

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.

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 the Board of Appeals for a determination. Action shall be taken within a period of thirty days from receipt by the Board of Appeals 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:

AGRICULTURAL/RESIDENTIAL DISTRICT

ALLOWED WITH CEO [WHEN SPECIFIED] or PLANNING BOARD PERMIT

- Farming
- Single-Family Dwellings [CEO]
- Additions to existing buildings: Residential [CEO], Non-residential [Planning Board]
- Outbuildings in excess of 100 square feet [CEO]
- Veterinary Hospitals
- Mining-Gravel Pits
- Commercial activity in the form of home occupation, 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 5,000 square feet
- Schools
- Government Offices
- Churches
- Playgrounds
- Fire Stations
- Parking Lots
- Multiple-Family Dwellings
- Mobile Home Parks

NOT PERMITTED

- Manufacturing
 - Warehousing and Wholesaling
 - Motels and Hotels
-

COMMERCIAL DISTRICT

ALLOWED WITH PLANNING BOARD PERMIT

All uses allowed in the Agricultural/Residential District, and in addition:

- Warehousing and Wholesaling
- Auto Salvage Operations
- Hotels and Motels
- Funeral Homes
- Retail Sales and Service Establishment without restriction as to floor size
- Eating and Drinking Establishments including places offering dancing and entertainment
- Repair Shops
- Manufacture 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, vibration, electronic radiation, gas, fumes, odor, dust, fire, or explosion hazard, and which meet State and Federal Pollution Standards.

INDUSTRIAL DISTRICT

ALLOWED WITH PLANNING BOARD PERMIT

- All uses permitted in the Commercial District.
- Processing, manufacture, or other industrial use which is not injurious or noxious by reason of noise, smoke, vibration, electronic radiation, gas, fumes, odor, dust, fire, or explosion hazard, and which meet State and Federal Pollution Standards.
- Wrecking, junk, demolition, and scrap yards shall 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. Planning Board permit only needed to address the required screening.

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
Setbacks – 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:

| Districts: | Agricultural/Residential | Commercial | Industrial |
|---|--------------------------|------------|------------|
| 1. Minimum Lot Size | | | |
| (a) 1 & 2 Family Residential Use | 1 Acre | 1 Acre | 1Acre |
| (b) Commercial Use | 2 Acre | 1 Acre | 2 Acres |
| 2. Minimum Lot Frontage | | | |
| (a) 1 & 2 Family Residential Use | 200 feet | 200 feet | 200 feet |
| (b) Commercial Use | 200 feet | 100 feet | 200 feet |
| 3. Minimum Structure Setbacks | | | |
| (a) 1 & 2 Family Residential Use | | | |
| 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 | 25 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 | 25 feet | 50 feet |
| 4. Minimum Land Area Per Structure | | | |
| (a) 1 & 2 Family Residential Use | 0.5 Acre | 0.5 Acre | 1 Acre |
| (b) Commercial Use | 0.5 Acre | 0.5 Acre | 0.5 Acre |
| 5. Maximum Structure Height | | | |
| (a) 1 & 2 Family Residential Use | -- | -- | -- |
| (b) Commercial Use* | 2 Story | 3 Story | 3 Story |
| *Except Communication Towers | | | |
| (c) see Shoreland Zoning per 15.B2 for max. height of 35 feet | | | |
| 6. Sheds 100 sq. ft. - 200 sq. ft. | 10 feet | | |

B) The following definitions shall apply to the dimensional standards found in section 3-6.A.

1. **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.
2. **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 buildings do not require a 50-foot separation. A garage for residential use is considered an accessory building.

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

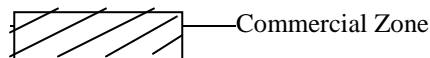
1. Vacant Lots:
 - (a) A vacant, non-conforming lot of record legally existing on the effective date of this Ordinance may be built upon without the need for a variance.
 - (b) Said lot must be held in separate ownership and not contiguous with any other lot in the same ownership.
 - (c) All provisions 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



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.

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

Diane White, Town Clerk

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

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 called “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”.
- 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.