

TOWN OF LYMAN

ZONING ORDINANCE

Adopted – November 8, 2005

Amended – November 7, 2006

Amended – June 29, 2009

Amended – June 1 and 5, 2010

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Article 1 General

1.1 Short Title

This ordinance shall be known and cited as the Zoning Ordinance of the Town of Lyman, Maine, and will be referred to as the “Ordinance”.

1.2 Authority

This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Constitution, the provisions of Title 30-A MRSA Section 2691 (Board of Appeals), Title 30-A MRSA, Section 3001 (Home Rule), Title 30-A MRSA Section 4312 et. seq. (Growth Management Law), Title 30-A Section 4351 et. seq. (Land Use Regulations)

1.3 Purpose

The purposes of this ordinance are to implement the provisions of the Town’s Comprehensive Plan.

To encourage the type of growth as identified within the zoning districts.

To further the maintenance of safe and healthful conditions and the general welfare, prevent and control water pollution, protect spawning grounds, fish, aquatic life, bird and other wildlife habitat, control building sites, placement of structures and land uses, and conserve shore cover, visual as well as actual points of access to inland waters and natural beauty.

This ordinance does not grant any property rights; it does not authorize any person to trespass, infringe upon or injure the property of another; it does not excuse any person of the necessity of complying with other laws and regulations.

1.4 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.

1.5 Conflict With Other Ordinances

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

1.6 Amendment Procedure

A. Initial Petitions

An amendment may be initiated by a majority vote of the Lyman Planning Board, a majority vote of the Board of Selectmen or by a petition of at least ten (10) per cent of the votes cast in the last gubernatorial election in the town. This ordinance may be amended by a majority vote of the Town Meeting. The Planning Board must hold a public hearing on the amendment at least ten (10) days before the consideration of adoption. Public notice of the hearing shall be made in accordance with the provisions of Title 30-A M.R.S.A. Section 4352.

B. Repetitive Petitions

No proposed changes in this Ordinance which has been unfavorably acted upon by the Town Meeting shall be reconsidered by the Town Meeting within six (6) months after the date of such an unfavorable action, unless adoption of the proposed change is recommended by a unanimous vote of the Planning Board.

1.7 Repealer

The Lyman Zoning Ordinance adopted on January 22, 1976 and amended through June 8, 2002 is hereby repealed.

1.8 Effective Date

This ordinance shall become effective on the date of its passage by Town vote. Date of vote November 1, 2005, Effective Date: November 2, 2005.

Article 2 Establishment of Districts

2.1 Zoning Districts

- 1. Shoreland District**
- 2. Residential District**
- 3. General Purpose District**
- 4. Commercial/Residential District**
- 5. Mobile Home Park Overlay District**

2.2 Location of Districts

Said Districts are located and bounded as shown on the Official Zoning Map, Entitled "Zoning Map of Lyman," dated November 1, 2005 and on file in the office of the Municipal Clerk.

The Official Map is incorporated herein by reference and shall be signed by the Municipal Clerk and the Chairman of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment. Additional copies of this map may be seen in the offices of other Municipal Officers.

2.3 Uncertainty of Boundary Lines

Where uncertainty exists with respect to boundaries of various Districts as shown on the Zoning Map, the following rules shall apply. Unless otherwise indicated boundary lines shall be considered as lines paralleling a road, waterway, shoreline or lot line and at distances from the center lines of roads, waterways, shorelines or lot lines as indicated by the Zoning Map. In the absence of a written dimension, the graphic scale on the Zoning Map shall be used.

2.4 Division of Lots by District Boundaries

Where a Zoning 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 of amendment of this ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than fifty (50) feet into the more restricted portion of the lot. Extension of a use into a more restricted portion of a lot shall require site plan review and approval by the Planning Board subject to Article 9 of this Ordinance.

2.5 Where continued uncertainty exists, a property owner may file an appeal to the Lyman Zoning Board of Appeals, which shall hear the case as an Administrative Appeal.

Article 3 Non-Conforming Uses Lots & Structures

3.1 Continuance of Non-conforming Uses

3.1.1 The use of land, buildings or structures, 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.

3.1.2 A non-conforming building, structure may be repaired, or maintained, but the area of a non-conforming use may not be extended or expanded nor shall a use be intensified except in conformity with the provisions of this ordinance.

3.1.3 A non-conforming use may not be expanded.

3.2 Discontinuance of a Non-Conforming Use

A non-conforming use which is discontinued for a period of two (2) years may not be resumed. The use of land, building or structure shall thereafter conform to the provisions of the Ordinance.

3.3 Rule of Precedence

Whenever a non-conforming use and / or structure is superseded by a permitted use and / or structure and land in combination, such structure or combination of land and structure shall thereafter conform to the provisions of the ordinance and the non-conforming use may not thereafter be resumed.

3.4 Transfer of Ownership

Ownership of land and structures which remains lawful but becomes non-conforming by the adoption or amendment of this Ordinance may be transferred and the new owner may continue the non-conforming uses or structure subject to the provisions of this Ordinance.

3.5 Non – Conforming Lots of Record

3.5.1 No dwelling or septic system may be located on any lot less than 20,000 square feet in size. No variance shall be granted from this requirement.

3.5.2 A single lot of record which, at the effective date of adoption or amendment of this ordinance, does not meet the area or width requirements, or both, of the District which it is located, may be built upon provided that such lot shall be separate ownership and not contiguous with any other lot in the same ownership, and that all other provisions of the ordinance are met. Variances of requirements other than area and width shall be obtained only by action of the Board of Appeals. If a lot is less than 20,000 square feet in size see section 3.5.1.

3.5.3 If two (2) or more contiguous lots or parcels are in single or joint ownership of record as of January 14, 1976 forward, and if these lots do not individually meet the dimensional requirements of the ordinance or any subsequent amendment, the lots shall be combined to the extent necessary to meet the dimensional standards.

3.5.4 Any nonconforming building which is hereafter damaged or destroyed by fire, flood, lighting, wind, or other accidental cause, as determined by the Code Enforcement Officer after consultation with other authorities, may be restored or reconstructed in conformity with its original dimensions and in the same footprint within twelve (12) months of the date of such damage or destruction; provided, however that such reconstruction shall not be more nonconforming than the

prior nonconforming building or use. A building permit must be acquired from the Code Enforcement Officer prior to commencing reconstruction under this section

Article 4 Land Use District Requirements

4.1 Shoreland District

The Shoreland District is subject to the terms, conditions and requirements contained in the Shoreland Zoning Ordinance adopted by the Town of Lyman on June 5, 2009.

4.2 Residential District

- 1. To provide for the public health and safety, environmental quality, and economic well-being of the community.**
- 2. To provide for areas for medium density residential growth in such a manner and at such locations as are compatible with existing development and the ability of the community to provide essential services and utilities.**
- 3. To provide areas for public and semi-public uses compatible with and necessary to residential development.**

4.3 General Purpose District

To allow diversity of use, while protecting the public health and safety, environmental quality and economic well-being of the Municipality, by imposing controls on those uses which, by virtue of their external effects (waste discharge, noise, glare, fumes, smoke, dust, odor or auto, truck, or rail traffic) could otherwise create a nuisance or unsafe or unhealthy condition.

4.4 Commercial/Residential District

To provide areas for a wide range of commercial businesses, with uses which are clean and non-polluting. As recommended in the Town of Lyman 2004 Comprehensive Plan, this District shall abut Routes 111, and 5 and 202, and shall be buffered from residential uses. (Note: See definition of Buffer in Article 11.)

4.5 Mobile Home Park Overlay District

1. To offer viable and affordable housing option (s) for the citizens of Lyman in areas that can support, both environmentally and from a public service perspective, higher residential densities.
2. To meet the State of Maine requirements under Title 30-A M.R.S.A. Section 4358, Regulation of Manufactured Housing.
3. To establish such a District as an Overlay District which still permits the uses of the underlying zone while also allowing for mobile home parks.
4. Mobile Home Park are only allowed in the Mobile Home Park Overlay District as shown on the Official Zoning Map

See standards in Section 10.19

Land Use Table

Note:

The Commercial/Residential District Land Use designations are for commercial properties only. Residential properties in the Commercial/Residential District follow the Residential District Land Use designations.

Land Use:	Residential District	General Purpose District	Commercial/ Residential District
Key: YES– Permitted Use; SR – Requires Site Plan Review; NO – Not Allowed			
* See Recycling Facility Commercial/Residential District ** See Commercial Facility (1) General Purpose District			
Agriculture (1)	YES	YES	YES
Agriculture (2)	NO	YES	YES
Assisted Living & Nursing Homes	SR	SR	NO
Automobile Recycling	NO	SR	* NO
Automobile Sales & Service	NO	NO	SR
Bank / Financial Institutions	NO	NO	SR
Bed & Breakfast Inns	SR	SR	NO
Boat & RV Sales & Service	NO	**SR	SR

<u>Land Use:</u>	<u>Residential District</u>	<u>General Purpose District</u>	<u>Commercial/ Residential District</u>
Business Contractor (1)	NO	SR	SR
Business Contractor (2)	SR	SR	SR
Business Office	NO	SR	SR
Campgrounds	NO	SR	NO
Cemetery (20,000 SF or less)	YES	YES	YES
Cemetery over 20,000 SF	SR	SR	NO
Church, Parish House Rectory, Convents.	SR	SR	NO
Clubs	NO	SR	NO
Commercial Facilities (1)	NO	SR	SR
Commercial Facilities (2)	NO	NO	SR
Commercial Timber Harvesting (Permit required from State of Maine, Department of Forestry)	YES	YES	YES
Dwelling, Single Family	YES	YES	YES
Dwellings, Two Family	YES	YES	YES
Dwellings, Multi-Family	SR	SR	SR
Earth Moving Activities	NO	SR	SR
Farming	NO	YES	YES
Function Hall	NO	SR	SR
Health Institution	NO	NO	SR
Home Day Care / Nursery School	SR	SR	SR
Home Occupation	YES	YES	YES
Hotel / Motel	NO	NO	SR
Junkyards	NO	SR	NO

<u>Land Use:</u>	<u>Residential District</u>	<u>General Purpose District</u>	<u>Commercial/ Residential District</u>
Lumber Yard	NO	NO	SR
Manufacturing	NO	NO	SR
Medical Care Facility	NO	NO	SR
Mobile and Modular Home Sales	NO	NO	SR
Municipal Facility	SR	SR	SR
Neighborhood Convenience Store (1)	SR	SR	SR
Neighborhood Convenience Store (2)	NO	SR	SR
Outdoor Recreation	SR	SR	NO
Personal Service Business	SR	SR	SR
Professional Office	NO	SR	SR
Public Utility Facility	SR	SR	SR
Recreation Facility	NO	YES	NO
Research Development Facility	NO	NO	SR
Recycling Facility	NO	NO	SR
Retail Business	NO	NO	SR
Restaurant (Standard)	NO	NO	SR
Restaurant (Fast Food)	NO	NO	SR
Sawmills	NO	SR	SR
Schools (Public & Private)	SR	SR	NO
Schools (Vocational & Technical)	NO	NO	SR
Self Service Storage Facility	NO	SR	SR
Transmission Towers	NO	SR	SR

<u>Land Use:</u>	<u>Residential District</u>	<u>General Purpose District</u>	<u>Commercial/ Residential District</u>
Truck Terminals	NO	NO	SR
Warehousing	NO	NO	SR
Wholesale Business	NO	NO	SR
Wholesale Club	NO	NO	SR

Amended on 11/7/06 to allow Dwelling, Single Family and Dwelling, Two Family in the Commercial Zone along with Dwelling, Multi-Family with SR.

Article 5 Land Uses

5.1 Residential District

To provide areas for medium density residential development and to provide areas for concentrations of residential development within the rural setting of the Town. Non-Residential uses should be limited in this area.

If a use is not listed then that use is prohibited in the Residential District.

5.1.1 Permitted Uses:

The following uses are permitted upon obtaining any required permits from the Code Enforcement Officer:

**Agriculture – (1)
Dwelling, Single Family
Dwelling, Two Family**

Cemetery – Having an area less than 20,000 sq. feet without buildings. No cemetery shall be located over a sand and gravel aquifer. All cemeteries shall comply with the applicable State Regulations.

Home Occupation

5.1.2 Permitted uses requiring Site Plan Review by the Planning Board in addition to any other permits required by this Ordinance or by any other regulatory agency.

Assisted Living & Nursing Homes

**Bed & Breakfast Inn with eight (8) rental rooms or less and owner occupied
Business Contractor (2)**

**Cemetery – Having an area of more than 20,000 sq. feet without buildings. No
cemetery shall be located over a sand & gravel aquifer.**

Church, Parish House, Rectory, Convent

**Commercial Timber Harvesting - Permit required from State of Maine, Department of
Forestry**

Dwelling, Multi-Family

Home Day Care / Nursery School

Municipal Facility

Neighborhood Convenience Store (1)

Outdoor Recreation

Personal Service Business

Public Utility Facility

School – Public or Private

5.2 General Purpose District

If a use is not listed then that use is prohibited in the General Purpose District.

**5.2.1 The following uses are permitted upon obtaining any required permits
from the Code Enforcement Officer.**

Agriculture – (2)

Farming

Dwelling, Single Family

Dwelling, Two Family

**Cemetery – Having an area less than 20,000 sq. feet without buildings. No
cemetery shall be located over a sand and gravel aquifer. All
cemeteries shall comply with the applicable State Regulations.**

Home Occupation

**5.2.2 Permitted uses requiring a Site Plan Review by the Planning Board in
addition to any other permits required by this Ordinance or by any other
regulatory agency.**

Assisted Living & Nursing Homes

Automobile Recycling (Permit also required from Board of Selectmen)

Bed & Breakfast Inn, with 12 rental rooms or less owner occupied.

Boat & RV Sales and Services, as Commercial Facility (1)

Business, Contractor (1)

Business, Office

Campground

**Cemeteries, Over 20,000 Sq. feet with buildings. No
cemetery shall be located over a sand & gravel aquifer.**

Church, Parish House, Rectory, Convent

Clubs

Commercial Facilities, (1)

Commercial Timber Harvesting - Permit required from State of Maine, Department of Forestry

Dwelling, Multi-Family

Earth Moving Activities

Function Hall

Home Daycare / Nursery Schools

Junkyard (Permit also required from Board of Selectmen)

Municipal Facility

Neighborhood Convenience Store (1)

Neighborhood Convenience Store (2)

Personal Services Business

Professional Office

Public Utility Facility

Outdoor Recreation

Recreation Facilities to include, Parks, Playgrounds, Golf Courses, Driving-Sawmills Ranges

Self Service Storage Facility

Schools, Public and Private

Transmission Towers

5.3 Commercial/Residential District

If a use is not listed then that use is prohibited in the Commercial/Residential District.

The requirements of this Ordinance apply to commercial property owners within the Commercial/Residential District. As amended in November 2006, this Ordinance allows owners of residential properties, and properties to be improved, within the Commercial/Residential District to construct new single family dwelling units, accessory dwelling units, two family dwelling units, and multi-family dwelling units provided that the dwelling(s) and the lots upon which they are located conform to the permitting, dimensional, and any other requirements applicable to those uses in the Residential District.

The Commercial/Residential District abuts Routes 111, and 5 and 202, as shown on the Official Zoning Map on file in the office of the Municipal Clerk. The District extends from the Routes 111, and 5 and 202, commercial lot property lines to a depth of 1500 feet. Along Route 111, the District extends from the Town of Arundel line westerly to Sunken Branch Brook. Along Routes 5 and 202, the District extends from the Town of Hollis line westerly to the Town of Waterboro line.

5.3.1 The following uses are permitted upon obtaining any required permits from the Code Enforcement Officer.

Agriculture – (2)

Single Family Dwelling} Amended 11/7/06

Two Family Dwelling} Amended 11/7/06

Farming

**Cemetery – Having an area less than 20,000 Sq. Feet without buildings.
No cemetery shall be located over a sand & gravel aquifer.
Home Occupation**

5.3.2 Permitted uses requiring a Site Plan Review by the Planning Board in addition to any other permits required by this Ordinance or by any other regulatory agency.

Bank / Financial Institutions

Business Contractor (1)

Business Office

Commercial Facilities, (2)

Commercial Timber Harvesting - Permit required from State of Maine, Department of Forestry

Earth Moving Activities

Function Hall

Health Institution

Hotel / Motel

Lumber Yard

Medical Care Facility

Multi – Family Dwellings Amended 11/7/06

Municipal Facility

Manufacturing

Neighborhood Convenience Store (2)

Automobile Sales and Service

Boat and RV Sales and Service

Mobile and Modular Home Sales

Personal Service Business

Professional Offices

Public Utility Facility

Recycling Facility

Research Development Facility

Retail Business, (including the manufacturing of goods offered for sale on the premises.)

Restaurant, Standard

Restaurant, Fast Food

Sawmills

Schools, Vocational – Technical

Self Service Storage Facility

Transmission Towers

Truck Terminal

Warehousing

Wholesale Business

Wholesale Club

Article 6 Dimensional Requirements

6.1 Basic Requirements

Permitted Uses and Site Plan Review approvals shall conform to all dimensional requirements and other applicable requirements of the Ordinance. A building permit or use permit shall be required, and an electrical permit and/or a plumbing permit may be required for all buildings, uses, and sanitary facilities according to the provisions of the ordinance.

When a residential property is converted to a commercial property, the newly designated commercial property shall conform to dimensional and setback requirements for the Commercial/Residential District.

A residential property, once converted to a commercial property, as well as an existing commercial property, may not be converted to a residential property.

6.2 Lot Size and Setback Requirements

NOTE: All setbacks are from property lines. Setbacks are not measured from the edge of roadways. These setback requirements apply to all Districts.

Residential District: Amended 11/7/06

Minimum Lot Size: 3 Acres Square Footage: 130,680

Setbacks: 75 feet front 40 feet sides and rear

Minimum Road Frontage: 300 feet

Maximum Lot Coverage for Buildings: 15 %

General Purpose District:

Minimum Lot Size: 5 Acres Square Footage : 217,800

Setbacks: 75 feet front, 40 feet sides and rear

Minimum Road Frontage: 375 feet

Maximum Lot Coverage for Buildings: 20%

Commercial/Residential District:

These requirements apply to commercial lots within the Commercial/Residential District. Residential lots within the Commercial/Residential District shall conform to the requirements of the Residential District.

The Commercial/Residential District envisions a maximum of two commercial lots within the 1500 foot depth abutting Routes 111, or 5 and 202, with Lot #1 in front, and Lot #2 in back of Lot #1.

Base Lot Size:

Lot #1: This lot abuts both sides of those portions of Routes 111, and 5 and 202 that are listed as being in the Commercial/Residential District. This lot shall have a minimum width of 200 feet abutting the above listed Routes, and a minimum depth of 650 feet.

Lot #2: This lot shall have a minimum width of 200 and a minimum depth of 850 feet.

Setbacks for Structures: 100 feet front, 100 feet rear, 30 feet side

Minimum Road Frontage: 200 Feet

Maximum Total Lot Coverage: 45%, as described below

In determining lot coverage, the commercial property owner shall be allowed to cover forty-five percent (45%) of the usable lot area with impervious surface. In calculating the allowable lot coverage, all wetlands, areas of steep slope (areas with a grade of 30% or more), easements and rights-of-way are subtracted from the total lot area to derive the usable lot area for calculation. Impervious surface area includes the areas of buildings, parking and roadways. Grass areas used as overflow parking shall be considered as impervious surface.

If the impervious area is calculated to be greater than 45%, the commercial property owner may reduce the project size, or add lot width to achieve the 45% impervious area requirement. For each one-half (1/2) acre added to the base lot size, twenty-five (25) feet of lot width must be added to the frontage of the lot.

6.3 General Requirements:

1. Principal Building and Uses

A. In the Residential and General Purpose Districts one (1) principal

building or one principal use along with one (1) accessory building or use is allowed per lot, with the size of lot to be determined by section 6.2.

- B. In the Residential and General Purpose Districts, there shall be no more than one (1) building for each principal use, and no more than two (2) buildings for an accessory use as limited by lot coverage requirements.
- C. The number of buildings and uses in the Commercial/Residential District will be determined by the maximum total lot coverage allowed for the site.

6.3.1 Setback Requirements

The setback requirements in all subdivisions which received Planning Board approval before March 10, 1979, and all non-conforming lots which were created before March 10, 1979, where the above dimensional setback requirements cannot be met with regard to existing structures and new construction. The setback requirements from property lines shall be as close to the requirements as possible but not less than:

- 1. Front setback 35 feet. Side and rear setback 20 feet.
- 2. Required yard space shall serve only one (1) lot.

No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.

3. Visibility at Corner Lots

All corner lots shall be kept free from any type of visual obstructions for a distance of twenty-five (25) feet back from the edge of pavement measured along the intersecting street lines.

4. Building Height

- A. No structure shall exceed two and one-half (2 ½) stories or thirty-five (35) in height. Height is determined based on the average of finish grade taken from six (6) points within 15 feet of the structure, to the highest point of the roof. The Code Enforcement Officer may use additional points to make his / her determination.



- B. All structures, other than buildings, such as chimneys, towers, ventilators, and spires may exceed thirty-five (35) feet in height, but shall be set back a distance equal to or more than 125% of it's height from any property line.

6.3.2 New Back Lots (lots without frontage on a town or private road)

May be created, provided that:

- A. All lots must meet the dimensional requirements of Article 6
- B. Back lots in the Residential District shall be laid out in such a way that a circle with a 225 foot diameter can be placed entirely within the lot boundaries.

Back lots in the General Purpose District shall be laid out in such a way that a circle with a 300 foot diameter can be placed entirely within the lot boundaries.

Note: Structures do not have to be within the circle as long as they meet the setback requirements of the district.

- C. The back lot (s) must have access to a publicly accepted road or a private way leading to a publicly accepted road by way of a private easement and the easement shall be constructed as required in the following table.

Note: Access across the road frontage lot must be by private deeded easement granted to the owner of the back lot. The minimum length of an easement from the roadway to the back lot shall be 75 feet.

Number of lots:	Minimum Width of <u>Private Easement in Feet</u>	Width of <u>Traveled Way in Feet</u>
	Width:	Width:
1	50 Ft.	12Ft.
2 or 3	50Ft.	20Ft.
More than 3	50 Ft.	24Ft.

All dead end traveled ways must install a hammerhead suitable for emergency vehicle turn around.

Note: Private easements for the purpose of constructing, maintaining and using access roads do not create road frontage for a back lot and are not subtracted from the road frontage ~~for a lot fronting~~ or lot area of a lot on a public or private road. Amended June 29, 2009

- D. The maintenance of the easement associated with back lots shall be the responsibility of those person(s) requiring the use of that easement for access. This maintenance requirement shall be stated in the deed

granting the access easement.

6.3.3 Drainage Improvements

All driveways shall have culverts installed in the ditch line of Town maintained roads unless deemed unnecessary by the Road Commissioner. Driveway culverts shall meet the following minimum requirements.

Minimum Size: Fifteen (15) inch diameter or larger as determined by the Road Commissioner.

Minimum Length: Width of the driveway plus two times the depth to invert at the edge of the driveway.

Minimum Cover: Three feet at the shallow end where ditch depth allows. Downstream regrading of the road may be required.

Materials: Aluminized Type 2 16 gauge corrugated steel pipe, or Class IV reinforced concrete pipe or smooth bore polyethylene (HDPE) pipe equal to ADS M12 or Hancor Hi-Q.

End Protection: Unless deemed unnecessary pipe ends shall be riprapped as follows:

Inlet End: Six (6) pipe diameters wide by two (2) pipe diameters long and shall be carried one (1) foot above the top of the pipe.

Outlet End: Six (6) pipe diameters wide by five (5) pipe diameters long and shall be carried one foot above the top of the pipe.

Size: $D - 50 = 6''$ Average size of stone shall be 6 inches in diameter or larger as required by the Road Commissioner.

Filter: A layer of filter fabric shall be placed on the ground prior to placing rip-rap unless deemed unnecessary by the Road Commissioner.

Stone: Sound durable angular stone compliant with Maine D.O.T. Standards for Bridges and Highways section 703.26 or latest revision.

Article 7 Administration

7.1 Enforcement:

This Ordinance shall be enforced by the Code Enforcement Officer (s)

appointed by the Municipal Officers.

7.2 Building or Use Permits:

After the effective date of this Ordinance, no building or other structure shall be erected, moved or enlarged in area (including gross floor area) or volume without a permit issued by the Code Enforcement Officer. No building permit shall be issued except in conformity with the provisions of this ordinance or by written order from the Zoning Board of Appeals. A building permit shall not be required for the replacement of roofing, siding and windows if no structural changes to the building are required as part of such work; the Code Enforcement Office shall be consulted before starting the work.

1. All applications for a Building Permit shall be submitted in writing to the Code Enforcement Office on the forms provided for that purpose. Applications may only be submitted and picked-up by the applicant or his /her authorized agent with written permission from the owner.
2. Applications shall be complete and submitted with all the accompanying information requested on the form. An incomplete application will be returned to the applicant or denied.
3. Within fourteen (14) days of the filing an application for a Building Permit the Building Inspector shall approve or deny the application.
4. A building permit secured under the provisions of this Ordinance shall expire, if work or change is not commenced within ninety (90) days of the date of issuance the Code Enforcement Officer may issue an extension for up to sixty (60) days when extenuating circumstances exist. If the work or change is not substantially completed within one (1) year of the date on which the permit was issued a renewal permit to complete the work may be issued by the Code Enforcement Officer.
5. Prior to the issuance of a building, electrical, or use permit, a fee as established by the Board of Selectmen shall be paid to the Code Enforcement Office.
6. Upon issuance of a building permit, a building permit card will be issued. This card shall be displayed within 24 hours of the issuance of the building permit on the front of the subject property visible from the road.

7.3 Restoration of Unsafe Property

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Code Enforcement Officer. A building permit may be necessary before beginning construction.

7.4 Plumbing Permit Required

- 1. No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid plumbing permit has been secured by the owner or agent in conformance with the Maine State Plumbing Code.**
- 2. No building permit for a new residential or commercial building shall be issued without first being issued a subsurface wastewater disposal system permit in conformance with the State Plumbing Code.**

7.5 Approval of Permits:

Permits shall not be denied if the proposed use is found to be in compliance with all Local, State and Federal codes and regulations.

7.6 Permits Issued By The Code Enforcement Officer (s) :

The Code Enforcement Office shall be responsible for issuing building permits, plumbing permits, electrical permits, home occupation permits as well as the related inspections.

7.7 Pending Application for Building Permits:

Nothing in this ordinance shall require any change in the plans, construction, size or designated use of any building, structure, or parts thereof for which application for a building permit has been made or a building permit has been issued, other than by the direction of the Zoning Board of Appeals after an appeal and decision of the board, or upon which construction commenced prior to the adoption or amendment of this Ordinance, provided construction shall start within ninety (90) days after the issuance of such permit.

7.8 Legal Action and Violations:

When a violation of any provision of this Ordinance, the State Plumbing Code, or any other Local, State, or Federal Land Use regulation is found to exist, the Municipal Officers may designate the Code Enforcement Officer or the Town Attorney or both to institute any and all actions and proceedings that are equitable and appropriate to enforce any and all Ordinances and Regulations using Title 30 A M.R.S.A. Section 4452 and Rule 80K of the Maine Rules of Civil Procedure.

7.9 Fines:

Any person, firm or corporation being the owner or having control or use of any building, premises, property or the like who violates any provision of the Ordinance or Regulation if found guilty shall be subject to civil penalties as per Title 30A M.R.S.A. Section 4452.

Article 8
Zoning Board of Appeals

- 8.1**
- A. All Appeals of permits, and / or land use decisions shall be based upon a written decision of the Code Enforcement Officer**
 - B. Administrative appeals and variance requests shall be heard and decided upon by the Zoning Board of Appeals.**
 - C. Appeals shall lie from the Code Enforcement Officer to the Zoning Board of Appeals and from the Zoning Board of Appeals to the Superior Court according to State law.**
 - D. Disability and Mislocated Building Appeals.**
- 8.2 Board of Appeals:**
- 1. Establishment: A Board of Appeals is hereby established in accordance with State law and the provisions of this Ordinance.**
- 8.3 Appointment and Composition:**
- A. The Board of Appeals shall be appointed by the Municipal Officers and shall consist of five (5) members, and two (2) alternates, all of whom shall be legal residents of the Town of Lyman, serving staggered terms of at least three (3) years and not more than five (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 meetings are to be electronically taped. All minutes of the Board shall be public record. The minutes shall be on file in the Town Office and may be inspected during normal business hours by appointment.**
 - B. Vacancies on the Board shall be filled by advertising for new members, the Board may review all applications and make a recommendation on new members to the Board of Selectmen.**
 - C. A quorum shall consist of three (3) Members.**
If only three members are present for the meeting the applicant or agent shall be notified by the chair that they can request that the meeting be continued to a later date in the hope of a full board. An applicant will be allowed a one postponement in hope of a full board. A tie vote shall be considered a negative vote on a question or the denial of an application. All sitting members must vote.

- D. A Municipal Officer or full-time Municipal Employee may not serve as a member of the Zoning Board of Appeals.**
- E. Any question raised by a member or an applicant of whether a particular issue involves a conflict of interest by a member sufficient to disqualify that member from voting thereon, shall be settled by the member or applicant disclosing the potential conflict at the beginning of the meeting before the case is heard. The rest of the voting members shall, after hearing the alleged conflict, by majority vote of those members voting on the question, decide if the member should step down for that part of the meeting or by a majority vote of those members voting on the question allow the member to remain a sitting member for the case in question.**
- F. If an alternate member is assigned to vote on a case that is before the board that member must have attended any meetings that were held previously on that case, or must have reviewed any minutes of previously held meetings before he or she can vote.**
- G. A member of the Board may be dismissed for just cause by the Municipal Officers after notice and a hearing. The Municipal Officers shall hold an executive session under the heading of a personal matter with the member. The member has the right to request a public hearing. As used in this section, “just cause” may include repeated absences, participation by a member in a matter in which that member has a financial interest, a member moving to another state, or any other reason determined by the Municipal Officers to interfere with the efficient operation of the Board.**

8.3.1 Powers and Duties

- A. Administrative Appeals: To hear and decide where it is alleged that 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 a majority vote of the Board of Appeals**
- 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. The Board of Appeals shall grant a variance only by a majority vote of the board and in so doing, may prescribe conditions and safeguards as are appropriate under this ordinance.**

C. Disability Variance

To allow the Board to hear and permit a variance of dimensional requirements of the Ordinance, to make a property accessible to a person or persons with a disability as defined in Title 5 MRSA, Section 4553. Such a variance shall only be granted for the installation of equipment or construction of structures necessary for access to or egress from the property by a person living on the property who has a disability. The variance shall only be valid during the period in which a person with a disability requiring the access and egress resides on the lot and shall only be granted if the Board finds that there is no other feasible location or method for providing the desired access and egress.

D. Mislocated Building Appeal

The Board of Appeals may hear and decide, upon appeal in specific cases where existing buildings are found to be in violation of the setback requirements and where such location of buildings will not be contrary to the public interest whether an appeal should be granted. In order to grant a mislocated building appeal the Board must find:

1. That the violation is not due to new construction;
2. That there was no willful or premeditated action or gross negligence to build within the setback.

8.3.2 Appeal Procedure:

1. In all cases, a person aggrieved by a decision of the Code Enforcement Officer, shall commence their appeal within thirty (30) days after the decision is made by the Code Enforcement Officer.
 2. A variance request shall be accompanied by a full survey prepared by a surveyor registered in the State of Maine clearly showing the height area, size, and setbacks for which the variance is requested.
 3. All requests for an appeal shall be accompanied by the proper forms approved by the Board. The aggrieved party shall specifically set forth the grounds for the appeal.
 4. Fee shall accompany the application. Fees shall be set by order of the Board of Selectmen and shall be listed on the application forms. The application will not be accepted unless it is complete with all the information requested, and all fees are paid.
- A. The applicant is responsible for providing with the application a list of property owners within 500 feet of the site involved, including properties

surrounding the site, across the road or across a water body. The applicant shall provide a list of property owner's names, mailing addresses and Assessors Tax Map and Lot Numbers accurate to within thirty (30) days of filing the application. Within the Shoreland Zoning District the list of neighboring property owners shall consist of all properties within 500 feet of the site involved. The applicant shall also provide with the application (3) three complete sets of standard (1" X 2 5/8") mailing labels with the names and, mailing addresses of each identified neighboring property owner with the application.

- B. Following the filing of a complete application for an appeal, the Board of Appeals shall within thirty (30) days set a hearing date for that appeal. The Board shall notify the Applicant and the Code Enforcement Officer, Planning Board and Board of Selectmen at least twenty (20) days in advance of the date, time and location of the hearing. The Board shall notify all abutters within the required distance by certified mail within ten (10) days of the hearing, and also publish a notice of the hearing in a newspaper of general circulation in the area at least ten (10) days in advance of the hearing date, as to the time, date and location of the hearing, and a public notice shall be posted in the municipal building, library and Town Web-Site.**
- C. A property owner shall be considered to be the person(s) against whom property taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Board of Appeals.**
- D. At any hearing the parties involved may be represented by an agent or attorney.**
- E. The Code Enforcement Officer or his / her designated representative shall attend all hearings and may make a presentation to the board as well as providing submissions appropriate for the board to better understand the appeal.**
- F. Order of Presentation shall be as follows:**

 - 1. Appellant's case shall be heard first**
 - 2. Code Enforcement Officers presentation**
 - 3. Neighboring property owners comments and or presentations**
 - 4. Open to the general public for comment**

By a majority vote of those hearing a matter, the Board may continue the public hearing to another date to allow for a site walk or if it feels that it needs additional information

- G. Once the public hearing is closed, the board has twenty (20) days to meet and reach a decision on the appeal. Within seven (7) days of the Board's decision a written notice stating the reasons or basis for the findings and conclusions shall be mailed or delivered-in-hand to the**

petitioner or his / her legal representative, the Code Enforcement Officer, Planning Board, Board of Selectmen and Assessor.

- H. If the Board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in it's chain of title and indicating the fact that a variance was granted including any conditions, and the date the variance was granted shall be prepared in a recordable form. This certificate must be recorded in the York County Registry of Deeds within ninety (90) days of the date of the decision. The Town of Lyman staff shall record in the Registry of Deeds all variances approved or denied. The applicant shall be responsible for the cost of recording.**
- I. A variance granted under the provisions of this Ordinance shall expire if work or change involved is not substantially commenced within one year of the date that the appeal was granted, and if the work or change is not substantially completed within two (2) years.**

8.3.3 Standards for Variance Appeals:

- A. As used in this Ordinance, a variance is authorized only for height, area, size of structure, size of yard or open spaces. A variance shall not be granted because of the presence of non-conformities in the Zoning Districts. The Board of Appeals shall grant a variance only by majority vote of the Board and in doing so, may prescribe conditions and safeguards as are appropriate under the Ordinance.**
- B. Except as provided in Subsection C and D, the Board may grant a variance only when strict application of the Ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:**
 - 1. The land in question cannot yield a reasonable return unless a variance is granted;**
 - 2. The need for a variance is due to the unique circumstances of the property and not the general condition of the neighborhood;**
 - 3. The granting of the variance will not alter the essential character of the locality; and**
 - 4. The hardship is not the result of action taken by the applicant or prior owner.**
- C. In order for a variance to be granted all four of the hardship conditions listed above must be met. Also the term "yield a reasonable return" is a condition that does not relate to a monetary value.**

Article 9
Planning Board and Staff Review Committee
Site Plan Review

9.1 Authorization:

The Planning Board and the Staff Review Committee are hereby authorized to hear, and decide upon applications for Site Plan Review, that each Board or Committee is authorized to review, approve, or approve with conditions in accordance with State Law and the provisions of this Ordinance, along with any other regulations and standards of the Town of Lyman. The Planning Board is also authorized to review and approve or approve with conditions Subdivisions in accordance with State Law, the provisions of this Ordinance, along with the Subdivision Standards of the Town of Lyman.

9.2 Powers and Duties:

- A. The Planning Board shall hear and approve, approve with modifications or conditions, or disapprove applications for Site Plans Review and Subdivision. No building permit(s) shall be authorized without first receiving Site Plan Review approval for the uses listed within this Ordinance that require Site Plan review.**
- B. The Staff Review Committee shall have the authority to review and grant a Site Plan Review approval in accordance with the procedure specified in Section 9.9.1 of this Ordinance.**

9.2.1 Vacancies on the Board shall be filled by advertising for new members. The Board may review all applications and make a recommendation on new members to the Board of Selectmen.

9.2.2 If any alternate member is assigned to vote on an application that is before the board, that member must have attended any meetings that were previously held on that application, or shall have reviewed any minutes of previously held meetings before they can vote on the project.

9.2.3 A member of the Board may be dismissed for just cause by the Municipal Officers after notice and a hearing. The Municipal Officers shall hold an executive session under the heading of a personal matter with the member. The member has the right to request a public hearing. As used in this section, “just cause” may include repeated absences, participation by a member in a matter in which that member has a financial interest, a member moving to another state, or any other reason determined by the Municipal Officers to interfere with the efficient operation of the Board.

9.3 Application Procedure:

- A. A person informed by the Code Enforcement Officer that Site Plan Review is required, shall file an application for the review with the Planning Board on forms provided for that purpose. The applicant may request a non-binding pre-application meeting.**
- B. It is recommended that the applicant fill out a pre- application form for a pre-application meeting with the Planning Board. This meeting is a non-binding meeting that will allow the applicant to explain a project to the board, and allow the board to ask questions and comment on the project. The applicant may then submit a full application for review.**
- C. When an application is submitted to the Planning Board for a commercial project on any Base Lot #1 which abuts the Commercial/Residential District portions of Routes 111, or 5 and 202, the Applicant/Owner must submit to the Planning Board a completed application for Site Plan Review.**
- D. When an application is submitted to the Lyman Planning Board for a commercial project on any Base Lot #2, the Applicant/Owner must submit to the Planning Board a completed application for Site Plan Review.**

9.3.1 Application & Fees

- A. For a pre-application meeting, a pre-application form must be submitted to the Code Enforcement Officer on the form provided. The Board shall place pre-applications at the beginning of the agenda. No public mailing notice is required for per-applications.**

Fees

The Board of Selectmen shall set the fee for Site Plan Review with a recommendation from the Planning Board after reviewing the cost of staff time, postage, recording fees, etc.

- B. Following the filing of an application, the Board shall review the application for completeness using the check list provided to the applicant. Once the Board votes that the application is complete the Board may require a site walk. Before the Board can take action on any application, the Planning Board shall hold a public hearing on the application within forty-five (45) days of the Board's determination that the application is complete. The Planning Board shall notify the Code Enforcement Officer, Board of Selectmen and the Zoning Board of Appeals at least twenty (20) days in advance of the public hearing. The notice shall include the date, time and location of the hearing. The Board shall notify all neighboring property owners within the required**

distance by certified mail at least ten (10) days in advance of the hearing, and also publish a notice of the hearing in a newspaper of general circulation in the area at least ten (10) days in advance of the hearing date, including the time, date and location the hearing. A public notice shall be posted in the municipal building, library and Town Web-Site.

- C. The applicant is responsible for providing with the application a list of owners of property within five hundred (500) feet of the site involved, including properties surrounding the site, across the road or across a water body. The applicant shall provide a list of property owners names, mailing addresses and Assessor's Tax Map and Lot Number accurate to within thirty (30) days of filing the application.

The applicant shall also provide with the application (3) three complete sets of standard (1" X 2 5/8") mailing labels with the names, mailing addresses, of each property owner within five hundred (500) feet of the property with the application.

- D. The owners of property shall be considered to be those against whom property taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action taken by the Planning Board.
- E. The Board shall notify by certified mail, the applicant and owners of property within 500 feet as per notice list of the property involved at least ten (10) days in advance of the public hearing the nature of the application, and the time and place of the public hearing. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action taken by the Board or Committee.
- F. The Code Enforcement Officer or his designated representative will attend a hearing if the Board requests their presence.
- G. At any hearing, a party may be represented by an agent or attorney.
- H. A public hearing may be continued to another date if the Board feels that it has good cause, including but not limited to requests for additional information or an additional site walk. A majority vote of the Board is required to continue the public hearing.
- I. 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 Chair.

- J. Once the public hearing is closed, the board has thirty (30) days to meet and reach a decision to approve or deny the site plan application. The thirty days may be extended if needed by agreement of the Board and the applicant, and within seven, (7) days of the Board's decision a written notice stating the Board's action(s) shall be mailed or delivered-in-hand to the applicant or his / her legal representative, the Code Enforcement Officer, and Board of Selectmen and Assessor**
- K. Upon notification of the decision of the Planning Board, and notification that the Site Plan Review approval has been recorded (see section 9.4 D) the Code Enforcement Officer as instructed shall issue, issue with conditions or deny a Building Permit.**
- L. A Site Plan Review approval secured under the provisions of this Ordinance by vote of the Planning Board shall expire if the work or change involved is not substantially commenced within one (1) year of the Boards approval date, and completed within two (2) years of the approval date.**

9.4 Standards for Site Plan Review Applications:

- A. Site Plan Review approval is designed to permit those uses which are permitted within a zoning district, and to be reviewed by the proper reviewing authority. The standards set forth in the ordinance are designed to ensure adequate control of the location, design and operation of such uses.**
- B. The Planning Board may approve or approve with conditions an application for Site Plan Review if the applicant demonstrates that the proposed use:**
 - 1. Will meet the definition of the use, meet the Zoning District requirements and any other requirements set forth in this Ordinance;**
 - 2. Will not have a significant detrimental effect on the use and peaceful enjoyment of abutting properties as a result of noise, vibrations, fumes, odor, dust, light, glare, traffic, or other cause;**
 - 3. Will not have a significant adverse effect on adjacent or nearby property values.**
 - 4. Will not create a significant hazard to pedestrian or vehicular traffic or significant traffic congestion;**
 - 5. Will not result in significant fire danger;**

- 6. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination or soil erosion;**
 - 7. Will not create a safety hazard because of inadequate access to the site, or buildings for emergency vehicles;**
 - 8. Has proposed exterior lighting which will not create hazards to motorists traveling on adjacent public streets, is adequate for the safety of occupants and users of the site, and will not damage the value or diminish the usability of adjacent properties;**
 - 9. Makes provisions for buffers and on-site landscaping which provide adequate protection to neighboring properties from detrimental features of the development. The applicant shall provide a plan prepared by a Registered Landscape Architect, or other qualified professional approved by the Planning Board.**
 - 10. Makes provisions for vehicular parking, loading, unloading, as well as vehicular and pedestrian circulation on the site, and onto adjacent public streets which would neither create hazards to safety nor impose significant burdens on public facilities;**
 - 11. Makes adequate provisions for the disposal of wastewater and solid waste for the prevention of ground or surface water contamination;**
 - 12. Makes adequate provisions to control erosion and sedimentation;**
 - 13. Makes adequate provisions to handle storm water run-off and other drainage on the site;**
 - 14. Provides for a water supply which meets the demands of the proposed use, and meets the needs for fire protection purposes;**
 - 15. Makes adequate provisions for the transportation, storage and disposal of hazardous substances and materials as defined by State and Federal Law;**
 - 16. Will not have an adverse impact on significant scenic vistas or on significant wildlife habitat which could be avoided by reasonable modification of the plan**
- C. The Board shall discuss each of the sixteen (16) criteria listed above and take a formal vote on each one before moving on to the next one. The Board must vote in the majority to pass or fail each criterion. If any of the criteria fail after all sixteen are voted upon, the Board may allow the applicant to change or modify the plan to satisfy any failed criteria before the Board takes its final vote on the project. If all**

sixteen criteria receive a passing vote, the Board shall approve or approve with conditions the plan. If any of the criteria fail to pass, the Board shall deny the project.

- D. All findings by the Planning Board shall be written and state the reason for each of the findings. The Site Plan Review approval must be recorded in the York County Registry of Deeds within fifteen (15) days of the expiration date of the appeal period as set by State Law. The Town of Lyman staff shall record in the Registry of Deeds all Site Plan Review approvals which are approved or denied at the applicant's expense for recording.**

9.5 Technical Assistance:

The Planning Board may at its discretion forward a copy of the application and plans as well as all supporting documentation to any appropriate technical expert(s) for review. The review may include traffic impact, roadway and parking design and construction, storm-water management and erosion and sedimentation control, as well as any other concerns of the reviewing authority. The applicant shall pay for the employment of any such experts. The applicant shall be informed of the intended use of such services and their approximate cost. A deposit equal to 125% of the estimated cost shall be paid to the Town prior to the employment of any such technical experts. The total cost of any review (s) shall be paid in full by the applicant prior to the signing of any approved plans or issuance of any permits. If the entire deposit is not expended, the remaining balance shall be returned to the applicant once the project is approved or denied.

9.6 Data Requirements:

Any application presented for approval shall include the following information:

- 1. A site plan drawn at a scale not smaller than one inch equals forty feet 1" = 40'**
- 2. The name and address of the applicant plus the name of the proposed development.**
- 3. Total floor area, ground coverage and location of each proposed building, structure or addition.**
- 4. Perimeter survey of the parcel, made and certified by a registered land surveyor licensed in Maine, relating to reference points. Plan is to show true or magnetic North, a graphic scale, corners of the parcel, date of survey and total acreage**
- 5. All existing and proposed setback dimensions.**

- 6. The size, location, direction and intensity of illumination of all major outdoor lighting apparatus and signs.**
- 7. The type, size and location of all incineration devices.**
- 8. The type, size and location of all machinery likely to generate appreciable noise at the lot lines, as well as estimated decibel level at property lines.**
- 9. The location, type and size of all existing and proposed catch basins, storm drainage facilities, wetlands, streams and watercourses as well as all utilities, both above and below ground.**
- 10. All existing contours and proposed finished grade elevations of the portions of the site which will be altered and the system of drainage proposed to be constructed. Contour intervals shall be specified by the Planning Board.**
- 11. The location, type, size of all curbs, sidewalks, driveways, fences, retaining walls and parking space area and layout thereof, together with dimensions**
- 12. All landscaped areas, fencing, size and type of plant material upon the premises.**
- 13. All existing or proposed rights-of-way easements and other legal restrictions which may affect the premises in question.**
- 14. The property lines of all properties abutting the proposed development, including properties across a street, or across a water-body, together with the tax map and lot numbers, and property owners names and mailing addresses on file at the Town Office within 10 days of the filing of the application.**
- 15. An appropriate box on each page of the plans for the signature (s) of the Planning Board.**
- 16. Documentation of right, title or interest in the proposed site.**
- 17. An on-site soils investigation report by a Maine State Licensed Site Evaluator. The report shall identify the type of soil, location of test pits and the proposed location and design for the subsurface disposal system.**
- 18. The type of any raw, finished or waste materials to be stored inside or outside of roofed buildings, including their physical and chemical properties, if appropriate.**

19. Traffic Data: The Planning Board may require that the application include a traffic engineering study, should the project be considered one of substantial magnitude along any of the town's state highways where fast moving traffic occurs (i.e., Route 111, 35 or 5). Should a traffic study be requested by the Planning Board, the following data shall be included:

- A.** The estimated peak-hour traffic to be generated by the proposal.
- B.** Existing traffic counts and volumes on surrounding roads.
- C.** Traffic accident data covering the last three years
- D.** The capacity of surrounding roads, municipal facilities, parking and any other improvements, which may be necessary on such roads and facilities to accommodate anticipated traffic generation.
- E.** The need for traffic signals and signs or other directional markers to regulate anticipated traffic.

20. Any other information or data the Planning Board determines is necessary to demonstrate compliance with Town, State and Federal Regulations.

9.7 Appeals

Any person aggrieved by a final decision of the Planning Board on a site plan application may appeal that decision to the Zoning Board of Appeals within thirty (30) days of the Planning Board's decision. The review by the Zoning Board of Appeals shall be on an appellate basis and shall be limited to a review of the record developed before the Planning Board. The person(s) submitting the appeal and any opponents to the position of that person(s) may make written and/or oral presentations to the Zoning Board of Appeals about why they feel the decision of the Planning Board was correct or incorrect. The Zoning Board of Appeals shall only reverse the decision of the Planning Board if it determines that the decision contained a procedural error or was clearly contrary to the Ordinance. Any appeal from a decision of the Zoning Board of Appeals under this section shall be made to the Superior Court within forty-five (45) days after the date of that decision.

9.8 Violations and Penalties

Failure to comply with any conditions of the approval shall be a violation of this Section and shall be grounds for revoking the approval, initiating legal proceedings to enjoin construction of the development or any specific

activity violating the conditions of the plan approval or applying the legal penalties detailed in Sections 7.8 and 7.9.

9.9 Staff Review Committee:

The Staff Review Committee shall include the Code Enforcement Officer, Road Commissioner, Assessor, Fire Department Officer and one member of the Board of Selectmen who shall chair the meetings.

9.9.1 The Staff Review Committee shall have the authority to grant Site Plan Review approvals on the following applications.

- 1. A change of use from one permitted use to another permitted use without any increase in gross floor area or building size, as long as the parking requirements do not increase by more than 8 spaces.**
- 2. An expansion of an existing use by not more than 1000 sq. ft. of gross floor area / or land area in any five year period. (Area of required increased parking shall not be included in the area calculation).**

A new use / or a change from a use which did not require a site plan review, to a use which would require a site plan review that will occupy a gross floor area / and or land area of 2500 sq. feet or less (excluding parking areas) in any five (5) year period.

9.9.2 The Staff Review Committee shall approve or approve with conditions an application for site plan review for the uses listed in sections 9.9.1 – 1 to 4, if the applicant demonstrates that the proposed use will meet the standards of sections 9.4 B – 1 to 16, section 9.4 C, and sections 9.5 and 9.6. The Staff Review Committee may require an applicant to submit any other information that it determines is necessary to demonstrate compliance with Town regulations.

9.9.3 Meetings will be held as needed on the second and fourth weeks of each month. Meetings shall take place during normal business hours of the Town Hall. Dates and times will be set by the committee.

9.9.4 Six complete copies of the application and site plan shall be submitted to the Code Enforcement Office at least 14 days prior to the date the Committee meets. The application shall be accompanied by the fee.

9.9.5 Fees: Fees shall be set by order of the Board of Selectmen.

9.9.6 Appeals:

Any person aggrieved by a final decision of the Staff Review Committee on a Site Plan application may appeal that decision to the Planning Board within thirty (30) days of the Staff Review Committee's decision. The Planning Board may review the records developed before the Staff

Review Committee, but shall also have the authority to accept new evidence that may be relevant to the application. The Planning Board shall conduct a de novo hearing on the application and shall make its own findings and conclusions as to whether the Ordinance standards have been met.

9.9.7 Violations and Penalties

Failure to comply with any conditions of the approval shall be a violation of this section and shall be grounds for revoking the approval, initiating legal proceedings to enjoin construction of the development or any specific activity violating the conditions of the plan approval or applying the legal penalties detailed in Sections 7.8 and 7.9.

Article 10 General Town Wide Regulations

- 10.1 All lots, structures and uses shall comply with the dimensional requirements specified for the district in which they are located.**
- 10.2 The keeping of any animal(s) for personal use or enjoyment other than normal household pets shall not take place in the Residential District or on lots under two (2) acres in other Districts.**
- 10.3 No manufactured home which was manufactured before June 15, 1976, may be brought into the Town of Lyman.**
- 10.4 Land which is within a private right-of-way ~~or easement~~ which abuts a lot shall not be considered as part of the lot for the purpose of meeting the lot area or setbacks requirements of the Ordinance.**
- 10.5 Multiple non-residential uses and accessory uses, may be located within one building if the lot meets the lot size requirements of the district, and can meet the setback and parking standards for the district.**

Amended June 29, 2009
- 10.6 Accessory Dwelling Units:**
One accessory dwelling unit shall be permitted within an owner-occupied single family dwelling in all districts which meet the following conditions;
 - 10.6.1 The lot on which the accessory dwelling unit is situated meets all the current dimensional requirements of the district.**
 - 10.6.2 The accessory dwelling shall contain no more than one bedroom, kitchen area, living room and a bathroom, and shall not exceed 600 square feet of habitable floor area.**
 - 10.6.3 The accessory dwelling unit shall be located in the same building or a**

building attached to the principal structure. If the accessory dwelling unit is located in the basement of a single family dwelling it must meet the egress standards of the NFPA Life Safety Code #101 as well as all other required codes and standards.

10.6.4 Egress must be through the principle structure, or a breezeway although a secondary egress may be allowed in the rear of the building.

10.6.5 The building containing the accessory dwelling unit shall have the exterior appearance of a single family home.

10.6.6 The unit must comply with all applicable building codes, and expansion criteria of the Maine State Subsurface Wastewater rules.

10.6.7 Driveways longer than 200 feet must provide an adequate emergency vehicle turnaround.

10.6.8 On street parking will not be permitted. Additional parking and turnaround space must be provided if needed.

10.7 Stormwater Management and Erosion and Sedimentation Control:

Storm-water runoff shall be managed and directed through surface or subsurface drainage systems designed to accommodate the drainage flow based on a 25-year, 24 hour storm event. Storm-water retention practices shall be employed to minimize impact on neighboring and downstream properties. In areas of aquifer recharge, storm-water infiltration (after separation of leachable harmful substances) shall be required. Where retention / infiltration is unwarranted or unfeasible, offsite improvements to natural or man-made drainage systems may be necessary to increase capacity and prevent erosion at the developer's expense. The natural state of watercourses, swales or floodways shall be maintained.

Earth moving operations associated with development construction activities shall be conducted in a manner to prevent or minimize erosion and sedimentation of surface water. Location of structures and roadways shall be designed using existing topography in a manner in which any slope modification will not jeopardize the slope stability. Surface water drainage shall be designed to minimize erosion and sedimentation through the use of trenches, berms, run-off diversion ditches and grassed waterways. Where sedimentation may occur during construction phases, temporary sedimentation control measures, such as vegetated filter strips and sediment basins or traps, shall be incorporated into the construction plans. Permanent storm drainage structures, inlets and outlets shall minimize water velocities in erodible soil.

10.8 Mineral Extraction and Earth Moving Activities:

The following provisions shall apply to filling, lagooning, dredging, mineral extraction and other earth-moving activity.

10.8.1 The following earth moving activities shall not requiring a Site Plan Review approval.

- A. The removal or filling of less than fifty (50) cubic yards of material from or onto any lot in any one year.**
- B. The removal or filling of material incidental to construction, alteration, or repair of a building or grading and landscaping incidental thereto; and**
- C. The removal, filling or transfer of material incidental to construction, alteration or repair of public ways or essential services.**

All other earth moving, processing and storage shall require a Site Plan Review approval.

10.8.2 Application for Site Plan Review:

An application for Site Plan Review for excavation, processing and storage of soil, loam, sand, gravel, rock and any other mineral deposits shall be accompanied by a plan prepared by a Registered Land Surveyor and or Registered Professional Engineer which shall show the following:

- 1. Location map (paper & digital), boundary survey, engineered plans.**
- 2. Evidence of Right title or interest in the property, to include the name, address of the owner(s) of the property involved.**
- 3. Hydrogeologic study to determine impacts to the local groundwater systems and any neighboring wells. The location of neighboring wells shall be shown as follows:**
 - A. Any drilled wells within one hundred (100) feet of any boundary of the property.**
 - B. Any dug well or driven point within two hundred (200) feet of any boundary of the property.**
- 4. Access road must be shown on the plan and shall be paved in a minimum of 150 feet from the main road with a minimum width of 20 feet. An entrance permit may be required by M.D.O.T, if so, a copy must be submitted to the Board. Also a gate must be installed 150 feet into the access road and shown on the plan. The gate shall be locked. A**

sign with the name of the owner / operator along with an emergency phone number and the hours of operation shall be on the gate.

- 5. Access road maintenance, air emissions and dust control methods shall be shown on the plan as a note. Also “notes on the plan” shall state how the paved roadway will be kept clean and dust free by watering or other means. Calcium chloride or an equivalent will be used on gravel road areas so as to minimize visible dust during working hours.**
- 6. Existing and proposed drainage.**
- 7. Existing and proposed surface water runoff.**
- 8. The methods of removal or processing shall be described in notes on a construction plan.**
- 9. The location of any permanent buildings on the property (limit of two) any temporary structures and any subsurface wastewater disposal systems if applicable.**
- 10. Groundwater quality.**
- 11. All buffer strips, as required by section 10.8.3**
- 12. Note on the plan the hours of operation set by the Planning Board.**
- 13. Note on the plan that crushers and screeners can only be used between the hours of 7 A.M. and 4 P. M. Monday through Friday, and there shall be no crushing or screening on Saturday, Sunday, or any State or Federal holidays.**
- 14. Open acreage must be noted on the plan. Each year within one month of the anniversary date of the Site Plan Review approval, a Licensed Surveyor must send the Code Enforcement Office a letter stating that the pits open area is in compliance with the condition(s) shown on the approved plan.**
- 15. Setback(s) of mining operations from Town or State road right-of-ways. The setback(s) shall be determined by the Planning Board but in no case be less than 100 feet.**
- 16. Reclamation: The owner / operator must submit to the Town of Lyman a check in an amount to be set by the Planning Board based upon the amount of open pit area. The funds are to be placed in an escrow account in the name of the Town for reclamation in the event of the owner / operators default.**
- 17. A refueling pad 15’ x 20’ or larger made of concrete shall be built and shown on the plan.**

- 18. Submit to the Planning Board letters from the following agencies:**
- A. Goodwins Mills Fire Dept. stating that they will be able to provide emergency services to the property.**
 - B. Dept. of Inland Fisheries & Wildlife about any wildlife concerns.**
 - C. Maine Historic Preservation Commission.**
 - D. DEP permit(s)**
- 19. Trucks Entering signs shall be located on the main roadway as required by the Planning Board.**
- 20. Monitoring wells shall be located in the pit area as required by the Planning Board. The monitoring wells must be checked yearly between April 1st and May 31st by a licensed surveyor or engineer and a report submitted to the Code Enforcement Office stating the level of ground water in relation to the bottom of the pit area.**
- 21. An erosion and sediment control plan must be submitted as required by the Planning Board.**
- 22. Any other information the Planning Board may require to make an informed decision.**
- 23. The Planning Board may require Technical Assistance as set forth in Section 9.5**

10.8.3 Conditions of Approval:

The Planning Board may authorize a Site Plan Review approval provided 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 groundcover 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 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 drainageway.**
- G. The sides and bottom of cuts, fill, channels, and artificial water courses shall be designed and built according to the Maine Soils and Water Conservation Commission, “Technical Guide Standards and Specifications”.**
- H. With the following exception for gravel pits in lawful operation at the time of this amendment. No excavation shall be allowed within one hundred fifty (150) feet of a lot with an existing residential use or within fifty (50) feet of a property line on which no residential use exists as of the date of the application, unless abutting property owners agree in writing to a lesser setback. Said agreement(s) shall be recorded at the York County Registry of Deeds within ninety (90) days. No excavation shall be allowed within one hundred (100) feet of the edge of a public way.**

Exception:

No below-grade excavation, except for drainage ways, shall be allowed within fifty (50) feet of any lot line or within one hundred (100) feet of the edge on the right-of-way of any public way except by written agreement with abutting property owner(s). With this agreement, the setback may be reduced to zero (0) feet.

- I. Topsoil or loam shall be restored to a depth of not less than four (4) inches.**
- J. At the discretion of the Planning Board the applicant shall submit written approval from the appropriate Soil and Water Conservation District.**
- K. Natural vegetation shall be retained within the buffer area, except as recommended by a professional forester pursuant to best forest management practices and approved by the Planning Board, to the extent necessary to protect neighboring uses from dust, noise and unsightly appearance, the Planning Board may require the applicant to provide screening, a berm or a combination where there is inadequate natural buffer. The extent necessary to protect neighboring uses from dust may be determined by the Code Enforcement Officer based on the following criteria.**
 - 1. Dust plumes or clouds, visible to the naked eye, exist in the air at the property line(s) between properties on which earthmoving activities take place and residential use exist.**
 - 2. Residual dust, characteristic of that generated by earthmoving activities, is evident on vehicles, clothing hung on lines outdoors,**

in swimming pools, and on other surfaces on properties with existing residential uses and the source of the dust can be identified as a property upon which earthmoving activities are taking place.

3. Complaints about dust by residents that can be substantiated by evidence as described in 1. and 2. Above.
4. The opacity of the air over the earthmoving activities as measured by Certified C.E.O. in conformance with Chapter 101: Visible Emissions Regulations, D.E.P. Positive findings of all the above criteria by the C.E.O. are sufficient evidence that said earthmoving activity is in violation of Section 7.8
5. Excavation may not occur within five (5) feet of the seasonal high water table. If standing water already exists in excavated areas, no further excavation that would result in an increased area of standing water shall be allowed. Notwithstanding the forgoing, the Town of Lyman may allow excavation to extend to or below the water table and an area of standing water may be increased through excavation if the Maine Department of Environmental Protection and the Lyman Planning Board approves such excavation. At least one monitoring pit or monitoring well must be maintained on each five (5) acres of excavation, said well to be monitored annually between April 1st and May 31st.

L. Optional Conditions of Approval:

The Planning Board may impose other reasonable conditions to safeguard the neighborhood and the Municipality, which may include those relating to:

1. Methods of removal or processing;
2. Hours of operation;
3. Type and location of temporary structures;
4. Routes for transporting material;
5. Area and depth of excavations;
6. Provisions of temporary or permanent drainage;
7. Disposition of stumps, brush, and boulders;
8. Cleaning, repair, and / or resurfacing of streets used in removal Activity which have been adversely affected by said activity; and
9. An escrow account to insure compliance with conditions of approval.

M. Time Period of Approval:

No approval shall be issued for a period to exceed three (3) years, although such approvals may be renewed for additional periods in the same manner.

N. Existing Operations:

Any operation involving excavation, processing, or storage of soil, earth, loam, sand, gravel, rock or other mineral deposits in lawful operation at the time this Ordinance becomes effective may operate under the existing conditions of their Planning Board approval. The owner / operator must submit a complete renewal application within ninety (90) days of the expiration date of the existing approval in order to continue to operate.

10.9 Landscaped / Buffers:

The setback area along all property lines other than the right-of-way side in non-residential districts shall be landscaped to provide a visual screen between residential and non-residential uses. Parking areas, outdoor business storage areas, which abut a residential district shall be landscaped to provide a visual screen between residential and non-residential uses. The applicant shall provide a landscape plan prepared by a Registered Landscape Architect or other qualified professional approved by the Planning Board.

10.10 Light and Glare:

Exterior illumination shall be designed to eliminate glare and to minimize the illumination of abutting properties or roadways to no more than two (2) foot candles. The applicant shall submit photo metrics for the light fixtures proposed. Any illumination or glare, which would impair the vision of vehicle drivers is prohibited.

10.11 Lodging Facilities:

Any rental unit or room in a bed and breakfast or a hotel / motel which exceeds 470 square feet or a housekeeping cottage which exceeds 600 square feet shall meet the density requirements for a dwelling unit located in the same district.

10.11.1 All lodging facilities shall have a staffed office located within 150 feet of the site which rents and manages all the units within the lodging facility.

10.11.2 All units in a lodging facility, other than the unit occupied by the resident manager, shall be available to the traveling public and shall not be reserved for the exclusive use of the owner, his family, friends, or co-owners.

10.12 Noise:

The maximum permissible sound pressure level produced by any existing or future activity on a lot shall not exceed the following limits measured at any lot line of any receiving property at a height of at least four feet above the ground.

	7:00 a.m. to 10:00 p.m.		10:00 p.m. to 7:00 am	
	dB(A)	dB(C)	dB(A)	dB(C)
Commercial/ Residential:	70	82	60	70
General Purpose:	65	75	55	58
Residential:	60	70	55	58

Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise entering that zone.

10.12.1 In any one day the sound pressure levels emitting from a lot may exceed the above standard by 10 dB (A) for a single period not to exceed fifteen minutes.

10.12.2 Exemptions: The following shall be exempt from the standards;

- 1. Natural phenomena.**
- 2. Any signal lawfully used by emergency vehicles, or alarm or warning device used in an emergency situation.**
- 3. Warning devices required by OSHA or other government safety regulations.**
- 4. Farming activity or equipment between 7 a.m. and 10 p.m.**
- 5. Timber harvesting and milling between 7 a.m. and 10 p.m.**
- 6. Noise generated by any construction or demolition equipment domestic power equipment such as but not limited to chain saws, sanders, grinders, lawn and garden tools or similar devices operated between the hours of 7 a.m. and 8 p.m.**
- 7. Emergency maintenance, construction or repair work.**
- 8. Noise created by refuse and solid waste collection between the hours of 6 a.m. and 8 p.m.**

9. Noise created by any municipal sponsored event without being electronically or mechanically enhanced.

Enforcement: This section is enforceable by a law enforcement officer or by the Code Enforcement Officer, who may measure noise levels and document a violation. For the purpose of enforcement sounds exceeding the above limits may be deemed to constitute loud and unreasonable noise under 17A- MRSA Section 501 (Offenses Against Public Order: Disorderly Conduct).

10.13 Off-Street Parking Standards:

10.13.1 Off street may be provided out-of-doors or within a building. Off-street parking shall be considered to be an accessory use when provided to serve any permitted or non-conforming use. In the calculation of the number of spaces required any fractional number of spaces shall be rounded to the next highest whole number.

10.13.2 Land may not be used and a building may not be occupied until off-street parking and or loading facilities are provided.

10.13.3 Design Standards:

All parking areas containing three or more parking spaces, except those serving one or two family dwellings shall be designed according to the following criteria;

Parking Angle (degrees)	Stall Width (feet)	Skew Width (feet)	Stall Depth (feet)	Aisle Width (feet)
90	10	na	19	26
60	9	11	19	16 one way
45	9	13	18	12 one way
30	9	17	18	12 one way
180	24	na	9	13 one way
				26 two way

10.13.4 Every business, commercial, institutional, public and non-profit use shall provide a minimum of four (4) percent of the total parking spaces for vehicles with handicapped registration plates one (1) percent of the spaces for van parking, but in no case less than one H. C. space.

Passenger car spaces shall be 14' x 19', Van spaces shall be 16' x 19'. All required parking spaces shall be clearly

designated with a sign no smaller than 9 inches wide and 12 inches high, posted four feet off the ground.

10.13.5 Required Parking Spaces:

Banks: One per 250 square feet of gross floor area, plus six stacking spaces for the first drive-up window, plus two per additional drive-up window.

Contractor Business: One space for every 800 square feet of gross floor area, but not less than four spaces.

Day Care: One per 200 square feet of floor area used for child care, plus three.

Lodging Facilities: One and one tenth spaces for each sleeping room available to the traveling public.

Manufacturing: warehousing and wholesale businesses one space per 800 square feet of gross floor area but not less than four spaces.

Medical care facility: One per bed, plus one per 175 square feet of office space.

Office: Three and one half spaces per 1000 square feet of gross floor area but not less than four spaces.

Retail: One per 200 square feet of gross floor space but not less than four spaces.

Restaurant, standard: one space for each three seats, plus four spaces.

Restaurant, fast food: One per 30 square feet of gross floor area.

Schools:

Elementary, Junior High: Three per class room and any other room used by students, plus one space for each five students.

High School: Three per class room and any other room used by students, plus one space for each three students.

Theaters: auditoriums, function halls, clubs, churches and other places of assembly; One parking space for each three seats, based on occupancy load, plus five

spaces.

For uses not listed above, the number of parking spaces required shall be determined by the Planning Board. The Planning Board may ask the Code Enforcement Officer for an opinion on the number of spaces that should be required

- 10.13.6** Loading bays or docks may be required by the Planning Board.
- 10.13.7** Required off-street parking shall be located on the same property that it serves, or within 300 feet of the principal building or use, on the same side of the street or road. Off-site parking shall be located on property that is owned or leased by the owner of the property served by the off-site parking.
- 10.13.8** Plans for the parking area must show snow storage areas that do not reduce the required number of parking spaces.
- 10.13.9** All parking areas shall be designed to prevent storm water run-off from flowing directly or being piped directly into a water-body, to allow for the settling of sediment and the removal of grease, oil, and other pollutants.
- 10.13.10** All parking areas shall have a firm surface such as bituminous concrete or Portland concrete.
- 10.14** Restoration of Recycling Facilities:
- All recycling facility operators, except the Town of Lyman shall provide one of the following performance guarantees for an amount adequate to cover the total decommissioning costs and/or all site restoration improvements, taking into account the time span of the restoration schedule and inflation rate:
- 1. A certified check payable to the Town;**
 - 2. A savings account or certificate of deposit naming the Town as owner;**
 - 3. An escrow account established for the benefit of the Town.**
- The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the Road Commissioner, Selectmen, Town Attorney and if needed a professional engineer. No performance guarantee shall be reduced in amount without the Town's prior written approval.

10.15 Signs:

10.15.1 All signs shall comply with the following regulations:

- A. No sign shall cover window casings, door casings, or any architectural ornamentation of a building.**
- B. Signs shall be attached to the ground or to a building.**
- C. No sign shall project beyond a lot line (s)**
- D. No sign shall project above a flat roof or the ridgeline of any other roof.**
- E. No sign shall obstruct a driveway or required parking space.**
- F. No sign shall be attached to utility poles, trees, or traffic control signs or devices.**
- G. No sign shall be drawn or painted upon rock outcroppings or other natural features.**
- H. No sign shall obstruct or impair the vision of vehicular and pedestrian traffic or otherwise constitute a hazard. No sign shall reduce the sight distance from any driveway, road or street below a distance of ten feet for every mile per hour of the posted speed limit. Sight distance shall be measured from the drivers side of an exit lane 10 feet behind the curb or edge of shoulder line with the height of the eye ranging from 3.5 to 6 feet above the pavement.**
- I. Exterior lit signs may only be illuminated by a white light, sodium vapor, neon or a mercury vapor light. The source of the illumination (i.e., bulb) from any sign shall not be visible beyond any lot line.**
- J. If a nonconforming free-standing sign and its supports are removed except by casualty, it shall not be reinstalled or replaced unless it complies with the requirements of the ordinance.**
- K. The following types of signs are prohibited: Signs which contain motorized or mechanized moving parts, such as rotating signs, motor or wind-driven propellers or waving arms, animated signs, flashing or intermittent signs – sandwich board or A-frame signs, and any other sign that does not meet the requirements and conditions of this Ordinance.**
- L. A-frame or trailer mounted signs are allowed for 30 days once a year by permit from the Code Enforcement Officer.**

- 10.15.2** **The following signs or exempt from the regulations:**
- Informational signs of less than 2 square feet such as “entrance”, “exit”, “restrooms”, “no parking”, “no trespassing”, “private property”,**
- Building permit placards,**
- Official notices posted by public officials,**
- Flags of any nation not to exceed a total of 50 square feet for all such flags,**
- Religious symbols or insignia,**
- Decorations customary in observance of a national holiday,**
- Signs for the control of traffic, - Street signs, - Signs indicating danger,**
- Signs identifying public schools and government buildings.**
- 10.15.3** **Political signs of less than 20 square feet relating to an election, primary or referendum provided that these signs may be erected no more than six weeks before voting day , and must be removed no later than one week thereafter.**
- 10.15.4** **The following non-illuminated signs are permitted in all districts without a permit.**
- A. A single sign of less than six square feet identifying the name and address of the residents of a dwelling,**
- B. One “For Sale” sign up to six square feet is allowed on each Property offered for sale,**
- C. One contractor’s signs one sign up to six square feet is allowed on a property on which the contractor is performing work. The sign may identify the contractor’s name, address, and phone number. A contractors sign shall be removed within five (5) days of the completion of the job.**
- 10.15.5** **The following signs are permitted in all districts upon obtaining a sign permit from the Code Enforcement Officer.**
- One sign not exceeding 20 square feet in area at each entrance from a street to identify a residential subdivision or multifamily development;**

One sign not exceeding 20 square feet in area which identifies a building such as a school, fire station, church or business other than a home business.

10.15.6 One freestanding one or two sided sign not to exceed 25 square feet shall be allowed on a lot.

10.15.7 One building mounted sign not to exceed 10 square feet may be mounted on each building face having a customer entrance.

10.15.8 One “Open” flag and one U. S. Flag not to exceed three feet by five feet each shall be permitted on a lot and not counted as sign area and not need a sign permit.

10.15.9 One free-standing one or two sided sign not to exceed 50 square feet may be located at the entrance road to an industrial park or business subdivision, for the identification of the park and its occupants.

10.15.10 No free-standing sign shall exceed 20 feet in height.

10.15.11 A business located within the Town of Lyman may have no more than two off-premise signs which shall comply with the provisions of Title 23 MRSA Sections 1906 – 1912.

10.16 Solid Waste Dumpsters:

During construction or a special indoor or outdoor events including but not limited to fairs, concerts, or athletic events solid waste dumpsters may be placed temporarily within the district setbacks but no less than 20 feet from the property line. The unit may be placed 24 hours before the event and must be removed within 24 hour after the event. If the unit is to be located on the property for more that five (5) days it must meet the setbacks from property lines required within the district. Construction dumpsters may be placed on the property for the duration of the construction or remodel, but shall not be less than 30 feet from the property line and shall be removed at the end of construction.

10.17 Tent and Recreational Vehicle Parks:

Tent and recreational vehicle parks shall conform to the minimum requirements imposed under state licensing procedures and the following standards:

10.17.1 Parks shall be open only between April 14 and October 31, inclusive. From November 1 of one year to April 13 of the following year, no person shall occupy any site, the water

service to all sites shall be turned off or disconnected, and the electrical service to all sites shall be turned off or disconnected. The owner / caretaker and there immediate family may occupy a year round dwelling on the property.

10.17.2 All primitive sites shall have an area of at least 2,000 square feet, with an average width of 30 feet. Sites with power, water, and sewer hookups shall have an area of at least 3,000 square feet, and shall have an average width of 40 feet.

Any site located entirely or partially in the Shoreland Overlay District shall contain at least 5,000 square feet of area.

Roads, parking areas, walkways, land supporting wetland vegetation, and land below the high water line of any waterbody or tributary stream shall not be included in calculating the area of any site.

10.17.3 Two parking spaces for passenger vehicles shall be provided for each recreational vehicle site. One parking space for a passenger vehicle shall be provided for each tent site. The parking spaces shall be within 100 feet of the site. No parking space may block walkways or interfere with traffic flow within the park.

10.17.4 The area intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be setback 100 feet from the high-water line of water-bodies, tributary streams, or upland edge of a wetland.

10.17.5 Tent and recreational vehicle parks shall be screened from adjacent land areas by a continuous landscaped buffer area not less than 25 feet in width containing evergreen shrubs and trees, fences and walls may be added in combination to form and effective visual barrier of not less than six (6) feet high.

10.18 Yard Sales:

Yard sales shall be permitted in all districts except Resource Protection District and shall comply with the following standards:

- a. A yard sale shall last no longer than three consecutive days and shall only be permitted once per month on a lot or a contiguous lot in the same ownership.

- b. Adequate off street parking shall be provided for customers of the yard sale. Directional signs indicating the parking area(s) shall be provided.
- c. Two off-premises signs within 500 feet of the yard sale are permitted. The signs no larger than two feet by three feet may be displayed only between the hours of 7:30 a.m. and sunset on the day(s) of the sale. Signs shall not be attached to utility poles.
- d. Yard sales shall not begin before 7:30 a.m. and not extend after sunset.
- e. No items for sale, tables or other display equipment shall be placed closer than 20 feet from the property line(s) fronting a roadway

10.19 Mobile Home Parks

1. Mobile Home Parks

- a. Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State Laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of the Lyman Subdivision Standards, the provisions of this section shall prevail.

2. Lot Area and Lot Width Requirements:

Notwithstanding the dimensional requirements located in Article 6 Of this Ordinance, lots in a mobile home park shall meet the following lot area and lot width requirements.

- a. Lots served by individual subsurface waste water disposal systems:

Minimum lot area:	20,000 square feet
Minimum lot width:	100 feet
- b. Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services

Minimum lot area:	12,000 square feet
Minimum lot width:	75 feet
- c. The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area.

- d. Lots located within any shoreland zoning district shall meet the lot area, lot width and shore frontage requirements of that district.

3. Unit Setback Requirements:

- a. Structures shall not be located less than 15 feet from any boundary line of an individual lot.
- b. On lots which abut a public way either within the park or adjacent to the park, or on lots which are located within a shoreland zoning district, structures must meet all dimensional requirements of that district.

4. Buffering:

If a park is proposed with a residential density at least twice the density of adjacent development in existence, or at least twice the density permitted in the zoning district in which the park is located, and if the neighboring land is undeveloped, the park must be designed with a continuous landscaped area not less than fifty (50) feet in width, which shall contain no structures or streets. The first twenty-five (25) feet of the buffer strip, as measured from the exterior boundaries of the park, shall contain evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier to be located on all exterior lot lines of the park, except that driveways shall be kept open to provide visibility for vehicles entering and leaving the park.

5. Road Design, Circulation, and Traffic Impacts:

Streets within a park shall be designed by a Professional Engineer, registered in the State of Maine.

- a. Streets which the applicant, proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in the Lyman Subdivision Standards.
- b. Streets, which the applicant proposes to remain private ways, shall meet the following minimum geometric standards.
 - 1. Minimum right-of-way width: 23 feet
 - 2. Minimum width of traveled way: 20 feet
- c. Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets.

Any street within a park with an average daily traffic of 200 trips per day or more, shall have at least two street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.

- d. No individual lot in the park shall have direct vehicular access onto an existing public street.**
- e. The intersection of any street within the park and an existing public street shall meet the following standards**
 - 1. Angle of intersection: The minimum angle of intersections shall be 75°**
 - 2. Maximum permissible grade within 75 feet of an intersection shall be 2%.**
 - 3. A Minimum sight distance of 10 feet for every mile per hour of the posted speed limit on the existing roads shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 ½ feet above the pavement and the height of object 4 ¼ feet.**
 - 4. Distance from other intersection. The centerline of any street within a park intersection an existing public street shall be no less than 125 feet from the centerline of any other street intersecting that public street.**
- f. The application shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generated shall be based on the Trips Generated Manual (latest edition) published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis, by a registered professional engineer with experience in transportation engineering.**

6. Ground Water Impacts:

- a. Assessment Submitted. Accompanying the application for approval of any mobile home park, which is not served by public sewer, shall be an analysis of the impacts of the proposed mobile home park on ground water quality. The hydrogeologic assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology and shall contain at least the following information:**
 - 1. A map showing the basic soils types.**

- 2. The depth to the water table at representative points throughout the mobile home park.**
- 3. Drainage conditions throughout the park.**
- 4. Data on existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.**
- 5. 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 well within the mobile home park, at the mobile home park boundaries and at a distance of one thousand (1000) feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake or pond projections of the development's impact on groundwater phosphate concentrations shall also be provided.**
- 6. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.**

b. Standards for Acceptable Ground Water Impact:

- 1. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation.**
- 2. 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.**
- 3. 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, that applicant shall demonstrate how water quality will be improved or treated.**
- 4. 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.**

- c. **Subsurface waste water 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 include as a note on the plan.**

7. Conversion to Another Use:

No development or subdivision which is approved under this section as a mobile home park, may be converted to another use without the approval of the Lyman Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements of this ordinance. The Mobile Home Park plan is to be recorded at the York County Registry of Deeds and filed with the Town of Lyman and must include the following restrictions as well as any other notes or conditions of approval.

- a. **The land within the park shall remain in a unified ownership and the fee to lots or portions of the lots shall not be transferred.**
- b. **No dwelling unit other than a manufactured housing unit shall be located within the park.**

10.20 Multi-Family Dwelling Units

1. Two Family Dwelling Units

Lots for two-family units shall meet all the dimensional requirements for a single-family dwelling unit, except that the lot area and shoreline frontage shall be equal to that required for an equivalent number of single-family units, and the road frontage shall exceed by fifty percent (50%), the requirements of a single-family dwelling unit.

2. Multi-Family Dwelling Units.

Multi-Family (3 or more) dwelling units shall meet all of the following criteria:

- a. **Lot area shall be equal to that required for the equivalent number of single-family dwelling units.**
- b. **Minimum road frontage shall be as required under Section 6.2**
- c. **Lots for multi-family dwellings units shall meet all the dimensional requirements for single-family dwellings.**
- d. **No building shall contain more than six (6) dwelling units.**

- e. All multi-family dwellings shall be connected to a common water supply and distribution system, either public or private at no expense to the Municipality.
- f. All multi-family dwelling units shall be connected to a public sewer system, if available, or to a central collection and treatment system in accordance with the sanitary provisions of this Ordinance and the Maine State Subsurface Wastewater Disposal Rules.
- g. No parking area shall be located within the required yard areas.

10.21 Telecommunications Towers:

Telecommunications towers are allowed in the General Purpose and Commercial/Residential Zoning Districts with Site Plan Review Approval.

- 1. Telecommunication towers shall not exceed a total of 190 feet from existing grade within 100 feet of the centerline of the tower.
- 2. All telecommunication towers shall allow for co-location at industry standards and industry rates.
- 3. No tower shall be located within two (2) miles of an existing tower that has co-location space available.
- 4. Towers must be setback 125% of their total height from a dwelling unit and property line.
- 5. The Planning Board may require additional conditions or information as it see fit.
- 6. The applicant shall show on a plan or topographical map the location of all telecommunication towers with latitude, longitude, height and type of structure within the Town of Lyman and within three (3) miles of the Town of Lyman boundaries. Also show which of the listed towers the applicant has ownership or is, or will be co-located on.

Article 11 Definitions

In this Ordinance the following terms shall have the following meaning unless a contrary meaning is required by the context or is specifically prescribed.

Abutter: A person who owns adjacent land or land across a street right-of-way or waterbody from the subject lot.

Accessory Use or Structure: A use or structure of a nature customarily incidental and subordinate to those of a principal use or structure.

Acre: A measure of land area containing 43,560 square feet.

Activity: The specific use or uses to which a property or structure is put.

Aggrieved Person: The Board of Selectmen, or a person or persons whose land or structure is or would be adversely affected by the granting or denial of a permit or variance under this Ordinance or a person whose land abuts land for which a permit has been granted.

Agriculture: (1) - Limited to the raising and sale of crops and plants, out of doors.

Agriculture: (2) – The business of producing or raising plants and crops, including gardening as a commercial operation with or without the use of a greenhouse.

Assisted Living / Elderly Congregate Housing:

A type of living accommodation, including multiple individual room(s) or units, to be occupied by persons over 60 years of age. In the case of couples, at least one of the two has to be sixty years of age in a residential shared living environment. Such construction may include an individual room or individual rooms, either of which shall be combined with shared community space.

Assisted Living and Elderly Congregate Housing shall be certified by the State of Maine Dept. of Human Services as elderly supportive housing or as an assisted living facility.

Unit is defined as a single unit that has living, sanitary, sleeping and cooking facilities. Units shall not exceed 550 square feet in size.

Room(s) are defined as having living and sleeping areas with sanitary facilities without cooking facilities. Rooms shall not exceed 360 square feet in size.

Automobile Graveyard: A yard, field or other outdoor area used to store for three (3) or more unregistered or uninspected motor vehicles, as defined in Title 29A M.R.S.A. section 101, subsection 42, or parts of the vehicles. This use also must meet the standards set forth in Title 30 A M.R.S.A. sections 3701, 3752 & 3753. This use also requires a permit from the Board of Selectmen.

- Automobile Recycling Business:** As defined in Title 29A M.S.R.A. section 101, subsection 42 and in Title 30 A, M.S.R.A. section 3701, 3752 & 3753. This use also requires a permit from the Board of Selectmen.
- Auto Repair Garage:** A business establishment where motor vehicles and / or their related parts are repaired, reconditioned, rebuilt or painted.
- Auto Service Station:** A place where gasoline, or any other automobile engine fuels, kerosene, or motor oil and lubricants or grease (for the operation of motor vehicles) are retailed directly to the public on the premises. The sale of minor accessories and the servicing and minor repair of automobiles may be included. The storage of unlicensed vehicles or body, frame, or fender straightening and repair shall not be permitted as part of this use.
- Average Finished Grade:** Height of structure is based on the average of finish grade taken from six (6) points within 15 feet of the structure, to the highest point of the roof. The Code Enforcement Officer may use additional points to make his/her determination.
- Back Lot:** A lot of land that is not bordered by a public road or private way. A back lot must have access across a frontage lot by way of an easement. See Section 6.3.2
- Basement:** A portion of a building partly underground, but having less than half of it's vertical distance between the foundation footing and top of the foundation below the average grade of the adjoining ground.
- Bank / Financial Institution:** A facility offering standard banking services, with or without a drive-up service, this term shall include credit unions.
- Bed & Breakfast Inn:** A business conducted in a building, containing a dwelling unit occupied by a resident manager and his/her family. Guest rooms shall not to have their own kitchen facilities. Meals may be provided to guests.
- Bottle Club:** See Title 28-A M.S.R.A. Section 124 sub-section 161

Buffer: A condition specified by the Planning Board to lessen the impact of a land use on abutters. Examples include: requiring the entrance road to be off set from a nearby property owner's driveway; requiring a commercial property owner to shield parking area lights to minimize distraction to neighbors. These conditions of approval are included in the Site Plan Review Permit issued by the Planning Board.

Building: A structure for the support, shelter or enclosure of persons, animals goods or property of any kind.

Building Height: The vertical distance between the highest point of the roof and the average finished grade of the ground adjoining the building. (See Average Finished Grade)

Business Contractor: (1) A business engaged in the provision of a service off premises, but which has an office and equipment / materials stored on the premises.

(2) Same as above but limited to three employee including the owner.

Business Office: A business, which provides administrative, professional or clerical services, such as lawyer, insurance agent, accountant, surveyor, planner, engineer, (etc). Business offices shall not include medical and doctors, offices.

Campgrounds, Tent and Recreational Vehicle Parks:

A business establishment operated as a recreational site for tents, trailers, recreational vehicles or other forms of temporary shelter between April 15th and October 31st of each year.

Cemetery (less than 20,000 Square Feet): A site used for the interment of the human dead, without buildings.

Cemetery (more than 20,000 Square Feet): A site used for the interment of the human dead with or without the use of buildings.

Church: A building or group of buildings arranged, designed, intended or used for the conduct of religious services, and accessory uses associated therewith.

Club: Any association of persons organized for social, benevolent, recreational, literary, scientific, or political purposes, whose facilities include a clubhouse area open to members and occasionally to the general public, and which is not usually engaged in activities customarily carried on by a business or for financial gain.

Code Enforcement Officer:

The person or persons appointed by the Lyman Board of Selectmen to administer and enforce this code. The Code Enforcement Officer may be construed to be the Building Inspector, the Plumbing Inspector, Electrical Inspector and the like where applicable.

Commercial & Industrial Facilities

- (1) A facility having less than 2,500 sq. feet of floor space for the assembling, fabricating, finishing, packaging or processing of goods or providing a service to the general public and having six (6) or less employees, including the owner(s) with limited retail sales allowed.
- (2) A facility having more than 2,500 sq. feet of floor space for the assembling, fabricating, finishing, packaging or processing of goods or providing a service to the general public, which may include retail or wholesale sales.

Commercial Outside Storage:

Outdoor, unenclosed storage for commercial operation located on the site, limited to not more than 30,000 square feet of impervious area.

Dwelling Unit: A building designed and intended to be used exclusively for residential occupancy by one or more individuals living together as a family, containing living, cooking, eating, sleeping space and sanitary facilities.

Dwelling, Single Family:

A building designed and intended to be used exclusively for residential occupancy by one (1) or more individuals living together as a family.

Dwelling, Two Family:

A building designed and intended to be used exclusively for residential occupancy by two (2) families living independently of each other in separate dwelling units.

Dwelling, Multi-Family:

A building designed and intended to be used exclusively for residential occupancy by more than two (2) families living independently of each other in separate dwelling units, including apartment buildings and condominiums.

Earth Moving Activities: See Section 10.8

Easement: An easement is the right to use land owned by someone else for

a specified purpose.

Essential Services: The construction, alteration or maintenance of PUC regulated utilities. Such system may include electric distribution towers, poles, and wires, water mains and drains, sewers,

Excavation: Any removal of earth material from its original position.

Family: One (1) or more persons occupying a premises and living as a single housekeeping unit. Such unit shall not exceed five (5) persons not related by blood or marriage.

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

Farming: The cultivation of soil for the production or raising of food, crops, or other valuable or useful products, including the raising or boarding of livestock and poultry for personal or commercial purposes.

Flood Plain: The land adjacent to a water body which have been or may be covered by a regional flood.

Function Hall: A business in which a room or rooms may be rented out to a variety of different groups for public and private meetings, gatherings, dances, conferences or parties. Where food and refreshments are prepared on site for use during a function. A function hall shall not be allowed to operate as a bottle club.

Gross Floor Area: The sum of the areas of all the floors of all roofed portions of a building, as measured from the exterior faces of the exterior walls, plus the horizontal area of any unenclosed roofed portions of a structure such as porches and decks. Within buildings areas having headroom of less than six and one half (6 ½) feet shall not be counted as gross floor area. Elevators and stairways shall be counted at each floor.

Habitable: Any portion of a building designed for human occupation which has a ceiling height greater than six and one half feet (6 ½) and is climate controlled.

Health Institution: A business such as a hospital, convalescent home or hospice which provides overnight and long term care.

Home Day Care / Nursery School:

A business, which provides temporary care, protection, supervision and education of children under the age of ten (10) and is licensed by the State of Maine Department of Human Services.

Home Occupation:

A use which is compatible with a residential use and which is customarily conducted on or in a residential structure or property and;

- (1.) is carried on by a member of members of the family residing in the dwelling unit;
- (2.) is clearly incidental to and compatible with the residential use of the property and the surrounding residential uses;
- (3.) which employs no more than two (2) persons other than family members residing in the home.

Hotel / Motel: A business consisting of a building or group of buildings containing single rental units made up of a room or group of rooms with facilities for sleeping and bathing. Single rental units shall be rented to transient guests for a period not to exceed 28 days. Twenty per cent (20%) of the units may have limited cooking facilities.

Household Pets: An animal kept for enjoyment, or as a companion such as a domestic dog, cat or bird.

Junkyard: A yard, field or other outside area used to store dismantle or otherwise handle:

- A. Discarded, worn-out or junked plumbing and heating supplies, electronic or industrial equipment household appliance and furniture;
- B. Discarded, scrap and junk lumber and;
- C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel, and other scrap ferrous or nonferrous material.

As defined in Title 30-A M.S.R.A. section 3752 (4).

Lot: An area of land in one ownership with identifiable lot lines established by deed, plan or other instrument of record.

Lot Coverage: That portion of a lot occupied by structures, parking lots, patios, sidewalks or other areas which were devegetated and which are not to be revegetated.

Lot Line: That real or imaginary line along the ground surface and it's vertical extension which separates a lot from an abutting lot or from a street right-of-way.

Lot of Record: A lot which was legally created by plan or deed and recorded in

the York County Registry of Deeds, which met the requirements of the zoning ordinance in effect at the time of recording or a lot which is located in a subdivision approved by the Planning Board and recorded in the York County Registry of Deeds.

Lumber Yard: A business which supplies milled lumber and standard building supplies, wholesale or retail.

Medical Care Facility: A business or institution, which provides medical care to humans only on an outpatient basis.

Manufactured Housing Unit:

Structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein.

Mobile Home Park: A parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.

Municipal Facility: A use undertaken by the Town of Lyman

Neighborhood Convenience Store (1):

A business containing 2,500 sq. feet or less of gross floor area, intended to serve the day-to-day needs of a residential area with the sale of merchandise including but not limited to items such as food stuffs, meats, dairy products, nonprescription medical supplies, sanitary supplies, beer, wine etc, newspapers, home repair articles, and motor vehicle fuels. A neighborhood convenience store of this type may include a deli area for serving food with up to 35 seats.

Neighborhood Convenience Store (2)

A business containing 5,000 sq. feet or less of gross floor area, intended to serve the day-to-day needs of the area with the sale of merchandise including but not limited to items such as food stuffs, meats, dairy products, nonprescription medical supplies, sanitary supplies, beer, wine etc, newspapers, home repair articles and motor vehicle fuels. This type of convenience store may include a restaurant area for serving food.

Net Area: A measure of land area (measured on a horizontal plane) which excludes any land below the high water line of a waterbody or below the upland edge of a wetland or any land beneath a street or road right-of-way.

Net Residential Acreage: The gross acreage available for development, minus the area for streets, or access and the areas which are unsuitable for development.

Non-conforming: Something which lawfully exists but does not meet the current requirements of this Ordinance because it was established or constructed before the adoption of the Zoning Ordinance on January 1, 1976 or complied with the zoning ordinance in effect at the time it was established or constructed or it received Planning Board approval at the time it was established or constructed.

Non-conforming Lot of Record:

A lot of record which does not meet the minimum lot size or minimum road frontage requirements of the district in which it is located.

Non-conforming Structure:

A structure that does not meet the current dimensional requirements established for the zoning district in which it is located, but that met the applicable requirements in effect at the time of its construction.

Non-conforming Use:

A use of land or structure(s) which is not currently permitted in the district but which was a permitted use at the time the use was established.

Outdoor Recreation: Any noncommercial recreation activity, which requires some degree of permanent structural or mechanical components for participation in the activity, such as ball fields, playgrounds, and tennis courts.

Personal Service Business: Barbers, hairdressers, beauticians, masseuse and tanning salons.

Parking Space: See Section 10.12

Planning Board: A board appointed by the Board of Selectmen to oversee Site Plan Review and Subdivision Regulations.

Principal Use: The use to which the lot is primarily devoted.

Professional: An individual qualified by education, training or experience.

Professional Office: A business engaged in providing a service on the premises, such as but not limited to cleaning or repairing personal

property, training or teaching people, veterinary practice, pet grooming, beverage container redemption center, funeral home.

Public Utility Facility: A building or structure necessary for the furnishing of publicly regulated utility services within the Town of Lyman.

Recycling Facility: A business in which materials or products are processed and stored for reuse.

Research & Development Facility: A business in which new products or processes are created and studied.

Recreation Facility: A business which provides an indoor or outdoor recreational activity including but not limited to miniature golf, racquetball, tennis, exercising, bowling, swimming, showing of movies and the exhibition of any performing arts.

Recreational Vehicle: A vehicle that:

1. Is built on a single chassis;
2. Contains 400 square feet or less of floor area;
3. Is self-propelled or towed by a passenger car or light duty truck; and
4. Is designed as a temporary living quarters for recreational use, camping, travel, or seasonal use, not as a dwelling unit.

Retail Business: A business establishment engaged in the sale of goods or services to the ultimate consumer for direct use or consumption, not for resale not for automobile oriented businesses and not including electronic, mechanical or video game arcades.

Restaurant – Standard: An establishment where food and drink are prepared and served to the public, and consumed while seated on the premises, and not served directly to occupants of motor vehicles.

Restaurant – Fast Food: An establishment where food and drink are served in disposable containers for consumption on the premises or off the premises, normally requiring a short period of time between ordering and serving during which the customer waits at a counter or in a motor vehicle.

Right-of-Way: The right given by one landowner to another to pass over land,

construct a roadway, cross with utilities without actually transferring ownership.

Road: A public or private roadway with a minimum right-of-way width of fifty (50) feet, which provides the principal means of access to two or more abutting properties, consisting of a bed of exposed mineral soil, gravel asphalt, or other surfacing material constructed for the repeated passage of vehicles.

Sawmill: A business in which logs are converted into planks, boards, etc., by machinery for later use in the manufacture of various products.

Schools, Public & Private: An institution for education or instruction, which is not operated for a profit, or as a business, and offers courses sufficient to qualify attendance in compliance with state compulsory education requirements.

Schools, Vocational – Technical: A public or private, not for profit or commercial institution for the education and training of persons in a wide array of technical, trades and skills and knowledge that can be used in the job market.

Setback: The minimum horizontal distance from a lot line to the nearest part of a structure.

Setback from Water: The minimum horizontal distance from the normal high water mark the nearest part of a structure.

Self Service Storage Facility: A building or structure accommodating individual storage rooms or area leased or rented to the general public exclusively for the storage of personal or business-related property, such rooms or areas being accessible though individual private entrances. The storage of chemicals, explosives, or hazardous items as defined by the National Fire Protection Association Code 704, Class 3 or 4 materials are not permitted.

Sign: Any device, fixture, placard, structure, that uses color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public.

Site Plan Review: A use which is listed in a zoning district as permitted only after review and approval by the Planning Board and/or Staff Review Committee. The Planning Board may during its review of the project set restrictions and conditions on the project, if it votes to approve the project.

Staff Review Committee: Is a committee appointed by the Board of Selectmen
It's membership is listed in section 9.9 and its
authorized to issue site plan approvals under
section 9.9.1

Storm Water Detention Facility: A pond, wetland, basin, or structure, which
collects surface run-off and discharges it at
a measured rate as surface run-off.

Storm Water Retention Facility: A pond, wetland, basin, or structure which
collects surface runoff and permits only
infiltration of storm water into the ground,
without a surface run-off discharge outlet.

Subdivision: The division of a parcel of land or creation or construction of
dwelling units, as defined in Title 30A M.R.S.A. 4401 or as in
acts amendatory thereto.

Substantially Commenced: Completion of the installation, backfilling and
capping of the buildings foundation, or work
completed that amounts to more than twenty five
percent (25%) of the total project cost less site
improvements.

Transmission Tower: A use which includes the receiving and transmission of
information through the air employing equipment
mounted on the ground and on a tower.

Truck Terminal: A use that provides facilities for the temporary storage of
trucks and trailers at a commercial business. A truck
terminal may include the transfer of goods between trailers
and a temporary warehouse of goods between shipments. A
truck terminal may provide facilities to inspect vehicles,
change vehicle fluids maintain engines, and change tires, as
well as perform standard maintenance on trucks and
trailers.

Warehousing: A business engaged in the storage, wholesale, and / or
distribution of products, goods, supplies and equipment.

Wholesale Business: A business engaged in the sale of goods, supplies and
equipment for resale, and not to the retail consumer.

Wholesale Clubs: A business engaged in the sale of goods, supplies, and
equipment through a membership program.

APPENDIX – A

Zoning Map