

Town of Dover-Foxcroft

Land Use Ordinance

[June 8, 2009 – enacted](#)
[November 2, 2010 – amended](#)
[June 12, 2012 - amended](#)

**TOWN OF DOVER-FOXCROFT
LAND USE ORDINANCE**

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ARTICLE 1 – GENERAL

1.1 Title

This Ordinance and the accompanying zoning map shall be known and may be cited as the “Land Use Ordinance of the Town of Dover-Foxcroft, Maine.”

1.2 Authority

This Ordinance has been prepared and adopted pursuant to the enabling provisions of Article VIII, Part 2, of the Maine Constitution, the provisions of Title 30-A MRSA Section 3001 (Home Rule) and the Comprehensive Planning and Land Use Regulation Act, Title 30-A MRSA, Sections 4312 et.seq., Section 4352, Zoning Ordinances

1.3 Purposes

The purposes of this Ordinance are:

- A. To implement the provisions of the Town’s Comprehensive Plan;
- B. To encourage growth in the identified growth areas of the community, and to limit growth in the rural areas;
- C. To promote the health, safety and general welfare of the residents of the community;
- D. To encourage the most appropriate use of land throughout the community;
- E. To promote traffic safety;
- F. To provide safety from fire and other elements;
- G. To provide an allotment of land area in new developments sufficient for adequate enjoyment of community life;
- H. To conserve natural resources, natural beauty, and open space

1.4 Applicability

The provisions of this Ordinance shall govern all land and water areas of the Town of Dover-Foxcroft.

1.5 Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

This Ordinance supersedes and replaces the Zoning Ordinance which became effective on November 8, 1973, as amended, and shall not prevent enforcement of the repealed ordinance with respect to the time periods in which it was in effect.

1.6 Validity and Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

1.7 Effective Date of the Ordinance and Ordinance Amendments

A. The effective date of this Ordinance shall be the date of adoption by the citizens of Dover-Foxcroft on June 22, 2010.

1.8 Amendments

A. This Ordinance may be amended by a majority vote of the citizens of Dover-Foxcroft.

1.9 Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request.

1.10 Annual Administrative Review

The Code Enforcement Officer, Planning Board and Board of Appeals each shall report as needed to the Board of Selectmen on their respective experience with the administration of this Ordinance. Their reports to the Board of Selectmen shall include any recommended amendments that would:

- A. Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance; and
- B. Enhance the implementation of the purposes of this Ordinance contained in Article 1, Section 3, above. The failure of any person or board to comply with this provision shall not affect the validity or enforceability of this Ordinance in any way.

ARTICLE 2 - LAND USE DISTRICT REQUIREMENTS

Shoreland Zoning Areas indicated on the zoning map are regulated by the Town of Dover-Foxcroft's Shoreland Zoning Ordinance dated June 20, 1979, as amended.

2.1 Establishment of Districts

For the purposes of this Ordinance, the Town of Dover-Foxcroft is hereby divided into the following land use districts:

- Rural Residential 1 (RR1)
- Rural Residential 2 (RR2)
- Residential (RES)
- Village (V)
- Industrial (IN1)
- Downtown (COM1)
- Commerce (COM2)
- Historic District (H)

2.2 Rules Governing District Boundaries

The location and boundaries of the land use districts are established as shown on the "Town of Dover-Foxcroft Zoning map," which is hereby made a part of this Ordinance. This map shall be on file in the office of the Town Clerk. Unless otherwise set forth on the Town of Dover-Foxcroft Zoning map, zone boundary lines are property lines, the centerlines of roads, streets and rights-of-way or such lines extended, and the center lines of water courses or such lines extended, or the Town boundary lines. Boundaries indicated as following or parallel to shore lines shall be construed to follow or be parallel to the normal high water mark of such shore lines, and in the event of changes in the shore line shall be construed as moving with the actual shore line. Where uncertainty exists as to the exact location of the district boundary lines, the Board of Appeals shall be the final authority as to location. Exclusive of lands subject to shoreland zoning requirements, where a land use district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than 100 feet into the more restricted portion of the lot.

2.3 Land Use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

2.4 District Purposes

The purpose of these district requirements is to implement the municipality's Comprehensive Plan and to provide for orderly growth and development.

A. Rural Residential 1 (RR1) The purpose of this district is to encompass areas of existing residential areas while maintaining the rural character of the town, protecting agricultural and

forestry uses, providing open spaces, providing for residential growth and encouraging medium to high density development.

B. Rural Residential 2 District (RR2) The purpose of this district is to maintain the rural character of the town, to protect agricultural and forestry uses, to provide open spaces and provide for single-family residential dwellings with larger lot sizes

C. Residential (RES) The purpose of this district is to encompass areas of existing residential development while maintaining the rural character of the town, and to provide medium-density residential opportunities between the higher density Village district and the lower density Rural Residential districts.

D. Village (V) The purpose of this district is to provide an area for future growth and to provide an expansion of limited commercial uses and will include areas that will serve as high-density residential development.

E. Industrial (IN1) The purpose of this district is to provide land that is conveniently located with respect to appropriate transportation, and other conditions favorable to the development of additional business and to limit undesirable conflicts between residential and industrial development.

F. Downtown Commercial (COM1) The purpose of this district is to include existing commercial development while providing for the expansion of commercial uses.

G. Commercial (COM2) The purpose of this district is to encourage development of commercial uses.

H. Historic (H) This district is shown on the attached map (Appendix 1). The purpose of this district is to acknowledge and ensure the long-term preservation of historic structures within the Town. Properties currently listed and registered on the National Register of Historic Places will be included in this district. Any proposed land use activity involving structural development within the Historic District shall be submitted by the applicant to the Historical Review Committee for review and comments, at least 7 days prior to action being taken by the Code Enforcement Officer or Planning Board. If a member of the Historical Review Committee is unable to meet with the applicant during that 7 day time frame for whatever reason then the appropriate permits may be issued. The CEO or Planning Board shall consider comments received from the Commission prior to rendering a decision on the application and shall require that historic resources be protected to the maximum extent possible in accordance with the Committees recommendations.

2.5 District Requirements

Permitted uses and uses subject to site plan review and approval of the Planning Board shall conform to all dimensional requirements and other applicable requirements of this Ordinance.

A plumbing permit and/or building and use permit shall be required for all buildings, uses and sanitary facilities according to the provisions of Article 3, Sections 3.2 / 3.3 / 3.4 of this Ordinance. All uses shall comply with the land use standards of Article 2 of this Ordinance.

Land uses permitted in each of the districts, in accordance with the land use standards of this Ordinance, are shown in Table B-1.

Permit Symbols

YES - Yes, allowed without a permit, but must comply with land use standards

NO - No, not allowed

PB - Site plan review and approval of the Planning Board is required (see CEO)

CEO - Code Enforcement Officer Permit required

Table B-1

Uses	Growth Districts					Rural Districts	
	V	IN1	COM1	COM2	RES	RR1	RR2
Resource Extraction and Rural Uses			*	*			
Agriculture	PB	NO	NO	NO	PB	YES	YES
Animal Breeding & Care	NO	NO	NO	NO	PB	YES	YES
Boarding and riding stables	NO	NO	NO	NO	PB	YES	YES
Campground	NO	NO	NO	NO	NO	PB	PB
Extractive industry	NO	NO	NO	NO	NO	NO	PB
Wood processing operation	NO	YES	NO	PB	NO	PB	PB
Public outdoor recreation such as parks, and playgrounds	PB	NO	PB	PB	PB	PB	PB
Earth materials storage	NO	PB	NO	PB	NO	PB	PB
Accessory structure, uses, or services that are essential for the exercise of uses listed above.	Accessory structures are permitted in the same fashion as the primary structure on the lot, and require review under the same entity or entities.						
Residential Uses							
Single-family dwelling	CEO	NO	CEO	NO	CEO	CEO	CEO
Single family mobile home	CEO	NO	NO	NO	CEO	CEO	CEO
Two-family dwelling	CEO	NO	CEO	NO	CEO	CEO	CEO
Multi-family dwelling (Three or more families)	PB	NO	PB	NO	PB	PB	PB
Mobile home park	PB	NO	NO	NO	PB	PB	NO
Home Occupation	PB	NO	PB	PB	PB	CEO	CEO
Conservation Development Housing	PB	NO	NO	NO	PB	PB	PB
Accessory apartment	PB	NO	PB	PB	PB	CEO	CEO

Uses	Growth Districts					Rural Districts	
	V	IN1	COM1	COM2	RES	RR1	RR2
Accessory structures, uses or services that are essential for the exercise of uses listed above	Accessory structures are permitted in the same fashion as the primary structure on the lot, and require review under the same entity or entities.						
Institutional Uses			*	*			
Animal hospital, veterinary clinic	PB	NO	NO	PB	NO	PB	PB
Cemetery	NO	NO	NO	NO	NO	PB	PB
Church, synagogue, parish house	CEO	NO	PB	NO	PB	PB	PB
Civic, convention center	PB	PB	PB	PB	NO	PB	PB
Community center	PB	NO	PB	PB	PB	PB	PB
Community living arrangement	PB	NO	PB	NO	PB	PB	PB
Day care center	CEO	PB	CEO	PB	NO	PB	PB
Fraternal order and service club	CEO	PB	CEO	NO	PB	PB	PB
Governmental facilities and grounds	PB	PB	PB	NO	NO	PB	PB
Hospital, medical clinic	PB	PB	PB	NO	NO	PB	PB
Nursing home, convalescent facility	PB	NO	PB	PB	NO	PB	PB
Museum	PB	NO	PB	NO	PB	PB	PB
Public or private school	PB	NO	PB	NO	PB	PB	PB
Public Building	PB	PB	PB	NO	PB	PB	PB
Accessory structures, uses or services that are essential for the exercise of uses listed above.	Accessory structures are permitted in the same fashion as the primary structure on the lot, and require review under the same entity or entities.						
Commercial Uses			*	*			
Amusement facility, commercial recreation	PB	NO	PB	PB	NO	PB	PB
Antiques /art gallery/craft shop/gift shop	PB	NO	PB	PB	PB	PB	PB
Auction barn	PB	NO	PB	PB	NO	PB	PB
Automobile sales lot and repair garage	NO	NO	NO	PB	NO	PB	PB
Automobile service station	PB	NO	PB	PB	NO	PB	PB
Bed and breakfast	PB	NO	PB	PB	PB	PB	PB
Boat building, repair	NO	PB	NO	NO	NO	PB	PB
Building materials, retail sales	PB	NO	PB	PB	NO	PB	NO
Commercial complex	PB		PB	PB	NO	NO	NO
Commercial greenhouse, nursery	PB	NO	PB	PB	NO	PB	YES
Commercial removal of earth materials	NO	NO	NO	NO	NO	PB	PB

Uses	Growth Districts					Rural Districts	
	V	IN1	COM1	COM2	RES	RR1	RR2
Commercial school	PB	PB	PB	PB	NO	PB	PB
Communication facility	PB	PB	PB	PB	NO	PB	PB
Communication tower	CEO	PB	CEO	PB	NO	PB	PB
Concessions/Take out food service	PB	NO	PB	PB	NO	PB	PB
Essential services	YES	YES	YES	YES	YES	YES	YES
Financial institution	PB	NO	PB	PB	NO	PB	PB
Funeral home	PB	PB	PB	NO	NO	PB	PB
Golf Course/ Clubhouse	NO	NO	NO	NO	NO	PB	PB
Grocery and variety store	PB	NO	PB	PB	NO	PB	PB
Health spa, fitness club, gym	PB	PB	PB	PB	NO	PB	PB
Indoor entertainment and recreation	PB	PB	PB	PB	NO	PB	PB
Kennel-boarding site	NO	NO	NO	PB	NO	PB	PB
Laundry, dry cleaning establishment	PB	NO	PB	PB	NO	PB	PB
Liquor store	PB	NO	PB	PB	NO	PB	NO
Hotel, Motel	PB	PB	PB	PB	NO	PB	PB
Neighborhood convenience store/service station	PB	NO	PB	PB	NO	PB	PB
Off-street parking and loading facility	PB	PB	PB	PB	NO	PB	PB
Outdoor storage business	NO	NO	NO	NO	NO	PB	PB
Planned unit development	PB	NO	PB	NO	PB	PB	PB
Power transmission lines and fuel pipelines	PB	CEO	PB	PB	PB	PB	PB
Professional offices, office building	PB	PB	PB	PB	NO	PB	PB
Publishing, printing	PB	PB	PB	PB	NO	PB	PB
Redemption center	PB	PB	PB	PB	NO	PB	PB
Restaurant	PB	PB	PB	PB	NO	PB	PB
Repair service (other than auto)	PB	PB	PB	PB	NO	PB	PB
Retail business	PB	NO	PB	PB	NO	PB	PB
Self-storage facility	NO	PB	NO	NO	NO	PB	PB
Service business	PB	PB	PB	PB	NO	PB	PB
Signs	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Boat Storage	PB	PB	PB	NO	NO	PB	PB
Wholesale business	NO	PB	NO	PB	NO	PB	PB
Accessory structures, uses or services that are essential for the exercise of uses listed above.	Accessory structures are permitted in the same fashion as the primary structure on the lot, and require review under the same entity or entities.						
Industrial Uses							

Uses	Growth Districts					Rural Districts	
	V	IN1	COM1	COM2	RES	RR1	RR2
Automobile graveyard/junkyard	NO	NO	NO	NO	NO	PB	PB
Air transportation use	NO	PB	NO	NO	NO	PB	PB
Bulk oil and fuel storage, in excess of 50 gallons except for on site purposes	NO	NO	NO	NO	NO	PB	PB
Construction equipment storage/except temporary for road construction	NO	NO	NO	NO	NO	PB	PB
Demolition, waste disposal	NO	NO	NO	NO	NO	PB	NO
Light manufacturing assembly plant	NO	PB	NO	PB	NO	PB	PB
Manufacturing	PB	PB	PB	PB	NO	PB	PB
Newspaper facility	PB	PB	PB	PB	NO	PB	PB
Pulp mill	NO	NO	NO	NO	NO	NO	NO
Saw mill	NO	PB	NO	NO	NO	PB	PB
Sewage treatment facility	NO	NO	NO	NO	NO	PB	PB
Solid waste transfer station	NO	NO	NO	NO	NO	PB	PB
Public Transportation Facility	PB	PB	PB	PB	NO	PB	PB
Warehouse	NO	PB	NO	PB	NO	PB	PB
Accessory structures, uses or services that are essential for the exercise of uses listed above	Accessory structures are permitted in the same fashion as the primary structure on the lot, and require review under the same entity or entities.						
<p>*Any legal business located in an existing structure, or the physical expansion of an existing business provided that the addition is less than 10% of the floor area of the existing facility, qualifies as a permitted use in the COM1 and COM2 zone and can be permitted by CEO.</p> <p>Any legal business not located in an existing structure, or the physical expansion of an existing business which exceeds 10% of the floor area of the existing structure requires planning board approval.</p>							

2.6 Dimensional Requirements

All structures and uses shall meet or exceed the following minimum requirements. Additional lot area or setbacks may be required by other provisions of this Ordinance. See notes following the table for additional requirements.

Table B-2

Minimum Dimensional Requirements	Growth Districts					Rural Districts	
	V	IN1	COM1	COM2	RES	RR1	RR2
Minimum lot area * (G)		2 ac			20,000 ft ²	2 ac ²	2 ac ²
With public sewer (ft²)	5,000		5,000	15,000			

Minimum Dimensional Requirements	Growth Districts					Rural Districts	
	V	IN1	COM1	COM2	RES	RR1	RR2
Without public sewer (ft ²)	20,000		20,000	20,000			
Minimum land area per dwelling unit	N/A	N/A	N/A	N/A	15,000 ft ²	1 ac ²	2 ac ²
Minimum lot width (ft) (A)					100	200	200
With public sewer	50	200	50	50			
Without public sewer	100		100	100			
Minimum setbacks ³ (ft)							
Front setback ¹ (C)(D)(E)(F)					25	25	25
With public sewer	15		10	10			
Without public sewer	15		20	20			
Side setback ¹ (C)(D)(E)					15	15	15
With public sewer	5		10	10			
Without public sewer	5		20	20			
Rear setback ¹ (C)(D)(E)					25	50	50
With public sewer	5		10	10			
Without public sewer	15		20 ¹	20			
Maximum lot coverage	80%	90%	N/A	90%	50% ²	25% ²	25% ²
Maximum building height	35 ft	45 ft	45 ft	35 ft	35 ft	35 ft	35 ft
Maximum structure height	Acceptable heights shall be considered by the planning board on an as-needed basis.						
<p>*The minimum area of a mobile home park lot shall be 6,500 square feet where served by a public sewer system, and 12,000 square feet where served by a central, on-site subsurface wastewater disposal system, and 20,000 square feet with individual, on-site subsurface wastewater disposal systems.</p> <p>¹ In this zone only, the Planning Board may reduce the minimum setback requirements when considering special exceptions, provided such a reduction is consistent with Section 8.3, C-5.</p> <p>² Density bonus provisions can apply as detailed in Section 9.8 of the Town's Subdivision Ordinance</p> <p>³ Signs are excluded from front setbacks and windmills must setback a minimum of two times the height of the windmill</p>							

Notes to table:

A. Required frontage. All lots hereinafter created shall possess frontage on (1) a public road, or on (2) a private road or other thoroughfare or access route which meets the specifications for road construction in section 9.2 of the Town's Subdivision Ordinance.

B. Cul-de-sac frontage. New building lots located at the end of cul-de-sacs or along curves in a street where the radius of the curve at the front lot line is less than 90 feet, may be designed so that they have a minimum of 35 feet of street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for street

frontage in that district. The lot width shall be measured along a line that is parallel to a tangent of the mid-point of the curve.

C. Setback measurements. The front setback along a public road shall be measured from the edge of the right-of-way line to the nearest part of the building, including roof overhangs. All side and rear setbacks shall be measured from the property line to the nearest part of the building. All structures, whether attached to the principal structure or not and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any area designated as a set-back area.

D. Driveways, parking areas. Driveways and parking areas may be located within any required setback area provided that they shall not be located within five (5) feet of the side or rear lot lines.

E. Accessory structures. When located beyond the rear of the principal building, accessory buildings no larger than 150 square feet in floor area may be located within the required side or rear setbacks provided that no structure shall be located within five (5) feet from a side or rear lot line.

F. Corner lots. The front setback requirement shall be observed along all roads abutting the lot.

G. Lots of Record. Any single lot in existence on the effective date of adoption of this ordinance may be built upon without compliance with lot requirements set down by this ordinance for the zone in which the lot is found.

ARTICLE 3 – ADMINISTRATION, ENFORCEMENT AND PENALTIES

3.1 Administering Agencies

A. Code Enforcement Officer

Unless otherwise provided in this Ordinance, the Code Enforcement Officer (CEO) shall administer and enforce this Ordinance. No permit application shall be approved by the Code Enforcement Officer except in compliance with the provisions of this Ordinance. The Code Enforcement Officer shall have the following duties, among others, in enforcing this Ordinance:

- 1. Applications and fees.** Act upon all applications and collect any fees due; refer/process all applications as required.
- 2. CEO Permit approvals.** Act upon permit applications that are under the jurisdiction of the CEO as set forth in Article 2, Land Use Districts.
- 3. Site plan review permits.** Review applications which are under the jurisdiction of the Planning Board, as set forth in Article 2, for completeness of submissions and refer such applications to the Planning Board for site plan approval.
- 4. Board of Appeals applications.** Refer requests for variances and administrative appeals to the Board of Appeals.
- 5. Complaints and violations.** Investigate complaints and reported violations.
- 6. Reports and records.** Keep written reports and thorough records.
- 7. Violation notices.** Issue violation notices.
- 8. Appeals.** Participate in appeals procedures.
- 9. Consent agreements.** Process or act on consent agreements involving violations of this Ordinance and appear in court when necessary.
- 10. Agendas.** Prepare agendas for mailing at least seven days before meetings of the Planning Board and Board of Appeals, and attend meetings of the Planning Board and Board of Appeals where applicable.
- 11. Permit revocations.** Revoke any permit after notice if it was issued in error or if it was based on erroneous information.
- 12. Interpretation.** Refer matters to the Planning Board when there is a question concerning the interpretation of this Ordinance.

B. Board of Appeals

The Board of Appeals shall be responsible for deciding administrative and variance appeals in accordance with the requirements of Article 8 of this Land Use ordinance. Following the issuance of any decision favorable to the applicant, the applicant shall return to the Code Enforcement Officer for approval of any applicable building permit application. The role of the Board of Appeals is limited to ensuring that required procedures are followed and that variances are granted in strict conformity with the requirements of this Ordinance. The Board of Appeals shall have no authority to substitute its judgment for that of the Planning Board or Code Enforcement Officer in the substantive review of development proposals.

C. Planning Board

The Planning Board shall be responsible for reviewing and acting upon applications for site plan approval as set forth in Article 2. Following approval by the Planning Board, the applicant shall return to the Code Enforcement Officer for issuance of any applicable permits.

D. Historical Review Committee

The Historical Review Committee shall be responsible for review of any applications for proposed land use activity involving structural development within the Historic District (See map – Appendix 1). For permit applications they will provide comments and recommendations to the applicant regarding their application and the Code Enforcement Officer. For site plan review applications they will submit comments and recommendations to the Planning Board and which should be taken into consideration for the decision. Consultation to the Committee is required but the recommendations from the Committee are not mandatory.

3.2 Permits Required

It shall be unlawful, without first obtaining a permit from the appropriate reviewing authority, to engage in any activity or use of land or structure requiring approval in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. Approval shall be required for:

A. Activities requiring Code Enforcement Officer approval. Any activity listed in Article 2, Land Use Districts, as requiring approval from the Code Enforcement Officer.

B. Activities requiring site plan approval. Any activity listed in Article 2, Land Use Districts, as requiring approval from the Planning Board.

3.3 Permit Application

A. Written application. Every applicant for a permit shall submit a written application, including a site plan, on a form provided by the municipality, to the Code Enforcement Officer. The following items, when appropriate, shall be included on the application.

- 1) The shape, size and location of the lot to be built upon and structure(s) to be erected, altered or removed.
- 2) Any structure(s) already on the lot.

- 3) Depth of front yards of structure(s) and adjoining lots.
- 4) Statement of intended use.
- 5) Other information, as outlined in this ordinance, needed by the Code Enforcement Officer, Planning Board, or the Board of Appeals to determine compliance with the provisions of this Ordinance.
- 6) Proof that the applicant has right, title or interest in the property.

B. Historical Review Committee Consultation. Applications that are within the designated Historic District (see map – Appendix 1) shall be required to be reviewed by the Historical Review Committee for their comments and recommendations. The applicant may then choose to amend their plans, but are not required to.

C. Signature. All applications shall be signed by the owner of the property or the owner’s legal agent, certifying that the information on it is complete and accurate. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee.

D. Application to be dated. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date of its receipt.

E. Plumbing permit. A valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Local Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface wastewater disposal system.

F. Fees.

- 1) **Applications for Code Enforcement Officer approval.** Applications for a permit from the Code Enforcement Officer shall be accompanied by a fee according to the fee schedule as amended. This application fee shall be made by check payable to the Town. No application shall be found complete until the fee is paid. This fee shall not be refundable.
- 2) **Applications for Planning Board approval.** Applications for site plan approval by the Planning Board shall be accompanied by a fee according to the fee schedule as amended. This application fee shall be made by check payable to the Town. No application shall be found complete until the fee is paid. This fee shall not be refundable.
- 3) **Modifications.** Any modification to the description, scale drawing, or site plan of the proposed structure(s) shall require a revised application, payment according to the fee schedule as amended, and approval in accordance with the provisions of Article 2, Land Use District Requirements, prior to beginning the work.

3.4 Procedure for Administering Permits

A. Submission of Permit applications to Code Enforcement Officer

- 1) **Determination of complete application.** Within 30 days of the date of receiving a written application for approval of either the Code Enforcement Officer or the Planning Board, the Code Enforcement Officer shall notify the applicant either that the application has been accepted as a complete application or, if the application is incomplete, that specific additional material is needed to make the application complete.
- 2) **Referrals.** All complete applications which require site plan approval of the Planning Board or action by the Board of Appeals shall within a period of thirty (30) days be referred to the applicable board for action and public notice shall be given. After approval, with or without conditions by such Board, the Code Enforcement Officer shall issue a permit within seven (7) working days after being notified of such approval.
- 3) **Building permit approvals.** In all other cases involving approval by the Code Enforcement Officer, the Code Enforcement Officer shall within a period of seven (7) working days approve or deny such applications in accordance with the provisions of this Ordinance.
- 4) **Written notification.** If approval is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

B. Applicant Responsibility

- 1) **Burden of proof.** The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.
- 2) **Posting.** Within seven (7) working days of receiving the approval, the applicant shall conspicuously post any approval issued, on the lot where the activity will occur, at a location clearly visible from the public street or road.

C. Expiration of Approval

If no substantial progress of construction has been made within one (1) year from the date the approval is granted, the approval becomes invalid. The Code Enforcement Officer shall renew the approval within 30 days after the expiration of the approval upon payment of a fee as specified in the fee schedule as amended, a maximum of two times. Otherwise the permit becomes invalid and the application process must begin anew.

3.5 Non-conforming Uses

This section applies to any use of a lot or parcel of land which was grandfathered or approved under a previous ordinance on the date of adoption of this ordinance (see Article 1.7) and which does not conform to this ordinance. Such a use is “grandfathered” and can continue, subject only to the following restrictions. The following provisions shall apply to all non-conforming uses:

- A. Any non-conforming use or facility may be continued and may be expanded by ten percent of the existing size at the time of adoption of this ordinance. Any non-conforming use upon the recommendation of the Planning Board may be expanded an additional ten percent of the existing size in square feet at the time of the adoption of this ordinance.
- B. Any non-conforming structure damaged by fire, flood, explosion, or other casualty may be rebuilt and used as before if such building is performed within 12 months of such casualty and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.
- C. In the event that any non-conforming use, other than residential, conducted in the structure or otherwise, ceases, for whatever reason, for a period of one year, such non-conforming use shall not be resumed.

3.6 Enforcement

- A. Violations.** It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation.
- B. Penalty.** 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, MRSA Section 4452.

ARTICLE 4 - SITE PLAN REVIEW

4.1 Submission Requirements

A. Cover letter explaining scope of the project.

B. A completed application for site plan review shall consist of eight (8) copies of required plans. Plans shall be drawn to a scale no smaller than 1" = 100'. An additional copy is required to be submitted to the Historical Review Committee if the project is located with the designated Historic District (see map – Appendix 1).

C. The site plan shall contain the following items, unless the Board, by formal action, waives specific requirements:

1. A title block containing the name and address of the applicant and property owner; the name and address of the preparer of the plan, with professional seal, if applicable; location of the property according to municipal tax maps; and the date of plan preparation or revision.
2. A north arrow, a graphic scale, and a signature block for members of the Board.
3. Location and description of all buildings existing or to be placed on the site.
4. Land Use District, including the districts abutting the property if different.
5. Location of physical features such as ledge, wetlands, watercourses, sand and gravel aquifers and forested areas.
6. Location and design details of existing and proposed utilities, including power, water, sewer or septic system, and drainage structures.
7. Location of any permanently installed machinery likely to cause appreciable noise at the lot lines.
8. Existing contours and finished grade elevations within the site.
9. Location and necessary design details of all parking and paved areas.
10. A plan for the treatment of storm water.
11. A copy of the soil survey map of the area.
12. Description of any raw, finished or waste materials to be stored outside the buildings and any stored materials of a hazardous nature.
13. Description of the type and placement of sewage facilities:

- a. Where disposal will be accomplished through subsurface waste disposal system, an analysis of test pits prepared by a licensed site evaluator.
- b. Where disposal will be accomplished through a public or community system, certification of approval by the sewer plant superintendent.

14. Indication of water supply sufficient in quantity and quality for both normal use and fire protection. Where public water will be used, a certification of sufficiency from the Dover-Foxcroft Water District and Dover-Foxcroft Fire Chief is required.

4.2 Performance Guarantees

A. The developer shall, in an amount set by the Town Manager, file with the Town, prior to the issuance of final approval, a performance guarantee in the form of a certified check payable to the Town of Dover-Foxcroft, a performance bond running to the Town of Dover-Foxcroft, an irrevocable letter of credit to cover the full cost of required improvements or some other form of surety that is acceptable to the Town Manager. Any such bond shall be satisfactory to the Town Manager and the municipal attorney as to form, sufficiency, manner of execution and surety.

B. At the discretion of the Town Manager, the developer may be allowed to submit individual bonds for each phase of a project's development. If this option is chosen, prior to submission of each individual bond, the developer shall submit to the Town a written statement detailing completion dates for all roads and other public improvements planned for that phase.

C. A period of one (1) year (or such period as the Town Manager may determine appropriate, not to exceed three (3) years) shall be set forth in the bond time within which required improvements must be completed.

D. Inspection of Required Improvements:

- 1) At least fifteen (15) days prior to commencing construction of required improvements, the developer shall notify in writing the Code Enforcement Officer of the time when the developer proposes to commence construction of such improvements so that the Town Manager can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements, and utilities required by the Board. Inspection shall be made of all required public improvements as defined above;
- 2) At least five (5) days prior to commencing construction of required improvements, the developer shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Town, payable by check to the Town of Dover-Foxcroft, stating the purpose of the fee. No building permits shall be issued on the project and no work begun until the inspection fee has been paid.
- 3) If the inspector shall find, upon inspection of the improvement performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the developer, the inspector shall so report to the Town Manager, Road Commissioner and Building Inspector. The Town Manager shall then notify the developer and, if necessary, the bonding company

or bank, and take all necessary steps to preserve the municipality's rights under the bond or letter of credit. No plan shall be approved by the Board as long as the developer is in default on a previously approved Plan;

- 4) Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the developer.
- 5) The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.

E. The performance guarantee shall not be released by the Town Manager until:

- a. The inspecting official has completed a final inspection of the project and has submitted a statement stating that all required public improvements as defined above have been completed in accordance with approved plans and specifications.
- b. The Town Manager and Code Enforcement Officer have examined the site, have reviewed the inspecting official's report and concur with the inspector's findings.
- c. Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon completion of each phase.

4.3 Review Criteria

The following criteria and standards shall be utilized by the Planning Board in reviewing applications for Site Plan Review. These standards are intended to provide a guide for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, and innovation.

- A. *Preservation of Landscape:* The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.

If a site includes a ridge or ridges which are elevated above the surrounding areas and provide scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Buildings shall be located so that they are not clearly visible from surrounding areas. Siting away from the skyline, plantings, and buffering landscaping are potential methods of preserving the scenic vista.

The Planning Board shall consider the comments of the State Historic Preservation Officer, if any, and may require that significant archaeological sites be preserved to the maximum extent possible both during construction and following completion of the development.

- B. *Preservation of Historic Structures:* For any applications located within the Historic District, the Planning Board shall consider comments received from the Historical Review Committee prior to rendering a decision on the application and shall require that historic resources be

protected to the maximum extent possible in accordance with the Committees recommendations.

- C. *Relation of Proposed Buildings to the Environment:* Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. Special attention shall be paid to the scale of the proposed building(s), massing of the structure(s), and such natural features as slope, orientation, soil type, and drainage courses.
- D. *Parking and Circulation:* The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall consider general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas. These facilities shall be safe and convenient and, insofar as practicable, shall not detract from the proposed buildings and neighboring properties.

All entrance and exit driveways shall be located to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic.

Any exit driveway or driveway lane shall be designed in profile and grading and located as to provide the maximum possible sight distance measured in each direction. The sight distance available should not be less than the stopping distance for oncoming traffic at the posted speed limit (about 10' per mph).

Acceleration and deceleration lanes should be provided where the volume of traffic using the driveway and the volume of traffic on the road would create unsafe traffic conditions.

- E. *Surface Water Drainage:* Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. Adequate treatment shall be provided to mitigate potential impacts to receiving wetlands and water bodies from pollutants, excess nutrients and elevated temperatures in storm water runoff from developed areas.
- F. *Utilities:* The site plan shall show what provisions are being proposed for adequate water supply and wastewater disposal in accordance with state standards.
- G. *Special Features:* Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- H. *Exterior Lighting:* All exterior lighting shall be designated to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties.

Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. The Planning Board shall determine the necessity for lighting depending upon the nature of the intended use.

- I. *Emergency Vehicle Access:* Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
- J. *Landscaping:* Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties to enhance the physical design of the building(s) and site.
- K. *Road Standards:* When a project entails the construction of public or private ways, these ways shall conform to Town Standards as described in Section 9.2 of the Towns Subdivision Ordinance.
- L. *Site Conditions:* During construction, the site shall be maintained and left each day in a safe and sanitary manner and any condition that could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Building Inspector or other authorized personnel. The developer shall make provision for disposal of oil and grease from equipment and the site area should be regularly sprayed to control dust from construction activity.

M. Expiration of Approval

If no substantial progress of construction has been made within one (1) year from the date the approval is granted, the approval becomes invalid. The Code Enforcement Officer shall renew the approval within 30 days after the expiration of the approval upon payment of a fee as specified in the fee schedule as amended, a maximum of two times. Otherwise the approval becomes invalid and the application process must begin anew.

ARTICLE 5 – PERFORMANCE STANDARDS

The following performance standards shall apply to all site plans, provided, however, where the Planning Board finds that, due to special circumstances of a particular plan, the provision of certain required performance standards which are not requisite in the interest of public health, safety and general welfare, the Planning Board may waive such requirements, subject to appropriate conditions.

5.1 Road Standards

When a project entails the construction of public or private ways, these ways shall conform to Town standards as described in Section 9.2 of the Town's Subdivision Ordinance.

5.2 Buffers

Buffers are fences, landscaping, berms and mounds used to minimize any adverse impacts or nuisance on the site or from adjacent areas. The following guidelines apply:

- A) Evergreens can be used as buffers, provided they are planted properly. An evergreen buffer requires two (2) or three (3) rows of staggered plantings. The rows should be five (5) feet apart and the evergreens planted four (4) feet on center.

- B) Buffers shall be considered in or for the following areas and purposes:
 - Along property lines, to shield various uses from each other
 - Along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night.
 - Parking areas, garbage collection areas, and loading and unloading areas.
 - To block prevailing wind patterns and to stop wind-borne debris from leaving the site.
 - Natural features shall be maintained wherever possible to provide a buffer between the proposed development and non-compatible abutting properties and public roadways.
 - When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops do not exist or are insufficient to provide a buffer; other kinds of buffers shall be considered.
 - Buffers shall be sufficient to shield structures and uses from the view of non-compatible abutting properties and public roadways, and to otherwise prevent any nuisances including but not limited to all loading and unloading operations, storage areas, commercial vehicle parking, waste disposal and collection areas.
 - Fencing and screening shall be durable and properly maintained at all times by the owner.
 - Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.
 - All buffer areas shall be maintained in a neat and sanitary condition by the owner.

5.3 Waste Controls

Any waste control features shall be in accordance with the Town Sewer Ordinance and/or applicable state regulations.

5.4 Air-Pollution and Noise Controls

A. It shall be unlawful within the Town of Dover-Foxcroft for any persons, owner, agent, operator, firm or corporation to permit or cause, suffer or allow the discharge, emission or release into the atmosphere from any source whatsoever of soot, fly ash, dust, cinders, waste, particulate, solid, liquid or gaseous matter or any other materials in such place, manner or concentration as to constitute atmospheric pollution.

B. A maximum of 60 decibels at the property line shall not be exceeded.

5.5 Accessibility

Any building or facility constructed as a place of public accommodation or place of employment, or when estimated total costs for remodeling, enlarging, or renovating an existing building exceed \$100,000, the facilities must meet the following ANSI 117.1-1986 standards, as amended:

- a) Accessible route;
- b) 4.13 doors;
- c) 4.27.3 tactile warnings on doors to hazardous areas
- d) Parking spaces for use by persons with physical disability in adequate number, pursuant to section 4593, subsection 1, paragraph E; and
- e) 4.17 toilet stalls, at least one of which must be a standard toilet stall configuration pursuant to ANSI 117.1 – 1986 fig. 30 (a).

5.6 Water Recreation And Water Storage Facilities

Any facility for water recreation such as public swimming pools, outdoor water storage tanks, swimming clubs, and commercial fishing pond, or any other water storage facility such as reservoirs, fish hatcheries, sewage lagoons and farm ponds shall comply with the following requirements:

- A. The facility shall comply with the setback requirements.
- B. The facility shall be enclosed by a fence no less than four (4) feet high to prevent uncontrolled access by small children, if prescribed by the Planning Board for safety reasons.

5.7 Signs

Are defined as any exterior device designed to inform or attract the attention of the public.

The intent of this section is to preserve the value of property, protect the public safety and promote the visual quality of the town. It is also the intent of this section to provide for the integration of all signs with the architectural character of the buildings and neighborhoods with which they are associated, to make all signs a harmonious complement through appropriate scale

and appearance with the structure to which they are attached. No sign shall contain information or advertising for any product not sold on the premises, except for signs on state roads which are permitted by the State Department of Transportation. No sign, including signs in existence at the time of the adoption of this amendment, shall obstruct or otherwise disrupt the vision of drivers on public or private roadways due to location, size, or illumination. Especial care shall be taken so that signs do not block drivers' lines-of-sight at intersections.

A. Any signs allowed without a permit need to comply with all other aspects of this section.

B. Public Signs

Public signs, including but not limited to community information signs, safety and traffic signs, directional and historic signs, are allowed without permit and shall be placed within distances consistent with their functions. Where appropriate, they shall be unified in the use of symbols, lettering, color, size, location, and mounting.

C. Business Signs

1. Business signs are permitted and shall be constructed, installed, and maintained so as to ensure public safety and preserve the visual quality of the community. Such signs shall be clearly associated with and on the same site as the building or establishment which they announce. They shall not contain information or advertising for any product not sold on the premises. Business signs may be of the following types: painted, changeable letter, hanging or wall signs, projecting, double-faced, canopy, and internally illuminated. Where appropriate, freestanding signs may be erected in addition to a sign attached to a building, so long as the attached sign shall conform to the facade lines of the building. No business sign shall extend above the roof line of the building to which it is attached.
2. Industrial/Commercial Park Signs - One sign shall be permitted at the main entrance of an industrial or commercial park. Such a sign shall bear the name of the park and an additional sign for each entity within the park. The sign shall be a single free-standing arrangement. The park name portion of the sign shall be no larger than thirty two (32) square feet. The signs for each entity shall be no larger than five (5) square feet and shall bear only the name of the entity. Another sign shall be permitted for a secondary entrance to the park. Such secondary sign shall bear only the name of the park and shall be no larger than ten (10) square feet. Neither sign shall block drivers' lines-of-sight at the entrance.

D. Temporary Signs

1. Building construction - One sign per street frontage of a building under construction or repair announcing the name of the enterprise or purpose for which the building is intended shall be allowed without permit. Such signs shall not exceed thirty-two (32) square feet in area, or more than fifteen (15) feet in height. Such signs may be allowed without permit during the construction project but shall be removed within three (3) months of the completion of construction, unless permitted for an additional three (3) months by the Code Enforcement Officer.

2. Announcements/Events

- A. Non-Profit: Signs, including overhead banner signs, announcing non-commercial, non-profit, events, may be allowed without permit for not more than two (2) weeks prior to the event, and shall be removed within three (3) days of the event taking place. Such signs shall not exceed thirty-two (32) square feet in area and shall not obstruct drivers' view lines, nor shall any such sign be placed on the drivable portion of a public way. Overhead banner signs larger than 32 square feet can be permitted up to 80 square feet and are allowed not more than four (4) weeks prior to the event.
 - B. Public, Information/Community Event Signs – Public information and community event signs are allowed as described in section 5.1 (B)
 - C. Political Signs – Political signs are allowed without permit in accordance with Maine statutes governing political signs and elections.
3. Property advertising - One sign per property to advertise the sale, lease, or rental of the property on which it is located shall be allowed without permit. Such a sign shall not exceed (16) square feet in area and shall not obstruct drivers' view lines.
 4. Subdivision - A single sign, advertising for sale, lease, or rental of property within a land subdivision shall be permitted. Such a sign shall not exceed thirty-two (32) square feet in area, or more than fifteen (15) feet in height, and shall not obstruct drivers' view lines. Such signs may be permitted no longer than four (4) years after the final subdivision plan is approved.
 5. Permitting of allowable temporary signs is not required.
 6. Designated Areas – In addition to areas allowed for the placement of temporary signs for non-profit, public announcements, or events, the Planning Board and Board of Selectmen may designate additional areas where these signs may be placed

E. Special signs and displays

1. Time and/or temperature signs, including those provided by a business and including the business's name or symbol shall be permitted.
2. Spot lights and flood lights, shielded so as to be invisible to pedestrians and drivers off the property, shall be allowed without permit.
3. Address signs, not to exceed one (1) square foot in area, shall be allowed without permit.
4. One exterior directory sign per street level entrance, provided that no individual listing exceeds one (1) square foot in area, shall be allowed without permit.

F. Illuminated signs

Illuminated signs are permitted, except that no illuminated signs shall be of the blinking, alternating, or rotating type, and no illuminated sign shall constitute a safety hazard to any public right-of-way by reason of unshielded lights or any other reason.

G. Electronic Message Display Board

These are defined as a message board in which one or more illuminated characters in a display may be changed by electronic means.

1. Require Planning Board review.
2. Are only allowed in the COM1 and COM2 zones.
3. the Planning Board may adopt uniform regulations concerning the use of electronic message display boards.
4. Each message will be displayed for a minimum of 1 minute before changing to another message
5. the letters of the sign will be no larger than 9 inches and limited to one color
6. No part of the sign will flash, scroll, or blink
7. Each message will transition into another message instantaneously or within one second

No electronic sign shall be operated earlier than 6:00 a.m or later than 9:00 p.m; provided that electronic signs may be operated later than 9:00 p.m, until close of business, for any business on the same premises that lawfully operates beyond 9:00 p,m, in the evening.

H. Changeable letter signs

A single changeable letter sign may be permitted at a business site.

1. Such a sign shall not exceed thirty two (32) square feet in area.
2. Such a sign shall be appropriately maintained and shall not detract from adjacent property.
3. Such a sign does not obstruct drivers' line-of-site.

I. Home Occupation Signs

Any approved home occupation shall not erect or display a sign any larger than 2' x 3'. A freestanding sign shall be no higher than 6 feet. Neon and illuminated lights are not permitted.

J. Height clearance and projection limits of signs.

1. Ground signs. Ground signs shall not exceed in height twenty four (24) feet above ground level.
2. Projecting signs, except awning, canopy, or marquee signs
 - a. cannot overhang a public way beyond 3' from building face
 - b. over a public way must leave pedestrian clearance of 8' including awning, canopy, or marquee signs
 - c. can be no larger than 12 square feet

K. Size and number limits of business signs

One primary business sign shall be permitted, not to exceed in area one (1) square foot for each linear foot of principal street frontage of the establishment. Secondary business signs may be permitted, no sign to exceed one (1) square foot in area for each linear foot of secondary street frontage of the establishment. In no such case shall total sign area exceed one hundred (100)

square feet per street frontage. Additional individual business signs may be permitted at the discretion of the Planning Board.

L. Insurance

It shall be the responsibility of the owner(s) of the sign to carry liability insurance for any personal injury or property damage resulting from the fall or displacement of such signs. The town shall in no way be held liable for injury or damage due to the falling or displacement of any sign displayed on private property or over any public right of way.

M. Non-conforming Signs

Signs not conforming to the provisions of this ordinance on the date of enactment shall be considered non-conforming signs.

1. Non-conforming signs may continue to exist if they are maintained in a safe, clean and neat condition, except for signs that obstruct or otherwise disrupt the vision of drivers on public or private roadways due to location, size, or illumination.
2. Any non-conforming sign that is relocated must be made to conform to the provisions of this ordinance at the time of relocation.

N. Removal of signs

Signs should be removed within three (3) weeks after a structure is vacated and/or a business ceases to operate, all business signs shall be removed from the premises by the owner.

5.8 Home Occupations

A home occupation is defined as any business or commercial endeavor conducted in a residence.

- A. The home occupation shall be carried on by a member of the family residing in the dwelling unit only. One employee who is not part of the family is permitted.
- B. The home occupation shall be carried on wholly within the principal or accessory structures. A structure built specifically to accommodate a home occupation is not permitted.
- C. Exterior displays or signs other than those permitted under 5.7, exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
- D. Material outside, such as noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced.

5.9 Agriculture

Agriculture uses shall comply with the following requirements:

- A. Farm buildings, other than a dwelling, shall not be erected within one hundred (100) feet of a neighboring property.

- B. Feed lots, fenced runs, pens, and similar intensively used facilities or areas for the rearing of animals and animal care shall not be located within one hundred (100) feet of a neighboring property, excluding pastures in the “RR1” and “RR2” zones.
- C. Roadside stands for sale of agricultural products shall be permitted if:
 - 1. They are erected at least twenty (20) feet back from the nearest edge of roadway surfaces in non-residential areas.
 - 2. They are used exclusively for the sale of agricultural products.
 - 3. Signs shall conform to provisions set forth in Article 5.8.
- D. Nothing shall prohibit the keeping of household pets such as dogs or cats. The keeping of one or more horses, ponies and/or other large animals, or the raising of more than two of any smaller species over six months old requires facilities or areas in conformance to Article 5 Section 10A and 10B.
- E. All spreading or disposal of manure shall be accomplished in conformance with the “Maine Standards for Manure and Manure Sludge Disposal on Land” published by the University of Maine and Maine Soil and Water Conservation Commission in July 1972, and as this may be amended or superseded.
- F. Where soil is tilled it must comply with shoreland zoning regulations.

5.10 Keeping of Domesticated Chickens

The purpose of this section is to provide standards for the keeping of domesticated chickens in the Residential and Village Zones. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surround the property on which the chickens are kept.

A. Permit Required

- 1. An annual permit is required for the keeping of any domesticated chickens. The annual permit is personal to the permittee and may not be assigned.
- 2. An annual administrative fee of \$10.00
- 3. An applicant for a permit to keep chickens must demonstrate compliance with the criteria and standards in this section in order to obtain a permit.

B. Number and Type of Chickens Allowed

- 1. The maximum number of chickens allowed is six (6) per lot regardless of how many dwelling units are on the lot.
- 2. Only female chickens are allowed. There is no restriction on chicken species.

C. Non-Commercial Use Only

Chickens shall be kept for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

D. Enclosures

1. Chickens must be kept in an enclosure or fenced area (chicken pen) at all times during daylight hours. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor, or other adverse impact. The chicken pen must provide adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing buried at least 12” in the ground. The pen must be covered with wire, aviary netting, or solid roofing. The use of chicken wire is not permitted.
2. Chickens shall be secured within a henhouse during non-daylight hours.
 - a. Any henhouse shall be at least twenty-five (25) feet from any residential structure or any other premises on any adjacent lots. The structure shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire of less than one (1) inch openings. The use of scrap, waste board, sheet metal, or similar materials is prohibited.
 - b. Henhouses shall only be located in rear yards. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the twenty five (25) foot setback is met. In no case may a henhouse be placed in the front yard. Henhouses are not allowed to be located in any part of a home.

E. Odor and Noise Impacts

1. Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries
2. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

F. Predators, rodents, insects, and parasites

The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites that may result in unhealthy conditions to human habitation. Chickens may be removed by the Town, through the animal control officer and the cost of the same shall be borne by the property owner and or/chicken owner.

G. Feed and Water

Chickens must be provided with access to feed and clean water at all times.

H. Waste Storage and Removal

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed container. NO more than one, twenty gallon container of manure shall be stored on any one property housing chickens. All other manure shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings.

I. Fees for Re-inspections

Following the Town's issuance of a notice of violation of the requirements hereunder and an order to correct violations, the Town will re-inspect at the expense of seventy five dollars (\$75.00) to the property owner and/or chicken owner to determine whether the violations have been fixed in compliance with this section. Failure to correct the violation shall result in a penalty imposed pursuant to section J below in addition to the re-inspection fee. If the violation have not been fixed in compliance with this section, the violator shall be assessed a re-inspection fee of one hundred and fifty dollars (\$150.00) for each subsequent re-inspection. Failure to pay the assessment for the re-inspections shall create a lien on the property of the violator.

J. Penalty

In addition to any other enforcement action which the town may take, violation of any provision of this article shall be a civil violation and a fine of one-hundred dollars (\$100.00) may be imposed. Each day that a violation continues will be treated as a separate offense. This penalty is in addition to any expense for re-inspection of the property

K. Revocation of permit

A permit to keep chickens may be revoked where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of any other applicable ordinance or law.

L. Removal of Chickens

In addition to the penalty state in section J, any violation of the provisions of this article shall be grounds for an order from the city to remove the chickens and the chicken-related structures.

5.11 Proposed Streets

After a line of a future street is placed on the official map of the Town of Dover-Foxcroft, buildings shall be set back from such line as though it were a street line. Streets shall be constructed as specified in the Subdivision Ordinance.

5.12 Manufactured Housing

Provisions contained in this section shall apply to all units defined as "Manufactured Housing" according to Title 30-A, MRSA, Section 4358.

A. GENERAL

A building permit is required for placing a manufactured home within town. Evidence of payment of sales tax and property tax shall accompany an application for a building permit.

- a. All manufactured housing sited within the town after the effective date of this Ordinance shall comply with the design standards contained in this section.

- b. All manufactured housing sited within the town after the effective date of this ordinance shall comply with the minimum standards contained in this section. All manufactured homes constructed after June 15, 1976 and bearing the seal of the Department of Housing and Urban Development which certifies the manufactured home was built pursuant to the provisions of the Manufactured Home Construction and Safety Standards as revised shall be deemed to have fulfilled the safety standards of this section.
- c. Travel trailers shall not be used as a permanent manufactured home or single family dwelling. Any travel trailer in use more than 60 days in one year shall be stationed at a campground or, when not in use, stored on the premises of the owner.

B. DESIGN STANDARDS

All manufactured housing shall be sited and maintained in such a manner to blend harmoniously with other residential structures in close proximity. To this end all manufactured housing located within the Town of Dover-Foxcroft after the effective date of this ordinance shall be located on a permanent foundation which shall include at a minimum a gravel pad and skirting of material which is residential in appearance. Skirting shall be in place within 6 months of placement of the mobile home. Skirting material shall consist of properly treated all-weather materials which may include, but not be limited to, wood, masonry, masonry-like stone, decorative lattice or commercially available metal or plastic skirting.

C. SAFETY STANDARDS

1. Exit Facilities

- Required egress doors shall not be located where a lockable interior door must be used in order to exit.
- Homes shall have a minimum of two exterior doors not less than 12 feet from each other. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet. All exterior doors shall provide a minimum of 28" wide by 74" high clear opening.
- Locks shall not require the use of a key for operation from the inside.

2. Egress Windows and Devices

- Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window.
- The bottom of the window opening shall not be more than 36 inches above the floor
- Locks, latches, operating handles, tabs and any other window, screen or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54 inches from the finished floor

3. Interior Doors

- Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking device on the inside.

4. Fire Detection Equipment

- All homes shall contain at least one operable smoke detector centrally located within the home and one operable smoke detector in each bedroom.
- Cabinet areas over cooking ranges or cook tops shall be protected by a metal hood.
- Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

5. Carpeting

- Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

4. Roof Load

- All home with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of a State of Maine winter or wind uplifts that may occur.

5. Heating and Fuel Burning System

- A person holding a master license issued by The State of Main Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31-Installing of Oil Burning Equipment as adopted by that Board, or other applicable standards.

6. Electrical System

- A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical code in effect at the time the home was constructed.

5.13 Mobile Home Parks

“Mobile Home Park” means a parcel of land under unified ownership approved by the municipality for the placement of three or more manufactured homes. Mobile home parks shall comply with the following standards:

A. Lot size, dimension, and setbacks:

I. Lots served by public sewer

Minimum Lot area - 6,500 sq. feet

Minimum Lot width - 50 feet

II. Lots served by individual subsurface sewage disposal system

Minimum lot area - 20,000 sq. feet

Minimum lot width - 100 feet

III. Lots served by a central subsurface wastewater disposal system

Minimum lot area - 12,000 sq. feet
Minimum lot width - 75 feet

IV. The minimum overall density of a mobile home park served by a central subsurface sewage disposal system shall be no less than one unit per 20,000 sq. feet of total park area.

V. Lots within a shoreland zoning district shall meet the lot area, lot width, setback, and shore frontage requirements for that district.

VI. The overall density of the mobile home park shall be the combined area of its mobile home lots plus:

- The area required for road rights-of-way;
- The area required for buffer strips;
- For areas served by public sewer, an open space area for storage and recreation equal to 10% of the combined area of the individual lots.

VII. Lot setbacks - The following lot setbacks shall apply to all homes and accessory buildings:

- Front setback: 15 feet
- Side setback: 15 feet
- Rear setback: 10 feet

If these requirements conflict with the requirements of the Shoreland Zone, the stricter standard shall apply. If a lot is on a public road, the setback shall conform with the residential setback requirements applicable to residential dwelling units.

- The Planning Board may allow lot side yard setbacks to be reduced to 5 feet provided a distance of 20 feet is maintained between units for the purpose of providing more usable yard space on one side of the home.
- A minimum 20 foot separation shall be maintained between all manufactured homes in all directions.

B. Road Standards

Privately owned roads within the mobile home park shall be built according to accepted engineering standards and standards contained in Section 9.2 of the Dover-Foxcroft Subdivision Regulations.

- The layout and general development plan for major and minor access streets and driveways within the mobile home park, together with the location and dimensions of

access junctions with existing public streets and rights-of-way shall be approved by the Planning Board.

- A traffic impact analysis shall be required if the park will generate more than 500 trips/day.
- For mobile home parks expected to generate 200 trips per day or more, there shall be at least two entrances from public streets or roads.
- On street parking shall be prohibited unless an eight foot parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking land is located.
- Curvilinear streets shall be utilized wherever possible. No street within the park shall be more than 200 feet without a curve or bend.
- No mobile home lot may have vehicular access directly onto a state highway.
- Two-way park roads shall have a minimum right-of-way of 23 feet and a minimum paved surface of 20 feet. On-street parking shall be prohibited.
- One-way streets shall have a minimum right-of-way of 18 feet and a minimum paved surface of 14 feet. On-street parking shall be prohibited.
- Parking lanes shall be a minimum of 8 feet in width, if provided.
- Cul-de-sac turnarounds shall have a minimum radius of 50 feet at the outer edge of the pavement, exclusive of any parking areas.
- If the developer intends to dedicate park streets to the public, such streets shall meet municipal road standards.

C. Parking Requirements

For each mobile home lot there shall be provided and maintained at least 2 off-street parking spaces. Each parking space shall contain a minimum area of 200 square feet with minimum dimensions of 10 feet by 20 feet. This requirement may be waived if an equivalent number of spaces are provided by a parking lane.

In addition to occupant parking, off-street guest and service parking shall be provided within the boundaries of the park at a ratio of 1 space for each 4 mobile home lots. Such parking shall be hard-surfaced and the spaces shall be reserved for that sole use. This requirement shall be waived if a parking lane provides an equivalent number of spaces.

D. Sidewalks/Walkways

The mobile home park shall contain pedestrian walkways that link all units and all service and recreational facilities. Such walkways shall be adequately surfaced and lit. A portion of

the road surface may be reserved for walkways provided the roadway width is increased accordingly. Walkways shall be a minimum width of 3 feet.

E. Lighting

Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties.

F. Signs

All signs shall be in accordance with section 5.7 of this Ordinance

G. Storm Drainage

A Storm drainage plan shall be prepared by a professional engineer showing ditching, culverts, storm drains, easements, and other proposed improvements sufficient to accommodate a 25-year storm.

H. Ground Water

1. For mobile home parks not served by a public sewer an assessment of the impacts of park development on ground water quality shall be submitted prior to final approval of the park. The assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, and shall include the following:

- a. A map showing the basic soil types
- b. The depth to the water table at representative points throughout the mobile home park
- c. Drainage conditions throughout the mobile home park
- d. Data on the existing groundwater quality, either from test wells in the mobile home park or from existing wells on neighboring properties
- e. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the development's impact on ground water phosphate concentrations shall also be provided.
- f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.

2. Standards

- a. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- b. No mobile home park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

- c. If ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
- d. If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

3. Development

Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.

I. Utility Requirements

All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.

J. Buffer Areas

- 1) A 50 foot wide buffer strip shall be provided along all property boundaries that:
 - a. Abut residential land which has a gross density of less than half of that proposed in the park, or
 - b. Abut residential land that is zoned at a density of less than half of that proposed in the park.

Further, no structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park

- 2) Within 25 feet of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or natural existing vegetation. This screening shall effectively screen at least 80% of the homes from view of the adjacent property and shall be maintained throughout the life of the project.

K. Open Space

For mobile home parks served by a public sewer, an area amounting to no more than 10% of the total area devoted to individual lots shall be set aside for open space and/or recreation. Such space shall be accessible and useable by all residents of the park. Parking space, driveways and streets and buffer areas are not considered useable open space but community recreation buildings, pools and courts are considered as open space.

- At least 50% of the required open space shall consist of land that is suitable for active recreation or storage.
- All developed open space shall be designed and landscaped for the use and enjoyment of the park residents and shall be maintained for their long term use. Plans for these areas shall be submitted by the developer.

- To the maximum extent possible, undeveloped open space shall be left in its natural state. Improvements to make trails for walking and jogging or to make picnic areas are permitted.
- The developer shall submit, as part of his/her application, a copy of that portion of the proposed park rules and a plan which specifies how the open space is to be used and maintained and what conditions are to apply to its use. The plan shall specify the areas to be dedicated to open space, recreation, and storage.
- Open space shall be maintained and used for its stated purpose.

L. Storage

At least 300 cubic feet of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

M. Park Administration

The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites. Park management shall conform to state laws. Compliance with this ordinance shall not exempt the park owner, developer, or manager from complying with other local, state, and federal codes and regulations.

N. Conversion of Park

No lot in a mobile home park may be sold or conveyed without the prior approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirement of the district in which it is located.

ARTICLE 6 - ADDRESSING

6.1 Purpose

The purpose of this section is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, and emergency medical services personnel.

6.2 Authority

This section is adopted pursuant to and consistent with Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

6.3 Administration

This ordinance shall be administered by the Code Enforcement Officer who is authorized to and shall assign road names and numbers to all properties, subject to approval by the Board of Selectmen and after Public Hearing, both on existing and proposed roads, in accordance with the criteria in Sections 313.4 & 313.5. The Code Enforcement Officer shall also be responsible for maintaining the following official records:

- a.) A town map for official use showing road names and numbers
- b.) An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
- c.) An alphabetical list of all roads with property owners listed in order of their assigned numbers.

6.4 Naming System

All roads that serve two or more properties shall be named regardless of whether the ownership is public or private. A “road” refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. “Property” refers to any property on which a more or less permanent structure has been erected or could be placed. A road name assigned by the town of Dover-Foxcroft shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a.) No two roads shall be given the same name (e.g. Pine Road and Pine Lane).
- b.) No two roads should have similar-sounding names (e.g. Beech Street and Peach Street).
- c.) Each road shall have the same name throughout its entire length.

6.5 Numbering System

Numbers shall be assigned every 50 feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, ascending from the number origin.

The following criteria shall govern the numbering system:

- a.) All number origins shall begin from the corner of East Main Street & West Main Street. For dead-end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

- b.) The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.
- c.) Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy. For example, duplexes will have two separate numbers.
- d.) Apartments will have one property number followed by an apartment number, such as 235 Maple Street, Apt.2.

6.6 Compliance

All owners of structures shall, by the date stipulated in Section 313.8, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

- a.) Number on the Structure. Where the structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the structure in the vicinity of the front door or entry.
- b.) Number at the Street Line. Where the structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the numbered structure.
- c.) Size and Color of Number. Numbers shall be a minimum 4 inches high and be of a contrasting color to its background.
- d.) Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this section.
- e.) Interior location. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

6.7 New Developments and Subdivisions

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this section and as follows:

- a.) New Construction - Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Code Enforcement Officer. This shall be done at the time of the issuance of the building permit.
- b.) New Subdivisions - Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board after consultation with the Code Enforcement Officer, shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 50 feet so as to aid in the assignment of numbers to structures subsequently constructed.

6.8 Effective Date

It shall be the duty of the Code Enforcement Officer to notify by mail each property owner and the Post Office of their new address at least 60 (sixty) days prior to the effective date of their use.

It shall be the duty of each property owner to post new property numbers, in accordance with this ordinance, on the stated date of effective use.

On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first

ARTICLE 7 - NON-CONFORMANCE

7.1 Purpose

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

7.2 General Requirements

A. 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 nonconforming structure or lot, subject to the provisions of this Ordinance.

B. Repair and maintenance. This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs and renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state or local building and safety codes may require. Plumbing projects may require permits.

7.3 Non-Conforming Structures and Uses

A. Any non-conforming use or facility may be continued and may be expanded by ten percent of the existing size at the time of adoption of this ordinance. Any non-conforming use upon the recommendation of the Planning Board may be expanded an additional ten percent of the existing size at the time of the adoption of this ordinance.

B. Any non-conforming structure damaged by fire, flood, explosion, or other casualty may be rebuilt and used as before if such building is performed within 12 months of such casualty and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.

C. In the event that any non-conforming use other than residential, conducted in the structure or otherwise, ceases, for whatever reason, for a period of one year, such non-conforming use shall not be resumed.

ARTICLE 8 - APPEALS

8.1 Appointment and Composition

- A.** The municipal officers shall appoint members of the Board of Appeals in accordance with the requirements of Title 30-A MRSA Section 2691.
- B.** The Board shall consist of five members serving terms of three years.
- C.** The Code Enforcement Officer shall provide for the keeping of the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board shall be a public record.

8.2 Hearings

- A.** For all appeals from decisions by the Code Enforcement Officer concerning applications for permits authorized by this ordinance, the Board of Appeals shall hold a public hearing as prescribed herein. The Town Clerk shall cause to be published and posted a notice which shall indicate the property involved, the nature of the appeal and the time and place of public hearing. In addition, the Code Enforcement Officer or the Board of Appeals shall notify, by first class mail, all abutting property owners (of the property subject to appeal) as to nature, time and place of the appeal. The Code Enforcement Officer shall have the option of notifying additional property owners.
- B.** The Code Enforcement Officer, unless prevented by illness or absence from the state, shall attend all hearings and shall present to the Board of Appeals all plans, photographs or other factual information which is appropriate to an understanding of the appeal.
- C.** All appeals to the Board of Appeals must be filed within 30 days of the date of decision or action.

8.3 Powers and Duties

A. Notification

All applicants for building permits that are denied for any reason shall be advised in writing of the right of appeal.

B. 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.

C. Variance Appeals

To authorize variances upon appeal, within the limitations set forth in this Ordinance.

1) Parties that may seek an appeal are limited.

Anyone seeking an appeal must be an applicant, an abutter, or an aggrieved party.

2) Dimensional variances only.

Variances may be granted only from dimensional requirements including frontage, lot area, lot width, structure height, percentage of lot coverage, and setback requirements.

3) No use variances.

Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

4) Limitations.

The Board of Appeals shall not grant a variance unless it finds that:

- a.) The proposed structure or use would meet the performance standards of this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought; and
- b.) The strict application of the terms of this Ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:
 - i. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
 - ii. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
 - iii. The practical difficulty is not the result of action taken by the petitioner or a prior owner
 - iv. No other feasible alternative to a variance is available to the petitioner;
 - v. The granting of a variance will not unreasonably adversely affect the natural environment; and
 - vi. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

5) Disability variance.

The Board of Appeals may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under

Title 5 MRSA Section 4553 and the phrase “structures necessary for access to or egress from the property” is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

6) Conditions.

The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions on the variances as it deems necessary.

7) Certificate.

If a variance is granted under this section, the Board shall prepare a certificate, prepared in recordable form, indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance including any conditions on the variance, has been granted and the date of the granting. The certificate must be recorded by the property owner in the local registry of deeds within 30 days of final approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection.

8) Appeals to Superior Court.

Appeals from the decisions of the Appeals Board shall be to the Superior Court within 45 days of the original decision.

ARTICLE 9 - DEFINITIONS

9.1 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. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration or table, the text shall control.

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

The present tense includes the future tense, the singular number includes the plural, and the plural numbers include 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” means the Town of Dover-Foxcroft, Maine.

9.2 Definitions

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

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

Accessory Apartment: A separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities, that is substantially contained within the structure of a single-family dwelling but functions as a separate unit.

Accessory use or structure: A use or structure that is customarily both incidental and subordinate to the principal use or structure on the same lot. The term “incidental” in reference to the principal use or structure shall mean both a) subordinate and minor in significance to the principal use or structure, and b) attendant to the principal use or structure. Such accessory uses, when aggregated, shall not subordinate the principal use of the lot.

Agriculture: The cultivation of soil, producing or raising crops including gardening as a commercial operation. The term shall also include greenhouses, nurseries and versions thereof, but these two terms, when used alone, shall refer specifically to a place where flowers, plants, shrubs and/or trees are grown for sale.

Alteration: Any change or modification in construction, or change in the structural members of a building or structure such as bearing walls, columns, beams or girders, or in the use of a building. The term shall also include change, modification, or addition of a deck, dormer, staircase, or roof of a building.

Aggrieved party: A person who owns property in Dover-Foxcroft, whose land is directly or indirectly affected by the grant or denial of a permit or variance under this Ordinance, or a person whose land abuts or is directly across the road or street or body of water from land for which a permit or variance has been granted, or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Air Transportation Use: Airfields and landing strips provide areas or strips of land to launch and receive power driven and non-power-driven aircraft. Typical uses in this category include airports, airfields, heliports, helipads and landing areas for gliders and balloons.

Amusement facility: Any private, commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

Animal breeding or care: The keeping or raising of four or more animals, including domestic animals and pets, for any commercial use. This definition also includes kennels.

Antique Shop: A commercial establishment which sells furniture, pottery, and other relics from an earlier historic period which are sought after by collectors. Indoor and/or outdoor “Flea Markets” are not considered antique shops.

Auction Barn: Any lot or structure where the principle use is the offering of goods or real estate for sale by means of exchanges between an auctioneer and bidders.

Authorized agent: An individual or a firm having written authorization to act on behalf of a property owner or applicant. The authorization shall be signed by the property owner(s) or applicant(s).

Automobile graveyard, junkyard: 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. This definition includes an area used for automobile dismantling, salvage and recycling operations.

Automobile repair garage: A business establishment engaged in general repair, engine rebuilding, or parts replacement. Automotive repair shall not mean the sale of gasoline or other motor fuels.

Bed and breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public by the owner for compensation for less than one week. This dwelling shall also be the full-time, permanent residence of its owner. Otherwise, it shall be classified as a hotel/motel. There shall be no provisions for cooking in any individual guest room.

Boarding, lodging facility: Any residential structure where lodging and/or meals are provided for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner. When the criteria for a family residing in the building cannot be met, the building shall be classified as a hotel/motel. There shall be no provisions for cooking in any individual guest room.

Boat Storage: Any lot or structure where the principle use is the storage of any water craft such as boats, jet-ski's, canoes etc.

Building height: The vertical distance between the highest point of the roof and the average grade of the existing or original ground adjoining the building, whichever distance is greater.

Business and professional offices: The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors, and the like or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales nor activities utilizing trucks as part of the business operation.

Campground: Land upon which one or more tents are erected or trailers are parked for temporary use for a fee on sites arranged specifically for that purpose. The word "campground" shall include the words "camping ground" and "tenting grounds."

Cemetery: Property used for the interring of the dead.

Church: A building or structure, or group of buildings or structures, designed, primarily intended and used for the conduct of religious services, excluding school.

Civic, convention center: A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a government agency.

Club: Any voluntary association of persons organized for social, religious, benevolent, literary, scientific, or political purposes, whose facilities, especially a clubhouse, are open to members and guests only and not the general public, and not engaged in activities customarily carried on by a business or for pecuniary gain. Such term shall include fraternities, sororities, and social clubs generally.

Conservation Development housing: A form of development that allows a subdivision design in which individual lot sizes and setbacks are reduced in exchange for the creation of common open space and recreation areas, the preservation of environmentally sensitive areas, agriculture and silviculture and the reduction in the size of road and utility systems. (Often known as Cluster Development / Housing.)

Code enforcement officer (CEO): A person appointed by the municipal officers to administer and enforce this Ordinance.

Commercial Complex: Any structure made up of interconnected or related structures whose primary use is activity carried out for pecuniary gain.

Commercial recreation: Any commercial enterprise that receives a fee in return for the provision of some recreational activity including but not limited to: campgrounds, racquet and tennis clubs, health facility, amusement parks, golf courses, gymnasiums and swimming pools, etc., but not including amusement facility, as defined herein.

Commercial school: An institution that is operated for profit, but is not authorized by the State to award baccalaureate or higher degrees, that offers classes in various skills, trades, professions, or fields of knowledge.

Commercial use: Any activity carried out for pecuniary gain.

Communication facility: Any facility supporting antennas and/or microwave dishes for the reception and retransmission of electronic signals.

Communications Tower – Any structure to support radio, cellular telephone and television transmission antennas; microwave relay towers; monopoles; and similar structures for transmission or reception and retransmission of electronic signals. Includes accessory equipment buildings that do not have office space. Does not include amateur radio operator antennas which are accessory to a residential use and television antennas which are accessory to a residential use.

Community center: A building that provides a meeting place for local, non-profit community organizations on a regular basis. The center shall not be engaged in activities customarily carried on by a business.

Community living arrangement: A housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement may include a group home, foster home or intermediate care facility.

Comprehensive Plan: The Comprehensive Plan of the Town of Dover-Foxcroft.

Concession – A place in a public location where food and drinks are sold.

Conforming: A building, structure, use of land or portion thereof, that complies with the provisions of this Ordinance.

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

Construction Equipment Storage: Any lot or structure where the principle use is the storage of vehicles and equipment which are designed to be used for construction / demolition; this includes articulated and continuous track vehicles etc.

Corner lot: A lot with at least two contiguous sides abutting upon a street or right-of-way.

Day care: Homes and centers licensed as such by the Maine Department of Health and Human Services.

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

Development: A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

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

Dwelling: Any building or structure or portion thereof designed or used for residential purposes.

1. Dwelling unit – a room or suite of rooms used by a family as a habitation that is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities.

2. Single-family dwelling – any structure containing only one (1) dwelling unit for occupation by not more than one (1) family.

3. Two-family dwelling – A building containing only two (2) dwelling units, for occupation by not more than two (2) families.

4. Multi-family dwelling – A building containing three (3) or more dwelling units, such buildings designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

Earth Material: Means any rock, natural soil, or fill and/or any combination thereof. Material being used for road projects by the Department of Transportation and their contractors is exempt.

Essential services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Extractive industries: The excavation, processing or storage of soil, topsoil, peat, loam, sand, gravel, rock or other mineral deposits, not including:

1. The excavation of material incidental to and at the site of approved construction of buildings, driveways or parking areas;
2. The excavation of material incidental to and at the site of construction or repair of streets; and
3. The excavation, processing or storage of less than ten (10) cubic yards of material on a lot within a one-year period.

Family: One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a tourist home, rooming house, hotel, motel or inn.

Filling: Depositing or dumping any matter on or into the ground or water.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters;
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

Forestry: The operation of timber tracks, tree farms, forest nurseries, the gathering of forest products, or the performance of forest services.

Frontage, road: The horizontal, straight-line distance between the intersections of the side lot lines with the road right-of-way.

Government Facilities and Grounds- Any lot or structure that's principle use is by local, state or federal governments for the carrying out of their duties.

Growth area: An area that is designated in a municipality's or multi-municipal region's 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 10 years is directed.

Hardship: See undue hardship.

Home occupation: An occupation or profession that is carried on in no more than 25% of the ground floor area of a detached, single-family dwelling unit by the full-time, permanent occupant of the dwelling, that is clearly incidental and secondary to the use of the dwelling for residential purposes, and that does not change the character thereof (by way of illustration and not of limitation, the term home occupation shall include foods such as breads, cookies or preserves, rugs, birdhouses, fishing flies, and quilts). The term "home occupation" shall include both professional and personal services, within the limits on number of employees established in other sections of this Ordinance. A retail sales outlet does not qualify as a home occupation unless the item sold is a product of the owner's labor (for example: manufactured, produced, created, grown).

Hospital: An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

Hotel / Motel: A commercial building or group of buildings built to accommodate for a fee travelers and other transient guests who are staying for a limited duration, with sleeping rooms without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

Impact fee: A charge or assessment imposed by a municipality against a new development to fund or recoup the cost of new, expanded or replacement infrastructure facilities necessitated by and attributable to the new development.

Indoor Entertainment and Recreation: An establishment offering entertainment and/or recreation to the general public, where the activity takes place indoors. Such uses generally include, but are not limited to: physical fitness centers, indoor swimming pools, arcades/game rooms, indoor tennis facilities and bowling alleys.

Kennel: An establishment in which more than four (4) dogs or four (4) cats are sold, housed, bred, boarded, or trained for a fee.

Land use ordinance: An ordinance or regulation of general application adopted by the municipal legislative body which controls, directs or delineates allowable uses of land and the standards for those uses.

Legal Agent: A person authorized to act for and under the direction of another person when dealing with the Town. An agent can enter into binding agreements on the principal's behalf and may even create liability for said person.

Light Manufacturing Assembly Plant: A facility where parts are assembled into finished products. In an assembly plant, parts, components and other materials are typically produced elsewhere, whether by the assembly company or an outside vendor, and delivered to the assembly plant as needed.

Lot: An area of land in single ownership, or single 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 areas 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 serving more than two lots.

Lot coverage: The percentage of a lot covered by all impervious area.

Lot lines: The lines bounding a lot as defined below:

1. Front lot line: interior lots - the line separating the lot from a street right-of-way; corner or through lots - the line separating the lot from either street right-of-way. Where a right-of-way does not exist or cannot be determined, the front lot line shall be the edge of the paved or graveled area of the road.

2. Rear lot line: the lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to and the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front line of least dimension.

3. Side lot line: any lot line other than the front lot line or rear lot line.

Lot of record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the county registry of deeds.

Lot, shorefront: Any lot abutting a body of water that is regulated by the shoreland zoning ordinance.

Lot, through: Any interior lot having frontages on two more or less parallel streets or rights-of-way or between a street and a body of water, or a right-of-way and a body of water, or between two bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights-of-way and bodies of water shall be considered frontage, and front yards shall be provided as required.

Lot width: The distance between the side boundaries of the lot measured at the front setback line.

Manufactured housing: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by use of its own chassis or an independent chassis, to a building site.

Manufacturing: The creation of products from raw or partly wrought materials by hand, by machinery, or by other agency

Minimum lot area: The required lot area within a district for a single use. The lot area shall be determined on the basis of the “net residential acreage calculation,” contained in this Ordinance.

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

Neighborhood convenience store: A store of less than 1,500 square feet of floor space intended to serve the convenience of a residential neighborhood primarily with the sale of merchandise including such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items, that may include “sit down,” dining or “eat-in” foods or take out windows.

Net acreage: The area of a lot or lots that is usable for determining allowable densities, as set forth in the “net acreage calculations” standard of this Ordinance.

Net residential density: The number of dwelling units per net acreage.

Newspaper facility: A facility whose principle product is published materials

Non-conforming: A building, structure, use of land, or portion thereof, that legally exists on the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to all applicable provisions of this Ordinance.

Nursing home: A privately operated establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

Outdoor Storage Business: A business providing separate self-storage units for individuals or other businesses. The storage areas are typically designed to allow private access by the tenant for storing or removing property.

Parking Facility: Means any land or any interest in land, structure or portions of structures, and improvements on land or structures intended for the off-street parking of motor vehicles by the public for a fee. Any such structure may be either single or multi-level and either at, above, or below the surface.

Parks and recreation: Non-commercially operated recreation facilities open to the general public including, but not limited to playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities. The term shall not include campgrounds, or commercial recreation and amusement centers.

Permitted use: A use that is listed as a permitted use in one or more of the districts established by this Ordinance. The term shall not include any prohibited uses.

Planned unit development: A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development often includes a mixture of uses and may include streets, buildings, open spaces and other site features.

Planning Board: The Planning Board of the Town of Dover-Foxcroft.

Principal use: The primary use and chief purpose of a lot or structure.

Public and private schools: Primary and secondary schools, or parochial schools, which satisfy either of the following requirements: the school is not operated for profit or as a gainful business; or the school teaches courses of study that are sufficient to qualify attendance in compliance with State of Maine compulsory education requirements.

Public Building: Any building where access by the general public is allowed.

Public Transportation Facility: A lot or structure whose principle use is to enable the provision of passenger transportation services which are available for use by the general public

Public Utility: Any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

Public Water Supply / Public Sewer: Water supply and sewage disposal system approved by the Town Board of Selectmen for municipal operation.

Pulp Mill: A facility that processes wood chips or other plant fiber source into a different finished product using mechanical, semi-chemical or fully chemical methods

Restaurant: An establishment where meals are prepared and served to the public for consumption on the premises entirely within a completely enclosed building; and where no food or beverages are served directly to occupants of motor vehicles or directly to pedestrian traffic from an exterior service opening or counter, or any combination of the foregoing; and where customers are not permitted or encouraged by the design of the physical facilities, by advertising, or by the servicing or packaging procedures, to take food or beverage for consumption outside the enclosed building.

Retail business: A business establishment engaged in the sale, rental or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

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.

Road: An existing state, county or town way or a street dedicated for public use and shown on a plan duly approved by the Planning Board and recorded in the county registry of deeds or a road dedicated for public use and shown on a plan duly recorded in the county registry of deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term shall also include private, undedicated roads that are described in a recorded document. The term “road” shall not include those ways that have been discontinued or abandoned.

Rural area: A geographic area that is identified and designated in a municipality’s or multi-municipal region’s comprehensive plan as an area that is deserving of some level of regulatory protection from unrestricted development for purposes that may include, but are not limited to, supporting agriculture, forestry, mining, open space, wildlife habitat, fisheries habitat and scenic lands, and away from which most development projected over 10 years is diverted.

Saw Mill: A commercial facility that processes wood logs into a different sized product. (Applies to Shingle Mills etc.)

Self-storage Unit: A structure containing separate storage spaces of varying size, leased or rented on an individual basis. Structures to be one story, distance between structures is to be at least twenty-four (24) feet, outdoor storage is prohibited. Space is not to be used for anything other than storage.

Service Business: A commercial activity primarily providing services, as opposed to one primarily providing or selling tangible goods. Includes the provision of services related to the care of persons, apparel or small household appliances.

Service station: Any place of business at which gasoline, other motor fuels or oils are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

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

Special exception: A Use that would not be appropriate generally or without restriction throughout the district, but which if controlled as to number, location or relation to the neighborhood, would be acceptable. Such as use may be permitted in such districts as a special exception, if a specific provision is made in this zoning ordinance and reasonable restrictions imposed by the Planning Board are complied with.

Street: Public way for vehicular traffic which affords the principle means of access to abutting properties.

Street Frontage: Lot lines which abut a public street.

Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, driveways, parking lots, wind turbines, water towers, silos, billboards, signs, commercial park rides and games, but not including sidewalks, fences,, and field or garden walls or embankment retaining walls.

Swimming pool: An outdoor, man-made receptacle or excavation designed to hold water to a depth of at least twenty-four (24) inches, primarily for swimming or bathing, whether in the ground or above the ground.

Undue hardship: As used in this Ordinance, the words “undue hardship” shall mean all of the following:

1. That the land in question cannot yield a reasonable return; and
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; and
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 a prior owner.

A variance is not justified unless all elements are present in the case.

Use: The manner in which land or a structure is arranged, designed or intended, or is occupied.

Variance: A relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicants, a literal enforcement of the Ordinance would result in undue hardship as defined in this Ordinance. Variances permissible under this Ordinance are limited to height of buildings, structures, lot size, yard and open space sizes, frontage and setbacks.

Waste Facility: Means any lot or structure where the principle use is handling hazardous, biomedical or solid waste, waste oil, sludge or septage, including dumps. A lot or structure does not become a waste facility solely because:

- A. It is used by its owner for disposing of septage from the owner's residence;
- B. It is used to store for 90 days or less hazardous wastes generated on the same premises;
- C. It is used by individual homeowners or lessees to open burn leaves, brush, deadwood and tree cuttings accrued from normal maintenance of their residential property, when such burning is permitted; or

D. It is used by its residential owner to burn highly combustible domestic, household trash such as paper, cardboard cartons or wood boxes, when such burning is permitted.

Wood Processing Operation: Any facility where trees, logs, or wood products are cut, split or reshaped and where the finished wood products are sold.

Yard: Space on a lot not occupied with a building or structure. Porches, whether or not enclosed, shall be considered as part of the main building and shall not project into a required yard.

Zoning ordinance: A type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

APPENDIX