

TOWN OF MASARDIS

GENERAL PURPOSE ZONING ORDINANCES

ADOPTED SEPTEMBER 5, 2000

SECRETARY OF THE ARMY

DEPARTMENT OF THE ARMY

WASHINGTON, D. C.

**GENERAL PURPOSE ZONING ORDINANCE FOR THE TOWN OF
MASARDIS**

INCLUDES ALL AREAS NOT INCLUDED IN THE SHORE LAND ZONING ORDINANCES.

1.1 AUTHORITY

ORDINANCE HAS BEEN ADOPTED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE V111-A OF THE MAINE CONSTITUTION; THE PROVISIONS OF MRSA TITLE 30-A, SECTION 3001 (HOME RULE); AND THE STATE'S GROWTH MANAGEMENT LAW MRSA TITLE 30-A, SECTION 4311 ET SEQ; AS MAY BE AMENDED.

1.2 JURISDICTION

THE PROVISIONS OF THIS ORDINANCE SHALL GOVERN ALL LANDS AND ALL STRUCTURES WITHIN THE BOUNDARIES OF THE TOWN OF MASARDIS.

1.3 CONFLICT WITH OTHER LAWS

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 PROVISION IMPOSING THE GREATER RESTRICTION UPON THE USE OF LAND, BUILDINGS, OR OTHER STRUCTURES SHALL CONTROL.

1.4 SEPARABILITY

SHOULD ANY SECTION OR PART OF A SECTION OR ANY PROVISION OF THIS ORDINANCE BE DECLARED BY THE COURTS TO BE UNCONSTITUTIONAL OR INVALID, SUCH DECLARATION SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE OR ANY PART THEREOF OTHER THAN THE PART SO DECALRED TO BE UNCONSTITUTIONAL OR INVALID.

1.5 REPEAL OF PRIOR ORDINANCES

ALL PRIOR ZONING ORDINANCES FOR THE TOWN ARE REPEALED AS OF THE EFFECTIVE DATE OF THIS ORDINANCE.

1.6 EFFECTIVE DATE

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM THE DATE OF ITS ADOPTION.

1.7 AVAILABILITY

A CERTIFIED COPY OF THIS ORDINANCE SHALL BE FILED WITH THE TOWN CLERK AND SHALL BE ACCESSIBLE TO ANY MEMBER OF THE PUBLIC. COPIES SHALL BE MADE AVAILABLE AT A REASONABLE COST TO THE PERSON MAKING THE REQUEST. NOTICE OF AVAILABILITY OF THIS ORDINANCE SHALL BE POSTED.

MINIMUM ZONING ORDINANCE

ZONING ORDINANCE FOR THE TOWN OF MASARDIS, MAINE

SECTION 1. PURPOSES

THE PURPOSES OF THIS ORDINANCE ARE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE; TO FURTHER THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS; TO PREVENT AND CONTROL WATER POLLUTION; PROTECT SPAWNING GROUNDS, FISH AND AQUATIC LIFE, BIRD AND OTHER WILDLIFE HABITAT; TO INSURE THAT BUILDING SITES AND THE PLACEMENT OF STRUCTURES AND OTHER LAND USES ARE COMPATIBLE WITH RESOURCE CAPABILITY, TO CONSERVE SHORE COVER; AND TO FOSTER SOUND AND ORDERLY DEVELOPMENT WITH THE SHORELAND AREAS WHILE PROTECTING AND CONSERVING THE NATURAL AND SCENIC RESOURCES OF THE TOWN OF MASARDIS,

SECTION 2. APPLICABILITY

THE ORDINANCE APPLIES TO ALL LAND AREAS WITHIN THE TOWN OF MASARDIS.

SECTION 3. EFFECTIVE DATE

THE EFFECTIVE DATE OF THIS ORDINANCE IS _____ . A CERTIFIED COPY OF THIS ORDINANCE SHALL BE FILED WITH THE COUNTY REGISTRY OF DEEDS, ACCORDING TO THE REQUIREMENTS OF STATE LAW.

SECTION 4. 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.

SECTION 5. AMENDMENTS

5.1 INITIATION OF AMENDMENT:

AN AMENDMENT TO THIS ORDINANCE MAY BE INITIATED BY:

- (a) THE PLANNING BOARD PROVIDED A MAJORITY OF THE BOARD HAS SO VOTED.
- (b) REQUEST OF THE MUNICIPAL OFFICERS TO THE PLANNING BOARD OR
- (c) WRITTEN PETITION OF A NUMBER OF VOTERS EQUAL TO AT LEAST 10 % OF THE NUMBER OF VOTES CAST IN THE MUNICIPALITY AT THE LAST GUBERNATORIAL ELECTION.

5.2 ADOPTION OF AMENDMENT

AN AMENDMENT TO THIS ORDINANCE MAY BE ADOPTED BY:

- (a) A MAJORITY VOTE OF THE GOVERNING BODY IF THE PROPOSED AMENDMENT IS RECOMMENDED BY THE PLANNING BOARD, OR
- (b) 2/3 MAJORITY VOTE OF THE GOVERNING BODY IF THE PROPOSED AMENDMENT IS NOT RECOMMENDED BY THE PLANNING BOARD.

5.3 IN EITHER CASE, THE PLANNING BOARD SHALL HOLD A PUBLIC HEARING ON THE PROPOSED AMENDMENT AT LEAST 30 DAYS PRIOR TO THE MEETING OF THE GOVERNING BODY. NOTICE OF THE HEARING SHALL BE POSTED AT LEAST 10 DAYS IN ADVANCE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA.

5.4 INTERPRETATION OF DISTRICT BOUNDARIES:

UNLESS OTHERWISE SET FORTH IN THE OFFICIAL ZONING MAP, DISTRICT BOUNDARY LINES ARE PROPERTY LINES, THE CENTERLINES OF STREETS, ROADS AND RIGHTS OF WAY, AND THE BOUNDARIES OF THE SHORELAND AREA AS DEFINED HEREIN. WHERE UNCERTAINTY EXISTS AS TO EXACT LOCATION OF DISTRICT BOUNDARY LINES, THE BOARD OF APPEALS SHALL BE THE FINAL AUTHORITY AS TO LOCATION

NON-CONFORMING USES

- 1. THE USE OF LAND, BUILDING OR STRUCTURE ,LAWFUL AT THE TIME OF ADOPTION OR SUBSEQUENT AMENDMENT OF THIS ORDINANCE, MAY CONTINUE ALTHOUGH SUCH USE DOES NOT CONFORM TO THE PROVISIONS OF THIS ORDINANCE.**
- 2. A NON-CONFORMING BUILDING OR STRUCTURE MAY BE REPAIRED, MAINTAINED OR IMPROVED, BUT THE AREA IN NON-CONFORMING USE MAY NOT BE EXTENDED OR EXPANDED EXCEPT IN CONFORMITY WITH THE PROVISIONS OF THIS ORDINANCE.**
- 3. A NON-CONFORMING USE MAY NOT BE EXPANDED.**

DISCONTINUANCE OF NON-CONFORMING USES:

- 1. A NON-CONFORMING USE WHICH IS DISCONTINUED FOR A PERIOD OF TWO (2) YEARS MAY NOT BE RESUMED. THE USES OF THE LAND, BUILDING OR STRUCTURE SHALL THEREAFTER CONFORM TO THE PROVISIONS OF THIS ORDINANCE.**

SECTION 7

ELDER COTTAGE HOUSING OPPORTUNITY (ECHO) UNITS

- A. PURPOSE: THE PURPOSE OF THE STANDARDS IS TO PROVIDE FOR THE TEMPORARY HABITATION OF A DWELLING UNIT, TO BE OCCUPIED BY AN OLDER PERSON(S) , ON LOTS WHERE SINGLE FAMILY DWELLINGS EXIST, EXCEPT IN THE RESOURCE PROTECTION DISTRICTS, SO THAT ADULT CHILDREN MAY CARE FOR AGING PERSONS WITH A DISABILITY AS DEFINED BY MRSA 5, SECTION 4553.**
- B. GENERAL REQUIREMENTS: THE CONSTRUCTION OR PLACEMENT OF A TEMPORARY "ECHO" UNIT ON A LOT WHICH A SINGLE FAMILY DWELLING IS LOCATED MAY BE ALLOWED BY A PERMIT GRANTED BY THE CODE ENFORCEMENT OFFICER REGARDLESS OF A NON-CONFORMING LOT SIZE AND FRONTAGE IF THE FOLLOWING ARE MET:**

1. THE OWNER OF THE PRINCIPAL STRUCTURE MUST RESIDE IN EITHER THE PRINCIPAL STRUCTURE OR THE "ECHO" UNIT.
2. THE OWNER OF THE PRINCIPAL STRUCTURE SHALL BE RELATED TO OCCUPANTS OF THE "ECHO" UNIT BY BLOOD, MARRIAGE OR ADOPTION.
3. THE OCCUPANTS OF THE "ECHO" UNIT OR THE PRINCIPAL STRUCTURE MUST BE AT LEAST 62 YEARS OF AGE OR BE UNABLE TO LIVE INDEPENDENTLY DUE TO DISABILITY.
4. THE NUMBER OF OCCUPANTS OF THE "ECHO" UNIT SHALL BE LIMITED TO TWO (2) PERSONS.
5. ALL ZONING SETBACKS AND LOT COVERAGE REQUIREMENTS CONTAINED WITHIN THIS ORDINANCE SHALL BE MET. WHEREVER POSSIBLE, THE UNIT SHALL BE PLACED TO THE SIDE OR REAR OF EXISTING STRUCTURES.
6. THERE WILL BE A SEPARATION OF A MINIMUM OF FIFTEEN (15) FEET BETWEEN THE PRINCIPAL DWELLING AND THE "ECHO" UNIT.
7. THE MAXIMUM SIZE OF THE TEMPORARY "ECHO" UNIT SHALL BE 600 SQUARE FEET OF LIVING SPACE AND SHALL BE LIMITED IN SIZE TO ACCOMMODATE TWO (2) BEDROOMS. NEWER MOBILE HOMES SHALL BE ALLOWED AS "ECHO" UNITS.
8. THE SUBSURFACE SEWAGE DISPOSAL SYSTEM ON THE PROPERTY SHALL BE SUFFICIENT SIZE TO ACCOMMODATE THE ADDITIONAL FLOW. IN ADDITION, THERE SHALL BE SUFFICIENT LAND AREA FOR AN EXPANSION OR REPLACEMENT SYSTEM WHICH IS IN COMPLIANCE WITH THE STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES, IF NEEDED.
9. PROPER INGRESS AND EGRESS SHALL BE PROVIDED TO AN "ECHO" UNIT.
10. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE REPLACEMENT OR CONSTRUCTION OF AN "ECHO" UNIT BY THE CODE ENFORCEMENT OFFICER, THE OWNER OF THE PROPERTY SHALL SIGN A BINDING AGREEMENT LIMITING THE APPROVAL OF AN "ECHO" UNIT FOR THE PURPOSES SET FORTH IN THIS SUBSECTION AND THAT "ECHO" UNIT MUST BE REMOVED WITHIN NINETY (90) DAYS FROM THE DATE OF OCCUPANCE CESSATION OR WHEN NO QUALIFIED PERSON LIVES WITHIN.

SECTION 8.

8.1 PURPOSE:

TO ALLOW A MAXIMUM DIVERSITY OF USES, WHILE PROTECTING THE PUBLIC HEALTH AND SAFETY, ENVIRONMENTAL QUALITY AND ECONOMIC WELL - BEING OF THE MUNICIPALITY, BY IMPOSING MINIMUM CONTROLS ON THOSE USES WHICH, BY VIRTUE OF THEIR EFFECTS (WASTE DISCHARGES, NOISE, GLARE, FUMES, SMOKE, DUST, ODORS OR AUTO, TRUCK, OR RAIL TRAFFIC) COULD OTHERWISE CREATE NUISANCES OR UNSAFE OR UNHEALTHY CONDITIONS.

8.2 BASIC REQUIREMENTS:

PERMITTED USES AND CONDITIONAL USES SHALL CONFORM TO ALL DIMENSIONAL REQUIREMENTS AND OTHER APPLICABLE REQUIREMENTS OF THIS ORDINANCE. A PLUMBING PERMIT AND BUILDING OR USE PERMIT SHALL BE REQUIRED FOR ALL BUILDINGS, USES, AND SANITARY FACILITIES, ACCORDING TO THE PROVISIONS OF SECTION 13.2 AND 13.3 OF THIS ORDINANCE.

8.3 PERMITTED USES:

THE FOLLOWING USES ARE PERMITTED IN THE GENERAL PURPOSE DISTRICT.

1. RURAL

- (a) OPEN SPACE USE
- (b) AGRICULTURE AND GARDENING
- (c) SALE OF PRODUCE AND PLANTS RAISED ON THE PREMISES, OR SEASONAL SALE OF PRODUCE AND PLANTS NOT RAISED ON THE PREMISES.
- (d) TIMBER HARVESTING
- (e) PUBLIC OR PRIVATE RECREATION FACILITIES INCLUDING PARKS PLAY- GROUND, GOLF COURSES, DRIVING RANGES AND SWIMMING POOLS, BUT EXCLUDING CAMPGROUNDS.
- (f) ACCESSORY USES AND STRUCTURES

2. RESIDENTIAL

- (1) SINGLE FAMILY DWELLING, INCLUDING SINGLE CAMP, OR MOBILE HOME.
- (2) TWO FAMILY DWELLING
- (3) HOME OCCUPATIONS
- (4) ACCESSORY USES AND STRUCTURES

3. COMMERCIAL AND INDUSTRIAL.

FACILITIES HAVING LESS THAN 2500 SQUARE FEET OF GROSS FLOOR AREA AND LESS THAN 40,000 SQUARE FEET OF LOT AREA AND EMPLOYING LESS THAN 6 FULL TIME EMPLOYEES OR EQUIVALENT THEREOF; BUT EXCLUDING FACILITIES OFFERING FOOD AND BEVERAGE PREPARED ON THE PREMISES AND AUTO SERVICE STATIONS OR REPAIR GARAGES.

ACCESSORY USES AND STRUCTURES.

4. PUBLIC, SEMI-PUBLIC, AND INSTITUTIONAL

- (a) CHURCHES OR OTHER PLACES OF WORSHIP, PARISH HOUSES, RECTORIES
CONVENTS AND OTHER RELIGIOUS INSTITUTIONS.
- (b) PUBLIC BUILDINGS, SUCH AS LIBRARIES, MUSEUMS, CIVIC CENTERS,
- (c) CEMETERIES
- (d) ACCESSORY USES AND STRUCTURES.

USES WHICH ARE SIMILAR TO THE ABOVE USES.

5. OTHER

- (a) FILLING, GRADING, LAGOONING, DREDGING, OR OTHER EARTH-MOVING
ACTIVITY OPERATED IN ACCORDANCE WITH STATE LAWS, AND INVOLVING
THE REMOVAL OR FILL OF LESS THAN TEN (10) CUBIC YARDS OF MATERIAL
FROM OR ONTO ANY LOT IN ANY ONE (1) YEAR, OR REMOVAL OR FILL OF
MATERIAL INCIDENTAL TO CONSTRUCTION, ALTERATION OR REPAIR OF
A BUILDING OR IN THE GRADING AND LANDSCAPING INCIDENTAL
THERETO, OR THE REMOVAL, FILLING OR TRANSFER OF MATERIAL
INCIDENTAL TO CONSTRUCTION, ALTERATION OR REPAIR OF A PUBLIC
OR PRIVATE WAY OR ESSENTIAL SERVICES.
- (b) BOATHOUSES
- (c) PIERS AND DOCKS NOT REQUIRING A CONDITIONAL USE PERMIT.
- (d) SIGNS.

8.4. CONDITIONAL USES

THE FOLLOWING USES MAY BE ALLOWED ONLY UPON THE AUTHORIZATION
OF A WRITTEN CONDITIONAL PERMIT FROM THE PLANNING BOARD, IN
ACCORDANCE WITH THE PROVISIONS OF SECTION 13.8.3 OF THIS ORDINANCE.

1. RURAL

- (a) CAMPGROUNDS
- (b) ACCESSORY USES AND STRUCTURES
- (c) USES WHICH ARE SIMILAR TO THE ABOVE USES.

2. RESIDENTIAL

- (a) MULTI-FAMILY DWELLING
- (b) PLANNED UNIT DEVELOPMENT OR CLUSTER DEVELOPMENT
- (c) MOBILE HOME PARKS
- (d) ACCESSORY USES AND STRUCTURES
- (e) USES WHICH ARE SIMILAR TO THE ABOVE USES.

3. COMMERCIAL AND INDUSTRIAL

- (a) COMMERCIAL AND INDUSTRIAL FACILITIES NOT MEETING THE CRITERIA FOR
PERMITTED USES

MAXIMUM LOT COVERAGE

20%

- (A) A LOT ABUTTING A PUBLIC ROAD SHALL HAVE A MINIMUM ROAD FRONTAGE OF 150 FEET.
- (B) A FRONT YARD ABUTTING A PUBLIC ROAD SHALL HAVE A MINIMUM DEPTH OF 50 FEET FROM THE RIGHT A-WAY LINE OR 75 FEET FROM THE CENTER LINE, WHICHEVER DISTANCE IS GREATER. THE DEPTH OF ANY YARD ABUTTING A PUBLIC ROAD OR ANY WATER BODY SHALL CONFORM TO THE YARD REQUIREMENTS.
- (C) COMBINED WIDTH OF BOTH SIDE YARDS SHALL BE 20 FEET.

2. PRINCIPAL BUILDING

IF MORE THAN ONE PRINCIPAL BUILDING IS CONSTRUCTED ON A SINGLE LOT, ALL DIMENSIONAL REQUIREMENTS SHALL BE MET SEPARATELY FOR EACH PRINCIPAL BUILDING.

3. VISIBILITY AT CORNER LOTS

ALL CORNER LOTS SHALL BE KEPT FREE FROM VISUAL OBSTRUCTIONS FOR A DISTANCE OF 25 FEET MEASURED ALONG THE INTERSECTING STREET LINES.

4. BUILDING HEIGHT

NO BUILDING SHALL EXCEED 2 -1/2 STORIES OR 35 FEET IN HEIGHT. FEATURES OF BUILDINGS AND STRUCTURES, SUCH AS CHIMNEYS, TOWERS, VENTILATORS, AND SPIRES MAY EXCEED 35 FEET IN HEIGHT, BUT SHALL BE SET BACK FROM THE NEAREST LOT LINE A DISTANCE NOT LESS THAN THE HEIGHT OF SUCH FEATURE OR STRUCTURE, UNLESS A GREATER SETBACK IS REQUIRED BY OTHER PROVISIONS OF THIS ORDINANCE.

8.7 PERFORMANCE STANDARDS

PERMITTED USES AND CONDITIONAL USES SHALL CONFORM TO THE PERFORMANCE STANDARDS DELINEATED IN SECTION 12 OF THIS ORDINANCE FOR THE FOLLOWING:

- (a) ACCESSORY BUILDINGS
- (b) AGRICULTURE
- (c) BOATHOUSES
- (d) CAMPGROUNDS
- (e) ELEVATION OF BUILDINGS ABOVE FLOOD LEVEL
- (f) FILLING, GRADING, LAGOONING, DREDGING OR OTHER EARTH-MOVING ACTIVITY.
- (g) HOME OCCUPATIONS
- (h) MOBILE HOMES AND MOBILE HOME PARKS
- (i) MODIFICATIONS TO EXISTING STRUCTURES
- (j) MULTI-FAMILY DWELLING UNITS

- (k) OFF-STREET PARKING AND LOADING REQUIREMENTS
- (l) PIERS, DOCKS, AND OTHER SHORELAND CONSTRUCTION
- (m) PLANNED UNIT DEVELOPMENT AND CLUSTER DEVELOPMENT
- (n) SANITARY PROVISIONS
- (o) SIGNS AND BILLBOARDS
- (p) TIMBER HARVESTING
- (q) VEGETATIVE CUTTING
- (r) WATER QUALITY PROTECTION

SECTION 9. PERFORMANCE STANDARDS

9.1 ACCESSORY BUILDINGS

NO GARAGE OR OTHER ACCESSORY BUILDING SHALL BE LOCATED IN A REQUIRED FRONT YARD. WHEN LOCATED TO THE REAR OF THE MAIN BUILDING, THE ACCESSORY BUILDING SHALL BE SET BACK AT LEAST 10 FEET FROM THE SIDE.

9.2 AGRICULTURE

1. 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 SOIL AND WATER CONSERVATION COMMISSION IN JULY 1972.
2. WHERE SOIL IS TILLED, AN UNTILLED FILTER STRIP OF NATURAL VEGETATION SHALL BE RETAINED BETWEEN THE TILLED GROUND AND THE NORMAL HIGH WATER ELEVATION OF THE SURFACE WATER AREAS PROTECTED BY THESE DISTRICTS. THE WIDTH OF THIS STRIP SHALL VARY ACCORDING TO THE AVERAGE SLOPE.

AVERAGE SLOPE OF LAND BETWEEN TILLED LAND AND NORMAL HIGH WATER ELEVATION (PERCENT)	WIDTH OF STRIP BETWEEN TILLED LAND AND NORMAL HIGH WATER ELEVATION (FEET ALONG SURFACE OF GROUND)
0 - 4	50
5 - 9	70
10 - 14	90
15 AND OVER	110

3. AGRICULTURE PRACTICES SHALL BE CONDUCTED TO MINIMIZE SOIL EROSION, SEDIMENTATION, CONTAMINATION, AND NUTRIENT ENRICHMENTS OF GROUND AND SURFACE WATERS.

4. **AGRICULTURE PRACTICES NOT IN CONFORMANCE WITH THESE STANDARDS MAY BE ALLOWED BY CONDITIONAL USE PERMIT.**

9.3 CAMPGROUNDS

CAMPGROUNDS SHALL CONFORM TO THE MINIMUM REQUIREMENTS IMPOSED UNDER STATE LICENSING PROCEDURES AND THE FOLLOWING:

1. **RECREATIONAL VEHICLE AND TENTING AREAS CONTAINING APPROVED WATER CARRIED SEWAGE FACILITIES SHALL MEET THE FOLLOWING CRITERIA:**
 - (a) **EACH RECREATIONAL VEHICLE, TENT, OR SHELTER SITE SHALL CONTAIN MINIMUM OF 5000 SQUARE FEET, NOT INCLUDING ROADS AND DRIVEWAYS, AND SHALL BE A MINIMUM OF AT LEAST 50 FEET WIDE.**
 - (b) **A MINIMUM OF 200 SQUARE FEET OF OFF-STREET PARKING PLUS MANEUVERING SPACE SHALL BE PROVIDED FOR EACH RECREATIONAL VEHICLE, TENT OR SHELTER SITE.**
 - (c) **EACH RECREATIONAL VEHICLE, TENT OR SHELTER SITE SHALL BE PROVIDED WITH A PICNIC TABLE, TRASH CANS AND FIREPLACE.**
2. **WILDERNESS RECREATIONAL AREAS WITHOUT WATER CARRIED SEWAGE FACILITIES SHALL CONTAIN A MINIMUM OF 20,000 SQUARE FEET, NOT INCLUDING ROADS AND DRIVEWAYS, FOR EACH RECREARIONAL VEHICLE TENT OR SHELTER SITE.**
3. **THE AREA INTENDED FOR PLACEMENT OF THE RECREATIONAL VEHICLE TENT, OR SHELTER AND UTILITY AND SERVICE BUILDINGS, SHALL BE SET BACK A MINIMUM OF 100 FEET FROM THE EXTERIOR LOT LINES OF THE CAMPING AREA AND 100 FEET FROM THE NORMAL HIGH WATER ELEVATION OF ANY WATERBODY.**
4. **ALL CAMPGROUNDS SHALL BE SCREENED FROM ADJACENT LAND AREAS BY A CONTINUOUS LANDSCAPE AREA NOT LESS THAN 25 FEET IN WIDTH CONTAINING EVERGREEN SHRUBS, TREES, FENCES, WALLS OR ANY COMBINATION WHICH FORMS AN EFFECTIVE VISUAL BARRIER OF NOT LESS THAN SIX (6) FEET IN HEIGHT.**

9.4 ELEVATION OF BUILDINGS ABOVE FLOOD LEVEL

ALL BUILDINGS SHALL HAVE THEIR LOWEST FLOOR AND THEIR HEATING, ELECTRICAL, SEPTIC TANK, FILTER FIELD AND OTHER VITAL UTILITY FACILITIES CONSTRUCTED AT AN ELEVATION NOT LESS THAN TWO (2) FEET ABOVE THE LEVEL OF THE REGIONAL FLOOD OR, IF THIS IS UNKNOWN OR CAN NOT BE EASILY DETERMINED, TWENTY (20) FEET ABOVE THE NORMAL HIGH WATER ELEVATION OF A WATERBODY. IN ADDITION, THE GROUND LEVEL SURROUNDING BUILDINGS SHALL BE RAISED TO AN ELEVATION NOT LESS THAN ONE (1) FOOT ABOVE THE REGIONAL FLOOD, OR NINETEEN (19) FEET ABOVE THE NORMAL HIGH WATER ELEVATION OF A WATERBODY. SUCH FILL SHALL EXTEND FOR A MINIMUM HORIZONTAL DISTANCE OF FIFTEEN (15) FEET FROM THE OUTER SURFACE OF BUILDING WALLS.

9.5 FILLING, GRADING, LAGOONING, DREDGING OR OTHER EARTH-MOVING ACTIVITY.

1. GENERAL

THE FOLLOWING PROVISIONS SHALL APPLY TO FILLING, GRADING, LAGOONING, DREDGING, EXCAVATION, PROCESSING AND STORAGE OF SOIL, EARTH, LOAM, SAND, GRAVEL, ROCK AND OTHER MINERAL DEPOSITS. FILLING, GRADING, LAGOONING, DREDGING AND OTHER EARTH-MOVING ACTIVITY WHICH WOULD RESULT IN EROSION, SEDIMENTATION OR IMPAIRMENT OF WATER QUALITY OF FISH AND AQUATIC LIFE IS PROHIBITED.

2. EARTH MOVING NOT REQUIRING A CONDITIONAL USE PERMIT

THE FOLLOWING EARTH-MOVING ACTIVITY SHALL BE WITHOUT A CONDITIONAL USE PERMIT AUTHORIZATION FORM THE PLANNING BOARD.

- (a) THE REMOVAL OR FILLING OF LESS THAN TEN (10) CUBIC YARDS OF MATERIAL FROM OR ONTO ANY LOT IN ANY ONE (1) YEAR
- (b) THE REMOVAL OR FILLING OF MATERIAL INCIDENTAL TO CONSTRUCTION, ALTERATION OR REPAIR OF A BUILDING OR IN THE GRADING AND LANDSCAPING INCIDENTAL THERETO; AND
- (c) THE REMOVAL, FILLING OR TRANSFER OF MATERIAL INCIDENTAL TO CONSTRUCTION, ALTERATION OR REPAIR OF A PUBLIC OR PRIVATE WAY OR ESSENTIAL SERVICES.

ALL OTHER EARTH-MOVING PROCESSING AND STORAGE SHALL REQUIRE A CONDITIONAL USE PERMIT AUTHORIZED BY THE PLANNING BOARD.

3. APPLICATION FOR CONDITIONAL USE PERMIT

APPLICATION FOR A CONDITIONAL USE PERMIT FROM THE PLANNING BOARD FOR EXCAVATION, PROCESSING AND STORAGE OF SOIL, LOAM, SAND, GRAVEL, ROCK AND OTHER MINERAL DEPOSITS SHALL BE ACCOMANIED BY A PLAN PREPARED BY A REGISTERED LAND SURVEYOR OR REGISTERED PROFESSIONAL ENGINEER WHICH SHALL SHOW:

- (a) THE NAME AND CURRENT ADDRESS OF THE OWNER OF THE PROPERTY INVOLVED
- (b) THE LOCATION AND BOUNDARIES OF THE LOT OR LOTS FOR WHICH THE PERMIT IS REQUESTED.
- (c) THE LOCATION OF ALL PROPOSED ACCESS ROADS AND TEMPORARY STRUCTURES.
- (d) THE PROPOSED PROVISIONS FOR DRAINAGE AND EROSION CONTROL INCLUDING DRAINAGE CALCULATIONS; AND
- (e) OTHER INFORMATION NECESSARY TO INDICATE THE PHYSICAL CHARACTERISTICS OF THE PROPOSED OPERATION.

4. CONDITIONS OF PERMIT

THE PLANNING BOARD MAY AUTHORIZE A CONDITIONAL USE PERMIT PROVIDING THE FOLLOWING CONDITIONS ARE MET :

- (a) THE SMALLEST AMOUNT OF BARE GROUND SHALL BE EXPOSED FOR THE SHORTEST TIME FEASIBLE. THE PLANNING BOARD SHALL SET A SPECIFIC DATE AFTER WHICH BARE GROUND SHALL NOT BE EXPOSED.
- (b) TEMPORARY GROUND COVER SUCH AS MULCH SHALL BE USED. THE PLANNING BOARD SHALL SET A SPECIFIC DATE BY WHICH PERMANENT GROUND COVER SHALL BE PLANTED.
- (c) DIVERSIONS, SILTING BASINS, TERRACES AND OTHER METHODS TO TRAP SEDIMENT SHALL BE USED.
- (d) LAGOONING SHALL BE CONDUCTED IN SUCH A MANNER AS TO AVOID CREATION OF FISH TRAP CONDITIONS. THE APPLICANT SHALL SUBMIT WRITTEN APPROVAL FROM THE DEPARTMENT OF MARINE RESOURCES AND FISHERIES OR INLAND FISHERIES AND GAME, AS APPLICABLE PRIOR TO CONSIDERATION BY THE PLANNING BOARD.
- (e) THE EXTENT AND TYPE OF FILL SHALL BE APPROPRIATE TO THE USE INTENDED. THE APPLICANT SHALL SPECIFY THE TYPE AND AMOUNT OF FILL TO BE USED.
- (f) FILL SHALL NOT RESTRICT A FLOODWAY, CHANNEL OR NATURAL DRAINAGE WAY.
- (g) THE SIDES AND BOTTOMS OF CUTS, FILLS, CHANNELS AND ARTIFICIAL WATER COURSES SHALL BE CONSTRUCTED AND STABILIZED TO PREVENT EROSION OR FAILURE. SUCH STRUCTURES ARE TO BE DESIGNED AND BUILT ACCORDING TO THE MAINE SOIL AND WATER CONSERVATION COMMISSION, TECHNICAL GUIDE, STANDARDS AND SPECIFICATIONS.
- (h) NO BELOW-GRADE EXCAVATION EXCEPT FOR DRAINAGEWAYS SHALL BE ALLOWED WITHIN FIFTY (50) FEET OF ANY LOT LINE OR PUBLIC ROAD.
- (i) TOPSOIL OR LOAM SHALL BE RESTORED TO A DEPTH OF NOT LESS THAN FOUR (4) INCHES.
- (j) APPLICANT SHALL SUBMIT WRITTEN APPROVAL FROM THE APPROPRIATE SOIL AND WATER CONSERVATION DISTRICT.

5. OPTIONAL CONDITIONS OF PERMIT

THE PLANNING BOARD MAY IMPOSE OTHER REASONABLE CONDITIONS TO SAFEGUARD THE NEIGHBORHOOD AND THE MUNICIPALITY WHICH MAY INCLUDE THOSE RELATING TO:

- (a) METHODS OF REMOVAL OR PROCESSING
- (b) HOURS OF OPERATION
- (c) TYPE AND LOCATION OF TEMPORARY STRUCTURES
- (d) ROUTES FOR TRANSPORTING MATERIAL
- (e) AREA AND DEPTH OF EXCAVATIONS
- (f) PROVISION OF TEMPORARY OR PERMANENT DRAINAGE
- (g) DISPOSITION OF STUMPS, BRUSH AND BOULDERS
- (h) CLEANING, REPAIR AND/OR SURFACING OF STREETS USED IN REMOVAL ACTIVITY WHICH HAVE BEEN ADVERSELY BY SAID ACTIVITY.

6. SURETY AND TERM OF PERMIT

NO PERMIT SHALL BE ISSUED WITHOUT A BOND OR OTHER SECURITY TO INSURE COMPLIANCE WITH SUCH CONDITIONS AS THE PLANNING BOARD MAY IMPOSE. NO PERMIT SHALL BE ISSUED FOR A PERIOD TO EXCEED THREE (3) YEARS. ALTHOUGH SUCH PERMIT MAY BE RENEWED FOR ADDITIONAL PERIODS IN THE SAME MANNER.

7. EXISTING OPERATIONS

ANY OPERATION INVOLVING THE EXCAVATION, PROCESSING OR STORAGE OF SOIL, EARTH, LOAM, GRAVEL ROCK OR OTHER MINERAL DEPOSITS IN LAWFUL OPERATION AT THE TIME THIS ORDINANCE BECOMES EFFECTIVE MAY OPERATE FOR A PERIOD OF THREE (3) YEARS FROM THE EFFECTIVE DATE. DISCONTINUANCE OF ANY EXISTING OPERATION FOR A PERIOD OF MORE THAN ONE (1) YEAR SHALL REQUIRE APPLICATION FOR A NEW PERMIT. CONTINUATION OF ANY EXISTING OPERATION FOR MORE THAN THREE (3) YEARS SHALL REQUIRE A PERMIT FROM THE PLANNING BOARD.

9.6 HOME OCCUPATIONS

- (1) HOME OCCUPANTS SHALL BE CARRIED ON WHOLLY WITHIN THE PRINCIPAL BUILDING OR OTHER STRUCTURE ACCESSORY TO IT.
- (2) NOT MORE THAN TWO (2) PERSONS OUTSIDE THE FAMILY SHALL BE EMPLOYED IN THE HOME OCCUPATION.
- (3) THERE SHALL NBE NO EXTERIOR DISPLAY, NO EXTERIOR SIGN (EXCEPT AS PERMITTED BY THE PROVISIONS OF THIS ORDINANCE), NO EXTERIOR STORAGE OF MATERIALS AND NO OTHER EXTERIOR INDICATION OF THE HOME OCCUPATION OR VARIATION FROM THE RESIDENTIAL CHARACTER OF THE PRINCIPAL BUILDING.
- (4) NO NUISANCE, WASTE DISCHARGE, OFFENSIVE NOISE, VIBRATION, SMOKE DUST, ODORS, HEAT, GLARE OR RADIATION SHALL BE GENERATED.

9.7 MOBILE HOMES AND MOBILE PARKS

1. MOBILE HOMES NOT IN A MOBILE PARK.

MOBILE HOME PARKS SHALL MEET STATE REQUIREMENTS FOR MOBILE HOME PARKS AND ALL OF THE FOLLOWING:

- (a) MOBILE HOME PARKS SHALL MEET ALL REQUIREMENTS FOR A RESIDENTIAL SUB-DIVISION AND SHALL CONFORM TO ALL APPLICABLE STATE LAWS AND LOCAL ORDINANCES.
- (b) THE MINIMUM AREA OF LAND WITHIN THE PARK SHALL BE 10 ACRES.
- (c) LOTS IN A MOBILE HOME PARK SHALL MEET ALL OF THE DIMENSIONAL AND AREA REQUIREMENTS FOR THE SINGLE FAMILY DWELLINGS FOR THE DISTRICT IN WHICH THE PARK IS SITUATED.
- (d) NO MOBILE HOME SHALL BE PLACED WITHIN 35 FEET OF ANY OTHER MOBILE HOME.
- (e) MOBILE HOME SET UP MUST CONFORM WITH MAINE STATE INSTALLATION STANDARDS.

- (f) ALL MOBILE HOMES IN A MOBILE HOME PARK SHALL BE CONNECTED TO A COMMON WATER SUPPLY AND DISTRIBUTION SYSTEM, EITHER PUBLIC OR PRIVATE, AT NO EXPENSE TO THE MUNICIPALITY.
- (g) ALL MOBILE HOME IN A MOBILE HOME PARK SHALL BE CONNECTED TO A SANITARY SEWER SYSTEM, IF AVAILABLE, OR TO A CENTRAL COLLECTION AND TREATMENT SYSTEM, IN ACCORDANCE WITH THE SANITARY PROVISIONS OF THIS ORDINANCE.
- (h) A CONTINUOUS LANDSCAPED AREA NOT LESS THAN 25 FEET IN WIDTH CONTAINING EVERGREEN SHRUBS, TREES, FENCES, WALLS, OR ANY COMBINATION WHICH FORMS AN EFFECTIVE VISUAL BARRIER OF NOT LESS THAN SIX (6) FEET IN HEIGHT SHALL BE LOCATED ON ALL EXTERIOR LOT LINES OF THE PARK, EXCEPT FOR THAT DRIVEWAYS SHALL BE KEPT OPEN TO PROVIDE VISIBILITY FOR VEHICLES ENTERING OR LEAVING THE PARK.
- (I) PERMANENT ADDITIONS OF SIMILAR CONSTRUCTION TO THE ORIGINAL UNIT MAY BE PERMITTED.

9.8 MODIFICATIONS TO EXISTING STRUCTURES

1. NO EXTERNAL MODIFICATIONS OR ADDITIONS TO ANY STRUCTURE SUBJECT TO FLOOD DAMAGE ARE PERMITTED UNLESS SUCH MODIFICATION WILL NOT INCREASE THE FLOOD DAMAGE POTENTIAL OF THE STRUCTURE AND WILL NOT CAUSE THE STRUCTURE TO INCREASE THE DEGREE OF OBSTRUCTION TO FLOOD FLOWS.
2. ANY INTERNAL MODIFICATION OF AN EXISTING BUILDING MAY BE PERMITTED IF SUCH MODIFICATION WILL NOT ENDANGER HUMAN LIVES OR INCREASE THE FLOOD DAMAGE POTENTIAL OF THE REGIONAL FLOOD.

9.9 MULTI-FAMILY UNITS

1. TWO FAMILY DWELLING UNITS

LOTS FOR TWO FAMILY UNITS SHALL MEET ALL OF THE DIMENSIONAL REQUIREMENTS FOR SINGLE FAMILY UNITS, EXCEPT THAT THE LOT AREA AND SHORELINE FRONTAGE SHALL BE EQUAL TO THAT REQUIRED FOR AN EQUIVALENT NUMBER OF SINGLE DWELLING UNITS, AND THE ROAD FRONTAGE SHALL EXCEED BY 50 % THE REQUIREMENT FOR A SINGLE FAMILY DWELLING UNIT.

2. MULTI-FAMILY DWELLING UNITS

MULTI-FAMILY (3 OR MORE) DWELLING UNITS SHALL MEET ALL THE FOLLOWING CRITERIA:

- (a) LOT AREAS AND SHORELINE FRONTAGE SHALL BE EQUAL TO THAT REQUIRED FOR THE EQUIVALENT NUMBER OF THE SINGLE-FAMILY DWELLING UNIT.
- (b) THE MINIMUM ROAD FRONTAGE SHALL BE 200 FEET.
- (c) LOTS FOR MULTI-FAMILY DWELLING UNITS SHALL MEET ALL OTHER DIMENSIONAL REQUIREMENTS FOR THE SINGLE FAMILY DWELLINGS.

- (d) NO BUILDING SHALL CONTAIN MORE THAN TEN(10) DWELLING UNITS.
- (e) ALL MULTI-FAMILY DWELLINGS SHALL BE CONNECTED TO A COMMON WATER SUPPLY AND DISTRIBUTION SYSTEM, EITHER PUBLIC , AT NO EXPENSE TO THE MUNICIPALITY.
- (f) ALL MULTI-FAMILY DWELLING UNITS SHALL BE CONNECTED TO A PUBLIC OR PRIVATE SEWER SYSTEM, IF AVAILABLE, OR TO A CENTRAL COLLECTION AND TREATMENT SYSTEM IN ACCORDANCE WITH THE SANITARY PROVISIONS OF THE ORDINANCE.
- (g) NO PARKING AREA SHALL BE LOCATED WITHIN THE REQUIRED YARD AREAS.

9.10 OFF STREET PARKING AND LOADING REQUIREMENTS

1. BASIC REQUIREMENTS

IN ANY DISTRICT WHERE PERMITTED, NO USE OF PREMISES SHALL BE AUTHORIZED OR EXTENDED, AND NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED OR ENLARGED UNLESS THERE IS PROVIDED FOR SUCH EXTENSION, CONSTRUCTION OR ENLARGEMENT, OFF-STREET AUTOMOBILE PARKING SPACE WITHIN THREE HUNDRED(300) FEET OF THE PRINCIPLE BUILDING, STRUCTURE OR USE OF THE PREMISES, IN ACCORDANCE WITH THE FOLLOWING SCHEDULE OF PARKING REQUIREMENTS. AN AREA OF TWO HUNDRED (200) SQUARE FEET APPROPRIATE FOR THE PARKING OF AN AUTOMOBILE, EXCLUSIVE OF MANEUVERING SPACE, SHALL BE CONSIDERED AS ONE OFF-STREET PARKING SPACE. NO REQUIRED PARKING SPACE SHALL, FOR THE PURPOSE OF THIS ORDINANCE, SERVE MORE THAN ONE USE. NO OFF-STREET PARKING FACILITY SHALL HAVE MORE THAN TWO ENTRANCES AND EXITS ON THE SAME STREET, AND NO ENTRANCE OR EXIT SHALL EXCEED 26 FEET IN WIDTH. PARKING AREAS WITH MORE THAN TWO(2) PARKING SPACES SHALL BE SO ARRANGED THAT VEHICLES CAN BE TURNED AROUND WITHIN SUCH AREAS AND ARE PREVENTED FROM BACKING INTO THE STREET,

2. SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS

- (a) TWO (2) SPACES PER DWELLING UNIT.
- (b) ONE (1) SPACE FOR EACH SLEEPING ROOM IN A TOURIST HOME, BOARDING OR LODGING HOUSE, MOTEL OR HOTEL.
- (c) ONE (1) SPACE FOR EACH RECREATIONAL VEHICLE, TENT OR SHELTER SITE IN A CAMPGROUND.
- (d) ONE (1) SPACE FOR EACH TWO (2) BEDS IN A HOSPITAL OR SANITARIUM.
- (e) ONE (1) SPACE FOR EACH FOUR (4) BEDS FOR OTHER INSTITUTIONS, DEVOTED TO THE BOARD, CARE OR TREATMENT OF PERSONS.
- (f) ONE (1) SPACE FOR EACH ONE HUNDRED FIFTY (150) SQUARE FEET OR FRACTION THEREOF, OF FLOOR AREA OF ANY RETAIL, WHOLESALE, OR SERVICE ESTABLISHMENT OR OFFICE OF PROFESSIONAL BUILDING.
- (g) ONE (1) SPACE FOR EACH THREE (3) SEATS, PERMANENT OR OTHERWISE FOR PATRON USE FOR RESTAURANTS, AND OTHER PLACES SERVING FOOD OR BEVERAGE AND FOR THEATERS, AUDITORIUMS AND OTHER PLACES OF AMUSEMENT OR ASSEMBLY.

- (h) ONE (1) SPACE FOR EACH PERSON EMPLOYED OR ANTICIPATED TO BE EMPLOYED ON THE LARGEST SHIFT FOR ALL TYPES OF COMMERCIAL, INDUSTRIAL OR OTHER PERMITTED USES.
- (i) ADEQUATE SPACES SHALL BE PROVIDED TO ACCOMMODATE CUSTOMERS, PATRONS AND EMPLOYEES AT AUTOMOBILE SERVICE STATIONS, DRIVE-IN ESTABLISHMENTS, OPEN AIR RETAIL BUSINESSES AND AMUSEMENTS AND OTHER PERMITTED USES NOT SPECIFICALLY ENUMERATED.

3. OFF-STREET LOADING.

IN ANY DISTRICT WHERE PERMITTED OR ALLOWED, COMMERCIAL OR INDUSTRIAL USES SHALL PROVIDE, AS NECESSARY, OFF-STREET LOADING FACILITIES LOCATED ENTIRELY ON THE SAME LOT AS THE BUILDING OR USE TO BE SERVED SO THAT TRUCKS, TRAILERS AND CONTAINERS SHALL NOT BE LOCATED FOR LOADING OR STORAGE UPON ANY PUBLIC WAY.

2.11 PLANNED UNIT DEVELOPMENT AND CLUSTER DEVELOPMENT

- 1. THE PURPOSE OF THESE PROVISIONS IS TO ALLOW FOR NEW CONCEPTS OF HOUSING DEVELOPMENT WHERE MAXIMUM VARIATIONS OF DESIGN MAY BE ALLOWED, PROVIDED THAT THE NET RESIDENTIAL DENSITY SHALL BE NOT GREATER THAN IS PERMITTED IN THE DISTRICT IN WHICH THE DEVELOPMENT IS PROPOSED.

2. BASIC REQUIREMENTS

PLANNED UNIT DEVELOPMENT AND CLUSTER DEVELOPMENT SHALL MEET ALL OF THE FOLLOWING CRITERIA:

- (a) ALL PLANNED UNIT DEVELOPMENT AND CLUSTER DEVELOPMENT SHALL MEET ALL REQUIREMENTS FOR A RESIDENTIAL SUBDIVISION.
- (b) ANY LOT ABUTTING A PUBLIC ROAD SHALL HAVE A FRONTAGE AND AREA NO LESS THAN THAT NORMALLY REQUIRED IN THE DISTRICT. ON OTHER THAN PUBLIC ROADS, LOT AREA AND ROAD FRONTAGE MAY BE REDUCED BY NOT MORE THAN 30 % FROM THE REQUIREMENTS OF THE DISTRICT IN WHICH THE PROPOSED DEVELOPMENT IS LOCATED PROVIDED THAT :
 - (1) NO BUILDING LOT SHALL HAVE AN AREA OF LESS THAN 20,000 SQUARE FEET.
 - (2) ALL LOTS EXCEPT THOSE ABUTTING A CIRCULAR TURN-AROUND SHALL HAVE A MINIMUM FRONTAGE OF 75 FEET. THE FRONTAGE OF LOTS ABUTTING A CIRCULAR TURN-AROUND MAY BE REDUCED TO 50 FEET, PROVIDED THAT THE MINIMUM LOT WIDTH AT THE FACE OF THE BUILDING SHALL BE 75 FEET.
- (c) IN NO CASE SHALL SHORE FRONTAGE BE REDUCED BELOW THE MINIMUM SHORE FRONTAGE NORMALLY REQUIRED IN THE DISTRICT.

- (d) LOTS IN A PLANNED UNIT DEVELOPMENT OR CLUSTER DEVELOPMENT SHALL MEET ALL OTHER DIMENSIONAL REQUIREMENTS FOR THE DISTRICT IN WHICH THEY ARE LOCATED.
- (e) THE TOTAL AREA OF COMMON LAND WITHIN THE DEVELOPMENT SHALL EQUAL OR EXCEED THE SUM OF THE AREAS BY WHICH ANY BUILDING LOTS ARE REDUCED BELOW THE MINIMUM LOT AREA NORMALLY REQUIRED IN THE DISTRICT.
- (f) EVERY BUILDING LOT THAT IS REDUCED IN AREA BELOW THE AMOUNT NORMALLY REQUIRED SHALL ABUT SYCH COMMON LAND FOR A DISTANCE OF AT LEAST FIFTY (50) FEET.
- (g) ALL COMMON LAND FOR RECREATIONAL OR CONSERVATION PURPOSES ONLY SHALL BE OWNED JOINTLY OR IN COMMON BY THE OWNERS OF THE BUILDING LOTS, BY A TRUST OR ASSOCIATION WHICH HAS AS ITS PRINCIPAL PURPOSE THE CONSERVATION OR PRESERVATION OF LAND IN ESSENTIALLY ITS NATURAL CONDITION, OR BY THE MUNICIPALITY.
- (h) FURTHER SUB-DIVISION OF COMMON LAND OR ITS USE FOR OTHER THAN NON-COMMERCIAL RECREATION OR CONSERVATION, EXCEPT FOR EASEMENTS FOR UNDERGROUND UTILITIES, SHALL BE PROHIBITED; STRUCTURES AND BUILDINGS ACCESSORY TO NON-COMMERCIAL RECREATIONAL OR CONSERVATION USES MAY BE ERECTED ON THE COMMON LAND.
- (i) WHERE A PLANNED UNIT DEVELOPMENT OR CLUSTER DEVELOPMENT ABUTS A WATERBODY, A PORTION OF THE SHORELINE, AS WELL AS REASONABLE ACCESS TO IT, SHALL BE A PART OF THE COMMON LAND.
- (j) ALL DWELLING UNITS IN A PLANNED UNIT DEVELOPMENT OR CLUSTER DEVELOPMENT OR CLUSTER SHALL BE CONNECTED TO A COMMON WATER SUPPLY AND DISTRIBUTION SYSTEM, EITHER PUBLIC OR PRIVATE, AT NO EXPENSE TO THE MUNICIPALITY.
- (k) ALL STRUCTURES WITH REQUIRED PLUMBING IN A PLANNED UNIT DEVELOPMENT OR CLUSTER DEVELOPMENT SHALL BE CONNECTED TO A PUBLIC SANITARY SEWER SYSTEM, IF AVAILABLE, OR TO A CENTRAL COLLECTION AND TREATMENT SYSTEM, IN ACCORDANCE WITH THE SANITARY PROVISIONS OF THIS ORDINANCE.
- (l) BUILDINGS SHALL BE ORIENTED WITH RESPECT TO SCENIC VISTAS, NATURAL LANDSCAPE FEATURES, TOPOGRAPHY, AND NATURAL DRAINAGE AREAS, IN ACCORDANCE WITH AN OVERALL PLAN FOR SITE DEVELOPMENT.

9.12 SANITARY PROVISIONS

1. PURPOSE

TO PROMOTE HEALTH, SAFETY AND GENERAL WELFARE, AND TO PROTECT GROUND AND SURFACE WATERS AND PUBLIC AND PRIVATE WATER SUPPLIES FROM CONTAMINATION OR NUTRIENT ENRICHMENT, THE FOLLOWING PROVISIONS SHALL BE APPLICABLE TO THE INSTALLATION OF SANITARY WASTE DISPOSAL FACILITIES IN ALL DISTRICTS.

2. CONNECTION TO PUBLIC FACILITIES

ALL PLUMBING SHALL BE CONNECTED TO PUBLIC COLLECTION AND TREATMENT FACILITIES WHEN SUCH FACILITIES ARE AVAILABLE.

3. SUBSURFACE SEWAGE DISPOSAL

A. SOIL CONDITIONS

- (1) NO PLUMBING PERMIT SHALL BE ISSUED FOR A SUBSURFACE SEWAGE DISPOSAL SYSTEM UNLESS THE APPLICATION IS ACCOMPANIED BY A SOILS REPORT PREPARED BY A QUALIFIED SOIL SCIENTIST OR AGENCY BASED ON AN ON-SITE INVESTIGATION IDENTIFYING THE SOILS BOUNDARIES AND NAMES UPON A PLAN OF THE LOT IN ACCORD WITH THE USDA CONSERVATION SERVICE NATIONAL CO-OPERATIVE SOIL SURVEY.
- (2) NO PLUMBING PERMIT SHALL BE ISSUED FOR A SUBSURFACE DISPOSAL SYSTEM UNLESS THERE ARE SOILS RATED "GOOD" OR "FAIR" FOR THE PROPOSED USE BY THE SOIL SUITABILITY GUIDE FOR LAND USE PLANNING IN MAINE, IN SUFFICIENT QUANTITY TO ACCOMMODATE THE PROPOSED SYSTEM, IN A LOCATION MEETING THE SETBACK REQUIREMENTS OF THIS ORDINANCE. IN NO CASE SHALL A PLUMBING PERMIT BE APPROVED UNLESS AREA OF SUCH SOILS IS GREATER THAN 1000 SQUARE FEET.
- (3) WITHIN 250 FEET OF THE NORMAL HIGH WATER ELEVATION OF ALL WATER BODIES NO PLUMBING PERMIT SHALL BE ISSUED FOR A SUBSURFACE SEWAGE DISPOSAL SYSTEM IN ANY SOILS RATED "POOR" FOR SUCH USE BY THE SOIL SUITABILITY GUIDE FOR LAND USE PLANNING IN MAINE.
 - (a) IN ALL OTHER AREAS, A CONDITIONAL USE PERMIT MAY BE ISSUED FOR SUBSURFACE SEWAGE DISPOSAL FACILITIES LOCATED IN SOILS RATED "POOR" FOR SUCH USE PROVIDED THAT:
 - (1) A PLAN TO CONSTRUCT AN ADEQUATE ABSORPTION AREA IN CONFORMANCE WITH THE REQUIREMENTS OF THE STATE PLUMBING CODE IS PREPARED BY A REGISTERED ENGINEER AND SUBMITTED FOR PLANNING BOARD REVIEW.
 - (2) ANY SYSTEM APPROVED BY THE PLANNING BOARD UNDER THIS SECTION IS SUPERVISED BY THE CODE ENFORCEMENT OFFICER DURING INSTALLATION.
 - (3) THE DISTANCE FROM THE OUTER EDGES OF THE TOTAL CONSTRUCTED AREA TO THE NEAREST LOT LINE SHALL BE A MINIMUM OF 50 FEET.

4. PRIVIES

PRIVIES MAY BE PERMITTED IN AREAS NOT SERVED BY COMMUNITY SEWER FACILITIES AND WHERE OTHER MEANS OF SEWAGE DISPOSAL ARE NOT FEASIBLE, UNDER THE FOLLOWING CONDITIONS:

- (A) NO PLUMBING OF ANY KIND SHALL BE CONNECTED TO OR DISCHARGED INTO THE PRIVY PIT.
- (B) THE PRIVY SHALL BE LOCATED AT MINIMUM HORIZONTAL DISTANCES OF:
 - (1) 25 FEET FROM THE NEAREST PROPERTY LINE.
 - (2) 100 FEET FROM THE NORMAL HIGH WATER ELEVATION OF A WATERBODY.
 - (3) 100 FEET FROM A PRIVATE WELL.

- (C) THE BOTTOM OF A PRIVY PIT SHALL BE AT LEAST TWO FEET ABOVE BEDROCK AND THE GROUND WATER TABLE AT ITS HIGHEST POINT OR HAVE A WATERTIGHT VAULT.
- (D) PRIVIES SHALL NOT BE PERMITTED IN AREAS SUBJECT TO FLOODING.

5. HOLDING TANKS

- (A) HOLDING TANKS FOR SANITARY WASTE MAY BE PERMITTED IN ALL DISTRICTS AS A CONDITIONAL USE ONLY AFTER APPROVAL BY THE PLANNING BOARD AND THE MAINE DEPARTMENT OF HEALTH AND WELFARE. THE TERMS OF THE CONDITIONAL USE PERMIT SHALL SPECIFY THAT:
 - (1) AS CONTRACT OR OTHER ARRANGEMENT SHALL BE MADE FOR THE PERIODIC AND CONTINUING REMOVAL OF WASTES FROM THE TANK FROM THE TIME OF INSTALLATION OF THE TANK,
 - (2) THE WASTE IS DISPOSED OF AT A MUNICIPAL SEWAGE TREATMENT PLANT OR OTHER FACILITY APPROVED BY THE PLANNING BOARD AND THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION.
 - (3) THE HOLDING TANK AND CONNECTIONS ARE COMPLETELY WATER TIGHT.
 - (4) CONSTRUCTION IS OF IMPERVIOUS MATERIAL
 - (5) THE TANK IS NOT LOCATED IN AN AREA SUBJECT TO FLOODING OR IN SOILS SUBJECT TO SEVERE FROST ACTION.
- B. THE SETBACK FROM A SHORELINE FOR A HOLDING TANK, WHERE PERMITTED, SHALL BE EQUAL TO THAT OF THE PRINCIPAL BUILDING BUT SHALL IN NO INSTANCE BE LESS THAN 100 FEET.

6. OTHER SYSTEMS

OTHER SYSTEMS OF SANITARY WASTE DISPOSAL MAY BE PERMITTED IN ALL DISTRICTS AS A CONDITIONAL USE ONLY AFTER APPROVAL BY THE PLANNING BOARD.

- (A) ALTERNATIVE SYSTEMS SHALL BE PRESENTED TO THE PLANNING BOARD ON A PLAN PREPARED BY A REGISTERED ENGINEER AND SHALL BE SUBJECT TO REVIEW AND APPROVAL OF THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND/OR THE MAINE DEPARTMENT OF HEALTH AND WELFARE.

7. SETBACKS

- (A) IN ALL DISTRICTS, THE MINIMUM SETBACK FOR UNDERGROUND SEWAGE DISPOSAL FACILITIES FROM THE NORMAL HIGH WATER ELEVATION OF A WATERBODY SHALL BE AT LEAST EQUAL TO THAT OF THE PRINCIPAL BUILDING. IN NO CASE SHALL THE SETBACK FROM ANY SHORELINE BE LESS THAN 100 HORIZONTAL FEET. WHERE DAILY SEWAGE FLOW EXCEEDS 2000 GALLONS, MINIMUM SETBACK SHALL BE 3000 FEET FROM ANY SHORELINE.

(B) EXCEPT AS REQUIRED IN SECTION 12.14.3, UNDERGROUND SEWAGE DISPOSAL FACILITIES, WHERE PERMITTED, SHALL BE SUBJECT TO THE FOLLOWING ADDITIONAL SETBACK PROVISIONS:

COMPONENTS	DAILY SEWAGE FLOW LESS THAN 2000 GAL.		DAILY SEWAGE FLOW IN EXCESS OF 2000 GAL.	
	SEPTIC TANK FEET	DISPOSAL TRENCH FEET	SEPTIC TANK FEET	DISPOSAL TRENCH FEET
PROPERTY LINES	10	10	20	20
BUILDINGS	8	20	20	40
WELL/SPRING USED AS DOMESTIC WATER SUPPLY	100	100	100	100
WELL/SPRING USED AS A DOMESTIC WATER SUPPLY WITH A DAILY WATER USE IN EXCESS OF 2000 GAL.	100	300	100	300
WATER SUPPLY LINE	10	10	10	25

C. SETBACK FROM SHORELINE AND WATER SUPPLIES FOR ALL SUB-SURFACE SEWAGE DISPOSAL FACILITIES SHALL NOT BE REDUCED BY VARIANCE.

9.13 SIGNS AND BILLBOARDS

1. GENERAL

BILLBOARDS ARE PROHIBITED IN THE SHORELINE DISTRICT AND THE RESOURCE PROTECTION DISTRICT. THE FOLLOWING PROVISIONS SHALL APPLY TO SIGNS AND BILLBOARDS IN ALL DISTRICTS WHERE PERMITTED.

2. SITE, LOCATION AND ILLUMINATION

NO SIGN OR BILLBOARD SHALL BE ERECTED ADJACENT TO ANY PUBLIC WAY IN SUCH A MANNER AS TO OBSTRUCT CLEAR AND FREE VISION OR WHERE BY REASON OF ITS POSITION, SHAPE OR COLOR, ILLUMINATION OR WORDING THE SIGN OR BILLBOARD MAY INTERFERE WITH, OBSTRUCT THE VIEW OF OR BE CONFUSED WITH ANY AUTHORIZED TRAFFIC SIGN, SIGNAL OR DEVICE OR OTHERWISE CONSTITUTE A HAZARD TO PEDESTRIAN OR VEHICULAR TRAFFIC.

FLASHING, MOVING OR ANIMATED SIGNS AND BILLBOARDS ARE PROHIBITED.

NO SIGN OR BILLBOARD SHALL EXCEED TWENTY (20) FEET IN HEIGHT. NO BILLBOARD SHALL EXCEED TWO HUNDRED (200) SQUARE FEET IN AREA.

NO SIGN OR BILLBOARD SHALL BE LOCATED WITHIN THREE (3) FEET OF A STREET LINE OR OTHER LOT LINE.

3. TYPES OF SIGNS

(A) PUBLIC TRAFFIC AND DIRECTIONAL SIGNS AND SIGNS DESIGNATING PUBLIC OR SEMI-PUBLIC ACTIVITIES SHALL BE PERMITTED.

- (B) NAME SIGNS SHALL BE PERMITTED, PROVIDED SUCH SIGNS SHALL NOT EXCEED 2 SQUARE FEET IN AREA, AND SHALL NOT EXCEED TWO SIGNS PER PREMISES.
- (C) RESIDENTIAL USERS MAY DISPLAY SINGLE SIGN NOT OVER 3 SQUARE FEET IN AREA RELATING TO GOODS OR SERVICES RENDERED ON THE PREMISES, OR TO THE SALE, RENTAL, OR LEASE OF THE PREMISES.
- (D) SIGNS RELATING TO TRESPASSING AND HUNTING SHALL BE PERMITTED.
- (E) SIGNS RELATING TO GOODS AND SERVICE SOLD ON THE PREMISES SHALL BE PERMITTED, PROVIDED SUCH SIGNS SHALL NOT EXCEED SIX (6) FEET IN AREA, AND SHALL NOT EXCEED TWO (2) SIGNS PER PREMISES.

9.14 TIMBER HARVESTING
MUST CONFORM WITH STATE REGULATIONS.

9.15 WATER QUALITY PROTECTION
NO ACTIVITY SHALL LOCATE, STORE, DISCHARGE OR PERMIT THE DISCHARGE OF ANY TREATED, UNTREATED, OR INADEQUATELY TREATED LIQUID GASEOUS, OR SOLID MATERIALS OF SUCH NATURE, QUANTITY, OBNOXIOUSNESS, TOXICITY, OR TEMPERATURE THAT RUN OFF, SEEP, PERCOLATE, OR WASH INTO SURFACE OR GROUND WATERS SO AS TO CONTAMINATE POLLUTE, OR HARM SUCH WATERS OR CAUSE NUISANCES, SUCH AS OBJECTIONABLE SHORE DEPOSITS, FLOATING OR SUBMERGED DEBRIS, OIL OR SCUM, COLOR, ODOR, TASTE, OR UNSIGHTLINESS OR BE HARMFUL TO HUMAN, ANIMAL, PLANT, OR AQUATIC LIFE.

SECTION 10. ADMINISTRATION

10.1 ENFORCEMENT

THIS ORDINANCE SHALL BE ENFORCED BY THE CODE ENFORCEMENT OFFICER APPOINTED BY THE MUNICIPAL OFFICERS.

10.2 BUILDING OR USE PERMITS

- (1) ALL APPLICATIONS FOR BUILDING OR USE PERMITS SHALL BE SUBMITTED IN WRITING TO THE CODE ENFORCEMENT OFFICER ON FORMS PROVIDED FOR THE PURPOSE.
- (2) WITHIN SEVEN (7) DAYS OF THE FILING OF AN APPLICATION FOR A BUILDING PERMIT OR USE PERMIT, THE CEO SHALL APPROVE, DENY OR REFER TO THE PLANNING BOARD FOR CONDITIONAL USE PERMIT, ALL SUCH APPLICATIONS. HIS DECISION SHALL BE IN WRITING ON A FORM DESIGNED FOR THE PURPOSE, AND COMMUNICATED DIRECTLY TO THE APPLICANT. ONE COPY OF THE CEO'S DECISION SHALL BE FILED IN THE MUNICIPALITY OFFICE. IN CASES WHERE THE CEO DEEMS THAT A CONDITIONAL USE PERMIT IS REQUIRED, HE SHALL ALSO PROVIDE A COPY OF HIS DECISION TO THE PLANNING BOARD.
- (3) NO BUILDING PERMIT FOR A BUILDING OR STRUCTURE ON ANY LOT SHALL BE ISSUED EXCEPT TO THE OWNER OF RECORD THEREOF, OR HIS AUTHORIZED AGENT, UNTIL THE PROPOSED CONSTRUCTION OR ALTERATION OF A BUILDING OR STRUCTURE SHALL COMPLY IN ALL RESPECTS WITH THE PROVISIONS OF THIS ORDINANCE OR WITH A DECISION RENDERED BY THE BOARD OF APPEALS OR THE PLANNING BOARD. ANY APPLICATION FOR SUCH A PERMIT SHALL BE ACCOMPANIED BY A PLAN, ACCURATELY DRAWN TO SCALE,

SHOWING THE ACTUAL SHAPE AND DIMENSIONS OF THE LOT TO BE BUILT UPON, AN ON-SITE SOILS SURVEY IN ACCORD WITH THE USDA SOIL CONSERVATION SERVICE NATIONAL COOPERATIVE SOIL SURVEY, THE EXACT LOCATION AND SIZE OF ALL BUILDINGS OR STRUCTURES ALREADY ON THE LOT, THE LOCATION OF NEW BUILDING TO BE CONSTRUCTED, TOGETHER WITH THE LINES WITHIN WHICH ALL BUILDINGS ARE TO BE CONSTRUCTED, THE EXISTING AND INTENDED USE OF EACH BUILDING OR STRUCTURE AND SUCH OTHER INFORMATION AS MAY BE NECESSARY TO PROVIDE FOR THE EXECUTION OF THIS ORDINANCE.

- (4) APPLICATIONS FOR PERMITS WITH THEIR ACCOMPANYING PLANS AND BUILDING PERMITS SHALL BE MAINTAINED AS A PERMANENT RECORD BY THE MUNICIPAL OFFICERS OR THE CODE ENFORCEMENT OFFICER.
- (5) A BUILDING PERMIT SECURED UNDER THE PROVISIONS OF THIS ORDINANCE SHALL EXPIRE IF THE WORK OR CHANGE IS NOT COMMENCED WITHIN ONE YEAR OF THE DATE ON WHICH THE PERMIT IS GRANTED, AND IF THE WORK OR CHANGE IS NOT SUBSTANTIALLY COMPLETED WITHIN TWO YEARS OF THE DATE ON WHICH THE PERMIT IS GRANTED.

10.3 PLUMBING PERMIT REQUIRED

NO BUILDING PERMIT SHALL BE ISSUED FOR ANY STRUCTURE OR USE INVOLVING THE CONSTRUCTION, INSTALLATION OR ALTERATION OF THE PLUMBING FACILITIES UNLESS A VALID PLUMBING PERMIT HAS BEEN SECURED BY THE APPLICANT OR HIS AUTHORIZED AGENT IN CONFORMANCE WITH THE SANITARY PROVISIONS OF THIS ORDINANCE.

10.4 NO BUILDING SHALL BE ISSUED WITHOUT PAYMENT OF A FEE ACCORDING TO THE FOLLOWING SCHEDULE:

<u>BUILDING PERMIT</u>	RESIDENT STRUCTURE	\$ 10.00
	INDUSTRIAL & COMMERCIAL	(.002 X COMPLETED VALUE = FEE)
	(EXAMPLE: 10,000 VALUE X .002 \$ 20.00 FEE)	
<u>VARIANCE</u>		\$ 20.00

10.5 ENFORCEMENT OFFICER

IT SHALL BE THE DUTY OF THE CODE ENFORCEMENT OFFICER TO ENFORCE THE PROVISIONS OF THIS ORDINANCE. IF THE CEO SHALL FIND THAT ANY PROVISION OF THIS ORDINANCE IS VIOLATED, HE SHALL NOTIFY IN WRITING THE PERSON RESPONSIBLE FOR SUCH VIOLATION, INDICATING THE NATURE OF THE VIOLATION AND ORDERING THE ACTION NECESSARY TO CORRECT IT. HE SHALL ORDER DISCONTINUANCE OF ILLEGAL USE OF LAND, BUILDINGS, OR STRUCTURES, REMOVAL OF ILLEGAL BUILDINGS, STRUCTURES, ADDITIONS, OR WORK BEING DONE, OR SHALL TAKE ANY OTHER ACTION AUTHORIZED BY THIS ORDINANCE TO INSURE COMPLIANCE WITH OR TO PREVENT VIOLATION OF ITS PROVISIONS.

10.6 LEGAL ACTION AND VIOLATIONS

WHEN ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE SHALL BE FOUND TO EXIST, THE MUNICIPAL ATTORNEY, AS DESIGNATED BY THE

MUNICIPAL OFFICERS, EITHER ON HIS OWN INITIATIVE, OR UPON NOTICE FROM THE CODE ENFORCEMENT OFFICER, IS HEREBY AUTHORIZED AND DIRECTED TO INSTITUTE ANY AND ALL ACTIONS AND PROCEEDINGS, EITHER LEGAL OR EQUITABLE, THAT MAY BE APPROPRIATE OR NECESSARY TO ENFORCE THE PROVISIONS OF THIS ORDINANCE IN THE NAME OF THE MUNICIPALITY.

10.7 FINES

ANY PERSON, FIRM OR CORPORATION BEING THE OWNER OR HAVING CONTROL OR USE OF ANY BUILDING OR PREMISES WHO VIOLATES ANY OF THE PROVISIONS OF THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND OR CONVICTION SHALL BE FINED NOT LESS THAN \$ 5.00 NOR MORE THAN \$ 100.00. EACH DAY SUCH A VIOLATION IS PERMITTED TO EXIST AFTER NOTIFICATION SHALL CONSTITUTE A SEPARATE OFFENSE.

10.8 APPEALS AND CONDITIONAL USE PERMITS

1. PROCEDURE

- (A) ALL APPEALS OR APPLICATIONS FOR CONDITIONAL USE PERMITS SHALL BE BASED UPON A WRITTEN DECISION OF THE CEO.
- (B) ADMINISTRATIVE APPEALS AND VARIANCE APPEALS SHALL BE HEARD AND DECIDED UPON BY THE BOARD OF APPEALS IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE.
- (C) APPLICATIONS FOR CONDITIONAL USE PERMITS SHALL BE HEARD AND DECIDED UPON BY THE PLANNING BOARD IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE.
- (D) APPEALS SHALL LIE FROM THE DECISION OF THE CODE ENFORCEMENT OFFICER TO THE BOARD OF APPEALS AND FROM THE BOARD OF APPEALS TO THE SUPERIOR COURT ACCORDING TO STATE LAW.
- (E) CONDITIONAL USES SHALL LIE FROM THE DECISION OF THE CODE ENFORCEMENT OFFICER TO THE PLANNING BOARD AND FROM THE PLANNING BOARD TO THE SUPERIOR COURT ACCORDING TO STATE LAW.

2. BOARD OF APPEALS

1. ESTABLISHMENT

A BOARD OF APPEALS IS HEREBY ESTABLISHED IN ACCORDANCE WITH STATE LAW AND THE PROVISIONS OF THIS ORDINANCE.

2. APPOINTMENT AND COMPOSITION

- (A) THE BOARD OF APPEALS SHALL BE APPOINTED BY THE MUNICIPAL OFFICERS AND SHALL CONSIST OF 5 MEMBERS, ALL OF WHOM SHALL BE LEGAL RESIDENTS OF THE MUNICIPALITY, SERVING STAGGERED TERMS OF AT LEAST 3 AND NOT MORE THAN 5 YEARS. THE BOARD SHALL ELECT ANNUALLY A CHAIRMAN AND SECRETARY FROM ITS MEMBERSHIP. THE SECRETARY SHALL KEEP 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 PUBLIC RECORD. A QUORUM SHALL CONSIST OF 3 MEMBERS.
- (B) A MUNICIPAL OFFICER MAY NOT SERVE AS A MEMBER.

- (C) ANY QUESTION OF WHETHER A PARTICULAR ISSUE INVOLVES A CONFLICT OF INTEREST SUFFICIENT TO DISQUALIFY A MEMBER FROM VOTING THEREON SHALL BE DECIDED BY A MAJORITY VOTE OF THE MEMBERS, EXCEPT THE MEMBER WHO IS BEING CHALLENGED.
- (D) A MEMBER OF THE BOARD MAY BE DISMISSED FOR CAUSE BY THE MUNICIPAL OFFICERS UPON WRITTEN CHARGES AND AFTER PUBLIC HEARING.

3. POWERS AND DUTIES

- (A) ADMINISTRATIVE APPEALS: TO HEAR AND DECIDE WHERE IT IS ALLEGED THERE IS AN ERROR IN ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION BY THE CODE ENFORCEMENT OFFICER IN THE ENFORCEMENT OF THIS ORDINANCE. THE ACTION OF THE CODE ENFORCEMENT OFFICER MAY BE MODIFIED OR REVERSED BY THE BOARD OF APPEALS, BY CONCURRING VOTE OF AT LEAST 4 MEMBERS OF THE BOARD.
- (B) VARIANCE APPEALS: TO HEAR AND DECIDE, UPON APPEAL, IN SPECIFIC CASES WHERE A RELAXATION OF THE TERMS OF THIS ORDINANCE WOULD 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 APPLICANT, A LITERSL ENFORCEMENT OF THIS ORDINANCE WOULD RESULT IN UNNECESSARY OR UNDUE HARDSHIP. A FINANCIAL HARDSHIP SHALL NOT CONSTITUTE GROUNDS FOR GRANTING A VARIANCE. THE CRUCIAL POINTS OF VARIANCE ARE UNDUE HARDSHIP AND UNIQUE CIRCUMSTANCES APPLYING TO THE PROPERTY. A VARIANCE IS NOT JUSTIFIED UNLESS BOTH ELEMENTS ARE PRESENT IN THE CASE.
- (C) AS USED IN THIS ORDINANCE, A VARIANCE IS AUTHORIZED ONLY FOR HEIGHT, AREA, AND SIZE OF STRUCTURES OR SIZE OF YARDS OR OPEN SPACES. ESTABLISHMENT OR EXPANSION OTHERWISE PROHIBITED SHALL NOT BE ALLOWED BY VARIANCE, NOR SHALL A VARIANCE BE GRANTED BECAUSE OF THE PRESENCE OF NOCONFORMITIES IN THE ZONING DISTRICT OR USES IN ADJOINING ZONING DISTRICTS. THE BOARD OF APPEALS SHALL GRANT A VARIANCE ONLY BY CONCURRING VOTE OF AT LEAST 4 MEMBERS AND IN SO DOING, MAY PRESCRIBE CONDITIONS AND SAFEGUARDS AS ARE APPROPRIATE UNDER THIS ORDINANCE.

4. APPEAL PROCEDURE

- (A) IN ALL CASES, A PERSON AGGRIEVED BY A DECISION OF THE CODE ENFORCEMENT OFFICER SHALL COMMENCE HIS APPEAL WITHIN 30 DAYS AFTER A DECISION IS MADE BY THE CEO. THE APPEAL SHALL BE FILED WITH THE BOARD OF APPEALS ON FORMS APPROVED BY THE BOARD, AND THE AGGRIEVED PERSON SHALL SPECIFICALLY SET FORTH ON THE FORM THE GROUNDS FOR THE APPEAL.
- (B) FOLLOWING THE FILING OF AN APPEAL, AND BEFORE TAKING ACTION ON ANY APPEAL, THE BOARD OF APPEALS SHALL HOLD A PUBLIC HEARING ON THE APPEAL WITHIN 30 DAYS. THE BOARD OF APPEALS SHALL NOTIFY THE CODE ENFORCEMENT OFFICER AND THE PLANNING BOARD, AT LEAST 20 DAYS IN ADVANCE, OF THE TIME AND PLACE OF THE HEARING, AND SHALL PUBLISH NOTICE OF THE HEARING AT LEAST 10 DAYS IN ADVANCE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA.

- (C) IN APPEALS INVOLVING THE USE OF BUILDINGS OR PREMISES, THE BOARD OF APPEALS SHALL NOTIFY BY CERTIFIED MAIL THE APPELLANT AND THE OWNERS OF ALL PROPERTY WITHIN 500 FEET OF THE PROPERTY INVOLVED AT LEAST 10 DAYS IN ADVANCE OF THE HEARING, OF THE NATURE OF THE APPEAL AND OF THE TIME AND PLACE OF THE PUBLIC HEARING.
- (D) IN THE CASE OF APPEALS INVOLVING SPACE AND BULK REGULATIONS OR INTERPRETATION, THE BOARD OF APPEALS SHALL NOTIFY BY CERTIFIED MAIL THE APPELLANT AND ONLY THE OWNERS OF PROPERTY ABUTTING THE PROPERTY FOR WHICH AN APPEAL IS TAKEN, AT LEAST 10 DAYS IN ADVANCE OF THE HEARING, OF THE NATURE OF THE APPEAL AND OF THE TIME & PLACE OF THE PUBLIC HEARING THEREON. FOR THE PURPOSE OF THIS SECTION, ABUTTING PROPERTIES SHALL INCLUDE PROPERTIES DIRECTLY ACROSS A STREET OR WATERBODY FROM THE PROPERTY FOR WHICH THE APPEAL IS MADE.
- (E) THE OWNERS OF PROPERTY SHALL BE CONSIDERED TO BE THESE AGAINST WHOM TAXES ARE ASSESSED. FAILURE OF ANY PROPERTY OWNER TO RECEIVE A NOTICE OF PUBLIC HEARING SHALL NOT NECESSITATE ANOTHER HEARING OR INVALIDATE ANY ACTION BY THE BOARD OF APPEALS.
- (F) AT ANY HEARING, A PARTY MAY BE REPRESENTED BY AN AGENT OR ATTORNEY. HEARINGS SHALL NOT BE CONTINUED TO OTHER TIMES EXCEPT FOR GOOD CAUSE.
- (G) THE CODE ENFORCEMENT OFFICER OR HIS DESIGNATED ASSISTANT SHALL ATTEND ALL HEARINGS MAY PRESENT TO THE BOARD OF APPEALS ALL PLANS, PHOTOGRAPHS, OR OTHER MATERIAL HE DEEMS APPROPRIATE FOR AN UNDERSTANDING OF THE APPEAL.
- (H) THE APPELLANT'S CASE SHALL BE HEARD FIRST. TO MAINTAIN ORDERLY PROCEDURE, EACH SIDE SHALL PROCEED WITHOUT INTERRUPTION. QUESTIONS MAY BE ASKED THROUGH THE CHAIR. ALL PERSONS AT THE HEARING SHALL ABIDE BY THE ORDER OF THE CHAIRMAN.
- (I) WITHIN 20 DAYS OF THE PUBLIC HEARING, THE BOARD OF APPEALS SHALL REACH A DECISION ON AN APPEAL AND SHALL INFORM, IN WRITING, THE APPELLANT. THE CODE ENFORCEMENT OFFICER, THE PLANNING BOARD AND THE MUNICIPAL OFFICERS OF ITS DECISION AND ITS REASONS THEREFORE.
- (J) UPON NOTIFICATION OF THE GRANTING OF AN APPEAL BY THE BOARD OF APPEALS, THE CODE ENFORCEMENT OFFICER SHALL IMMEDIATELY ISSUE A BUILDING PERMIT IN ACCORDANCE WITH THE CONDITIONS OF THE APPROVAL.
- (K) A VARIANCE UNDER THE PROVISIONS OF THIS ORDINANCE SECURED BY VOTE OF THE BOARD OF APPEALS SHALL EXPIRE IF THE WORK OR CHANGE INVOLVED IS NOT COMMENCED WITHIN ONE (1) YEAR OF THE DATE ON WHICH THE APPEAL IS GRANTED, AND IF THE WORK OR CHANGE IS NOT SUBSTANTIALLY COMPLETED WITHIN TWO (2) YEARS.

10.3 CONDITIONAL USE PERMIT

(1) AUTHORIZATION

THE PLANNING BOARD IS HEREBY AUTHORIZED TO HEAR AND DECIDE UPON APPLICATIONS FOR CONDITIONAL USE PERMITS IN ACCORDANCE WITH STATE LAW AND THE PROVISIONS OF THIS ORDINANCE.

(2) POWERS AND DUTIES

THE PLANNING BOARD SHALL HEAR AND APPROVE, APPROVE WITH MODIFICATIONS OR CONDITIONS, OR DISAPPROVE ALL APPLICATIONS FOR CONDITIONAL USE PERMITS. NO CONDITIONAL USE PERMIT SHALL BE AUTHORIZED UNLESS SPECIFIC PROVISION FOR EACH CONDITIONAL USE IS MADE IN THIS ORDINANCE.

(3) APPLICATION PROCEDURE:

- (A) A PERSON INFORMED BY THE CODE ENFORCEMENT OFFICER THAT HE REQUIRED A CONDITIONAL USE PERMIT SHALL FILE AN APPLICATION FOR THE PERMIT WITH THE PLANNING BOARD ON FORMS PROVIDED FOR THE PURPOSE.**
- (B) FOLLOWING THE FILING OF AN APPLICATION, AND BEFORE TAKING ACTION ON ANY APPLICATION, THE PLANNING BOARD SHALL HOLD A PUBLIC HEARING ON THE APPLICATION WITHIN 30 DAYS. THE PLANNING BOARD SHALL NOTIFY THE CODE ENFORCEMENT OFFICER, MUNICIPAL OFFICERS, AND THE BOARD OF APPEALS, AT LEAST 20 DAYS IN ADVANCE OF THE TIME AND PLACE OF THE HEARING, AND SHALL PUBLISH NOTICE OF THE HEARING AT LEAST 10 DAYS IN ADVANCE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA.**
- (C) THE BOARD SHALL NOTIFY BY CERTIFIED MAIL, THE APPLICANT AND THE OWNERS OF ALL PROPERTY WITHIN 500 FEET OF THE PROPERTY INVOLVED AT LEAST 10 DAYS IN ADVANCE OF THE HEARING, OF THE NATURE OF THE APPLICATION AND OF THE TIME AND PLACE OF THE PUBLIC HEARING.**
- (D) THE OWNERS OF PROPERTY SHALL BE CONSIDERED TO BE THOSE AGAINST WHOM TAXES ARE ASSESSED. FAILURE OF ANY PROPERTY OWNER TO RECEIVE A NOTICE OF PUBLIC HEARING SHALL NOT NECESSITATE ANOTHER HEARING OR INVALIDATE ANY ACTION BY THE PLANNING BOARD.**
- (E) AT ANY HEARING, A PARTY MAY BE REPRESENTED BY AN AGENT OR ATTORNEY. HEARINGS SHALL NOT BE CONTINUED TO OTHER TIMES EXCEPT FOR GOOD CAUSE.**
- (F) THE CODE ENFORCEMENT OFFICER OR HIS DESIGNATED ASSISTANT SHALL ATTEND ALL HEARINGS AND MAY PRESENT TO THE PLANNING BOARD ALL PLANS, PHOTOGRAPHS, OR OTHER MATERIAL HE DEEMS APPROPRIATE FOR AN UNDERSTANDING OF THE APPLICATION.**
- (G) THE APPLICANT'S CASE SHALL BE HEARD FIRST. TO MAINTAIN ORDERLY PROCEDURE, EACH SIDE SHALL PROCEED WITHOUT INTERRUPTION. QUESTIONS MAY BE ASKED THROUGH THE CHAIR. ALL PERSONS AT THE HEARING SHALL ABIDE BY THE ORDER OF THE CHAIRMAN.**
- (H) WITHIN 20 DAYS OF THE PUBLIC HEARING, THE PALNNING BOARD SHALL REACH A DECISION ON THE CONDITIONAL USE AND SHALL INFORM, IN WRITING, THE APPLICANT, THE CEO AND THE MUNICIPAL OFFICERS OF ITS DECISION AND ITS REASONS THEREFORE.**

- (I) UPON NOTIFICATION OF THE DECISION OF THE PLANNING BOARD, THE CODE ENFORCEMENT OFFICER, AS INSTRUCTED, SHALL IMMEDIATELY ISSUE, ISSUE WITH CONDITIONS PRESCRIBED BY THE PLANNING BOARD OR DENY A BUILDING PERMIT.
- (J) A CONDITIONAL USE PERMIT SECURED UNDER THE PROVISIONS OF THIS ORDINANCE BY VOTE OF THE PLANNING BOARD SHALL EXPIRE IF THE WORK OR CHANGE INVOLVED IS NOT COMMENCED WITHIN ONE (1) YEAR OF THE DATE ON WHICH THE CONDITIONAL USE IS AUTHORIZED AND IF THE WORK OR CHANGE IS NOT SUBSTANTIALLY COMPLETED WITHIN TWO (2) YEARS.

4. FACTORS APPLICABLE TO CONDITIONAL USES

- (A) IN CONSIDERING A CONDITIONAL USE PERMIT THE PLANNING BOARD SHALL EVALUATE THE IMMEDIATE AND LONG-RANGE EFFECTS OF THE PROPOSED USE UPON:
 - (1) THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS
 - (2) THE PREVENTION AND CONTROL OF WATER POLLUTION AND SEDIMENTATION.
 - (3) THE CONTROL OF BUILDING SITES, PLACEMENT OF STRUCTURES AND LAND USES.
 - (4) THE PROTECTION OF SPAWNING GROUNDS, FISH, AQUATIC LIFE, BIRDS AND OTHER WILDLIFE HABITAT.
 - (5) THE CONSERVATION OF SHORE COVER, VISUAL AS WELL AS ACTUAL POINTS OF ACCESS TO INLAND AND COASTAL WATERS AND NATURAL BEAUTY.

B. THE PLANNING BOARD SHALL ALSO CONSIDER THE FOLLOWING FACTORS:

- (1) THE COMPATIBILITY OF THE PROPOSED USE WITH ADJACENT LAND USES.
- (2) THE NEED OF A PARTICULAR LOCATION FOR THE PROPOSED USE.
- (3) ACCESS TO THE SITE FROM EXISTING OR PROPOSED ROADS.
- (4) THE LOCATION OF THE SITE WITH RESPECT TO FLOOD PLAINS AND FLOODWAYS OF RIVERS AND STREAMS.
- (5) THE AMOUNT AND TYPE OF WASTES TO BE GENERATED BY THE PROPOSED USE AND THE ADEQUACY OF THE PROPOSED DISPOSAL SYSTEMS.
- (6) THE IMPACT OF THE PROPOSED USE ON THE LAND AND ADJACENT WATERBODIES AND CAPABILITY OF THE LAND AND WATER TO SUSTAIN SUCH USE WITHOUT DEGRADATION.
- (7) EXISTING TOPOGRAPHIC AND DRAINAGE FEATURES AND VEGETATIVE COVER ON THE SITE.
- (8) THE EROSION POTENTIAL OF THE SITE BASED UPON DEGREE AND DIRECTION OF SLOPE, SOIL TYPE AND VEGETATIVE COVER.
- (9) THE IMPACT OF THE PROPOSED USE ON TRANSPORTATION FACILITIES.
- (10) THE IMPACT OF THE PROPOSED USE ON LOCAL POPULATION AND COMMUNITY FACILITIES.
- (11) THE IMPACT OF THE PROPOSED USE ON LOCAL WATER SUPPLIES.

5. CONDITIONS ATTACHED TO CONDITIONAL USES.

- A. UPON CONSIDERATION OF THE FACTORS LISTED ABOVE, THE PLANNING BOARD MAY ATTACH SUCH CONDITIONS, IN ADDITION TO THOSE REQUIRED ELSEWHERE IN THIS ORDINANCE, THAT IT FINDS NECESSARY TO FURTHER THE PURPOSES OF THIS ORDINANCE. VIOLATION OF ANY OF THESE CONDITIONS SHALL BE IN VIOLATION OF THIS ORDINANCE. SUCH CONDITIONS MAY INCLUDE, BUT ARE NOT LIMITED TO, SPECIFICATIONS FOR: TYPE OF VEGETATION; INCREASED SETBACKS AND YARDS; SPECIFIED SEWAGE DISPOSAL AND WATER SUPPLY FACILITIES; LAND-SCAPING AND PLANTING SCREENS; PERIOD OF OPERATION; OPERATIONAL CONTROLS; PROFESSIONAL INSPECTION AND MAINTENANCE SURTIES; DEED RESTRICTIONS; RESTRICTIVE COVENANTS; LOCATIONS OF PIERS DOCKS, PARKING AND SIGNS, TYPE OF CONSTRUCTION; OR ANY OTHER CONDITIONS NECESSARY TO FULFILL THE PURPOSES OF THIS ORDINANCE.**
- B. IN ORDER TO SECURE INFORMATION UPON WHICH TO BASE ITS DETERMINATION, THE PLANNING BOARD MAY REQUIRE THE APPLICANT TO FURNISH, IN ADDITION TO THE FOLLOWING INFORMATION:**
- (1) A PLAN OF THE AREA SHOWING CONTOURS AT INTERVALS TO BE DETERMINED BY THE PLANNING BOARD AND REFERRED TO THE MEAN SEA LEVEL, HIGH WATER ELEVATION, GROUNDWATER CONDITIONS, BEDROCK, SLOPE AND VEGETATIVE COVER.**
 - (2) A SOILS REPORT IDENTIFYING THE SOILS BOUNDARIES AND NAMES IN THE PROPOSED DEVELOPMENT WITH THE SOILS INFORMATION SUPERIMPOSED UPON THE PLOT PLAN IN ACCORD WITH THE USDA SOIL CONSERVATION SERVICE NATIONAL COOPERATIVE SOIL CLASSIFICATION.**
 - (3) LOCATION OF EXISTING AND PROPOSED BUILDINGS, PARKING AREAS, TRAFFIC ACCESS, DRIVEWAYS, WALKWAYS, PIERS, OPEN SPACES, AND LANDSCAPING.**
 - (4) PLANS OF BUILDINGS, SEWAGE DISPOSAL FACILITIES, AND WATER SUPPLY SYSTEMS.**
 - (5) OTHER PERTINENT INFORMATION NECESSARY TO DETERMINE IF THE PROPOSED USE MEETS THE PROVISIONS OF THIS ORDINANCE. IN EVALUATION EACH APPLICATION THE PLANNING BOARD MAY REQUEST THE ASSISTANCE OF THE REGIONAL PLANNING COMMISSION, COUNTY SOIL AND WATER CONSERVATION DISTRICT AND ANY OTHER STATE OR FEDERAL AGENCY WHICH CAN PROVIDE TECHNICAL ASSISTANCE.**