal.

Applicant: The person applying for a permit under this ordinance who demonstrates legal standing or interest to apply by means of ownership, authorized agent, or option, or purchase and sale agreement or the equivalent.

Buffer Yard: A part of a property or an entire property, which is not built upon, is specifically intended to separate and screen and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Building: Any 3 dimensional enclosure by any building materials; any space for any use or occupancy, temporary or permanent, including swimming pools, parking lots, foundations or pilings in the ground and all parts of any kind of structure above ground including decks, railings, dormers, and stairs, and excluding sidewalks, fences, driveways, electrical transmission and distribution lines, and field or garden walls or embankment retaining walls.

Code Enforcement Officer: A person appointed by the municipal officers to administer and enforce this Ordinance.

Constructed: Built, erected, altered, reconstructed, emplaced, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, land clearance, and the like, shall be considered a part of construction.

Density: The number of dwelling units per area of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and roads or driveways.

Development: Any man-made changes to improved or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, land clearance excavation, drilling operations.

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore or road frontage and height.

District: A specified portion of the municipality, delineated on the official land use district map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Driveway: A vehicular access-way, serving two lots or less and providing entrance to a public roadway or private street.

Landscaping: The addition or retention of lawns, fields, trees, plants, and other natural and decorative features to the land. The preservation, care and maintenance of existing native vegetation.

Lot: An area of land conforming to the Land Use Ordinance Lot Standards in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

Lot Area: The total horizontal area within the lot lines, minus land below the normal high water line of a water body or upland edge of a wetland and areas beneath roads or driveways serving more than two lots.

Mobile Home: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis to a building site.

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit;
2. Any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.

Mobile Home Park: A parcel of land under unified ownership approved by the municipality for the placement of 3 or more mobile homes.

Net Maximum Density: The ratio of principal structures allowed in relation to available acreage.

Permanent Foundation: Shall mean one of the following:

1. A full, poured concrete or masonry foundation;
2. A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor;
3. A reinforced, floating concrete pad for which the municipality may require an engineer's certification if it is to be placed on soil with high frost susceptibility; and
4. Any foundation which, pursuant to the building code of the municipality, is permitted for

other types of single-family dwellings.

Right-of-Way: All public or private roads and streets, state and federal highways, private ways (now called public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

Setback: The minimum required horizontal distance from a lot line or other feature to the nearest part of a building, including porches, steps, decks, and railings.

Street: Public and private ways such as alleys, avenues, highways, lanes, drives, runs, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access to three or more units, other than driveways.

Subdivision: The division of a tract or parcel of land into three (3) or more lots, or the placement of three or more dwelling units, within a five (5) year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in the Lamoine Subdivision Ordinance and the Maine State Statutes, Title 30-A, MRSA, Section 4401, as amended.

Unit: An individual residential dwelling within a mobile home park and the land area assigned to it.

Signature Page

April 23, 1998

The attached ordinance entitled Mobile Home Park Ordinance is approved as of April 17, 1998 on an affirmative referendum vote by the Town of Lamoine.

Signed this 23rd day of April, 1998

Richard A. Davis, Sr.

Arthur Alley

The Lamoine Board of Selectmen

Glenn Crawford

Hancock, ss

State of Maine

Personally appeared before me the above named Richard A. Davis, Sr., Arthur Alley and Glenn Crawford in their capacity as Selectmen of Lamoine an acknowledged their signatures to be their free act an deed. Before me this 23rd day of April, 1998:

Stuart Marckoon, Notary Public
My Commission expires June 10, 2000

Attest: A true copy

Barbara L. Bartosenski, Town Clerk