Land Use Ordinance

of the

Town of Glenburn, Maine

Adopted November 6, 2012
Effective December 6, 2012
As Amended 3/17/22, Effective 4/16/22

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ORDINANCE AMENDING LAND USE ORDINANCE OF THE TOWN OF GLENBURN, ME

The Town of Glenburn hereby ordains that the following Land Use Ordinance be enacted

SECTION I: GENERAL PROVISIONS

A. TITLE

This Ordinance shall be known as and may be cited as the "Land Use Ordinance of the Town of Glenburn, Maine", and will be referred to herein as the "Ordinance".

B. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the Maine Constitution, Title 30-A, Section 3001 and Title 30-A, Section 4352 of the Maine Revised Statutes Annotated.

C. PURPOSES

The purposes of the Ordinance are as follows:

1. COMPREHENSIVE PLAN IMPLEMENTATION: To implement the policies and recommendations of the Glenburn Comprehensive Plan;

2. PROTECTION OF THE GENERAL WELFARE: To assure the comfort, convenience, safety, health and welfare of the present and future inhabitants of the Town of Glenburn;

3. PRESERVATION OF THE TOWN CHARACTER: To preserve and protect the character of Glenburn by dividing the Town into districts according to the use of land and buildings and the intensity of such uses;

4. PROTECTION OF THE ENVIRONMENT: To protect and enhance the natural, cultural, and historic resources of the Town from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment;

5. PROMOTION OF COMMUNITY DEVELOPMENT: To promote the development of an economically sound and stable community;

6. REDUCTION OF TRAFFIC CONGESTION: To lessen the danger and congestion of traffic on roads and highways, limit excessive numbers of intersections, driveways, and other friction points, minimize hazards, and insure the continued usefulness of all elements of the existing transportation systems for their planned function;

7. BALANCING OF PROPERTY RIGHTS: To protect property rights and values by balancing the rights of landowners to use their land with the corresponding rights of abutting and neighboring landowners to enjoy their property without undue disturbance from abutting or neighboring uses;

8. REDUCTION OF FISCAL IMPACT: To provide a means of evaluating development proposals to determine their fiscal impacts on the municipality's ability to provide and improve necessary public facilities and services; and

9. ESTABLISHMENT OF PROCEDURES/STANDARDS: To establish procedures whereby the Town Officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; to provide a public hearing process through which interested persons may raise questions and receive answers regarding how such developments may affect them; and to provide procedures whereby aggrieved parties may appeal decisions made under this Ordinance.

D. APPLICABILITY

This Ordinance shall apply to all land areas within the Town of Glenburn. *This ordinance does not apply to the shoreland zones of the Town of Glenburn.* All buildings or structures thereinafter constructed, reconstructed, altered, enlarged, or moved, and the uses of buildings and land, including the division of land, shall be in conformity with the provisions of this Ordinance. No existing or future building, structure, or land area shall be used for any purpose or in any manner except as provided in this Ordinance.

E. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation or ordinance, that imposing the most restrictive or higher standards shall govern.

F. SEVERABILITY

In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

G. AMENDMENTS

1. INITIATION

An amendment to this Ordinance may be initiated by one of the following:

a. The Planning Board provided a majority of the Board has so voted.

b. Request of the Town Council to the Planning Board.

c. Written petition pursuant to Article VIII of the Town Charter.

d. Request of the Owner to the Town Council or Planning Board.

SECTION I: GENERAL PROVISIONS (Cont.)

G. AMENDMENTS (Cont.)

2. HEARINGS

All proposed amendments shall be referred to the Planning Board for its review and recommendation. The Planning Board shall hold a public hearing on any proposed amendment in accordance with Title 30-A MRSA, Section 4352. Within 30 days of conducting a public hearing on a proposed amendment, the Planning Board shall, by majority vote, make a written recommendation to the Town Council.

AMENDMENTS TO ZONING MAP

The Planning Board shall not recommend a proposed amendment to the Zoning Map without making written findings of fact that:

a. The proposed amendment would be consistent with: the standards of the District boundaries in effect at the time; the Comprehensive Plan; and the purpose, intent, and provisions of this Ordinance; and

b. The proposed amendment will satisfy a demonstrated need in the community and will have no undue adverse impact on existing uses or resources; or that a new District designation is more appropriate for the protection and management of existing uses and resources within the affected area. The Planning Board shall not act upon a proposed amendment for a change in District boundaries unless notice is first given to all owners of land abutting or located within 1000 feet of the parcel for which a change in boundaries is sought. The Planning Board may require, as a part of any petition for a change in District boundaries, that the petitioner submit the names and addresses of all such surrounding landowners as well as notify all registered voters.

3. MAJORITY VOTE

After receiving the recommendation of the Planning Board, the Town Council may submit the proposed amendment(s) to the Annual Town Meeting or a Special Town Meeting, either for consideration at the open Meeting or by secret ballot pursuant to 30-A MRSA, Section 2528. The amendment(s) may be adopted by a majority vote of those voters voting on the matter.

H. ANNUAL ADMINSTRATIVE REVIEW

The Code Enforcement Officer, Planning Board, and Board of Appeals each shall report annually to the Town Manager and the Town Council on their respective experience with the administration of this Ordinance during the previous year. Their reports to the Manager and Town Council shall include any recommended amendments they may have that would:

SECTION I: GENERAL PROVISIONS (Cont.)

G. AMENDMENTS (Cont.)

1. Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance;
2. Enhance the implementation of the purposes of this Ordinance contained in subsection C, paragraphs 1 through 9, above.

I. EFFECTIVE DATE

Pursuant to Section 3.10(c) of the Town Charter, the effective date of this Ordinance shall be 30 days after its adoption at the Annual Town Meeting or Special Town Meeting. A copy of this Ordinance, certified by the Town Clerk, shall be filed with the Town Clerk and the Penobscot County Registry of Deeds.

J. REPEAL OF PRIOR ORDINANCE

The "Zoning Ordinance of the Town of Glenburn, Maine" adopted October 19, 1987, as amended, shall be repealed upon the effective date of this Ordinance. Provided, however, that the Official Zoning Map (Revised 04-1-06) shall not be repealed with respect to the Shoreland Zoning Districts depicted thereon, and shall continue to constitute the Official Shoreland Zoning Map under the "Shoreland Zoning Ordinance for the Municipality of Glenburn, Maine." The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any violation of this Ordinance repealed by this Section. It is further the intention and direction of this Section that if this Ordinance is held to be invalid or void in its entirety by a court of competent jurisdiction, then the Ordinance repealed by this Section shall be automatically revived.

SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS

A. BURDEN OF PROOF

The burden of establishing that any non-conforming structure, use, or lot is a lawfully existing non-conforming structure, use or lot as defined in this Ordinance, shall, in all instances, be upon the owner of such non-conforming structure, use, or lot and not upon the Town of Glenburn.

B. CONVERSION TO CONFORMANCE ENCOURAGED

Owners of all existing non-conforming structures and uses shall be encouraged to convert such existing non-conforming structures and uses to conformance whenever possible and shall be required to convert to conforming status as required by this Ordinance.

C. CONTINUANCE

The lawful use of any building, structure, or parcels of land, which is made non-conforming by reason of the enactment of this Ordinance, or which shall be made non-conforming by reason of a subsequent amendment, may be continued, subject to the following provisions:

1. EXISTING NON-CONFORMING USES OF LAND

Continuance of lawful non-conforming uses of land shall be subject to the following provisions:

a. An existing non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land, than that occupied at the effective date of this Ordinance, or any amendment thereto that made the use non-conforming, by more than 50%. The owner of said non-conforming use may acquire additional land to accommodate the allowable expansion;

b. If any non-conforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located; and

c. A non-conforming use may be moved within the boundaries of the lot provided that the Planning Board finds that the change in location on the lot is appropriate in regards to:

(1) Location and character;
(2) Fencing and screening;
(3) Landscaping, topography, and natural features;
(4) Traffic and access;
(5) Signs and lighting; and
(6) Potential nuisance.

SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS

C. CONTINUANCE (Cont)

2. EXISTING NON-CONFORMING STRUCTURES

Continuance of lawful non-conforming structures shall be subject to the following provisions:

a. No such structure shall be enlarged or altered in any way that increases its non-conformity;

b. Should any structure, exclusive of the foundation, be destroyed, or damaged by any means, exclusive of the planned demolition, said structure may be rebuilt on the existing foundation to the dimensions of the structure which was destroyed provided rebuilding is begun within one year; and

c. A non-conforming structure may be moved within a lot in a manner which would decrease its non-conformity in terms of setback requirements, provided that the Planning Board finds that the change in location is appropriate in regards to:

(1) Location and character;
(2) Fencing and screening;
(3) Landscaping, topography, and natural features;
(4) Traffic and access;
(5) Signs and lighting; and
(6) Potential nuisance.

3. EXISTING NON-CONFORMING USE OF STRUCTURES

Continuance of non-conforming structures shall be subject to the following provisions:

a. No existing structure devoted to a non-conforming use as of the effective date of this Ordinance, or any amendment thereto that made the use non-conforming, shall be enlarged or extended by more than 50%. Provided, however, that any such enlargement or extension of the structure shall comply with all applicable dimensional requirements of Section V.B.;

b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of the adoption or amendment of this Ordinance, but no such uses shall be extended to occupy any land outside such building;

c. Any non-conforming use of a structure or premises may be changed to another non-conforming use provided that the Planning Board shall find that the

SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS

C. CONTINUANCE (Cont)

proposed use is more consistent with the District's purpose than the existing non-conforming use, at no time shall a use be permitted which is less conforming nor revert back to the previous non- conforming use;

d. If a non-conforming use of a structure or premises is superseded by a permitted use, the non-conforming use shall not thereafter be resumed;

e. If any such non-conforming use of a structure ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such structure shall comply with standards specified by this Ordinance for the district in which such structure is located; and

f. A structure housing an existing non-conforming use may be moved, within the lot, in a manner which would be a more appropriate location, provided that the Planning Board finds that the change in location is appropriate in regards to:

(1) Location and character;
(2) Fencing and screening;
(3) Landscaping, topography, and natural features;
(4) Traffic and access;
(5) Signs and lighting; and
(6) Potential nuisances.

4. CONSTRUCTION BEGUN PRIOR TO ORDINANCE

This Ordinance shall not require any change in the plans, construction, size, or designated use for any building, structure, or part thereof for which a completed application for a local permit has been made, provided application has been subject to substantive review, or a permit that has been issued and upon which construction has been lawfully commenced prior to the adoption or amendment of the Ordinance. Such construction shall start within one year after the issuance of the permit.

D. NON-CONFORMING LOTS OF RECORD

1. A single lot of record which, at the effective date of adoption or amendment of this ordinance, does not meet the area or dimensional requirement, or both, of this ordinance, may be built upon, without the need for a variance, provided that such lot is not contiguous with any other lot in the same ownership, and that all other provisions of this ordinance and state law shall be met. No division of the lot shall be made which reduces any dimension or area below the requirements of this ordinance. Variance of setback or other requirements involving area or dimensions shall be obtained only by action of the Board of Appeals.

SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS

D. NON-CONFORMING LOTS OF RECORD (Cont.)

2. If two (2) or more contiguous lots of record are in the same ownership on or after the effective date of adoption or amendment of this ordinance, and if all or part of the lots do not meet the area or dimensional requirements, or both, of this ordinance, the lands involved shall be considered to be a single lot for the purposes of this ordinance, and may be built upon provided that all other provisions of this ordinance shall be met. Variance of setback or other require-ments involving area or dimensions shall be obtained only by action of the Board of Appeals. No division of the lot shall be made which reduces any dimension or area below the requirements of this ordinance. This provision shall not apply to municipally approved subdivision lots created after September 22, 1971 under previous land use standards and which are recorded at the Registry of Deeds.

3. On or after the effective date of adoption or amendment of this ordinance, no lot shall be created and conveyed which does not meet or exceed the area and dimensional requirements of this ordinance, except for conveyance to an abutting owner, in which case the provisions of Subsection (2) above shall apply.

4. Contiguous non-conforming lots of record, which at the effective date of adoption or amendment of this ordinance are the site of permitted principal structures, shall be considered single lots of record, even if they subsequently come under the same ownership. Contiguous, non-conforming lots of record, which, at the effective date of adoption or amendment of this ordinance, are vacant or are the site of permitted accessory structures, shall conform to the provisions of this ordinance.

E. TRANSFER OF OWNERSHIP

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

SECTION III: ESTABLISHMENT OF DISTRICTS

A. DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the Town of Glenburn is hereby divided into the following districts.

Growth Areas:

Village District
Residential/Commercial District
Industrial District

Rural Areas:

Rural District

B. STANDARDS ESTABLISHING DISTRICTS AND DISTRICT DESCRIPTIONS

1. VILLAGE DISTRICT (VD)

a. PURPOSE

The purpose of the Village District is to reinforce the "village concept" by providing an area of the community where higher density development can occur. This development is to include: commercial, institutional, recreational, single and multi-family residential structures, and mobile home parks.

b. AREAS INCLUDED

The location of the Village District is shown on the "Official Zoning Map of the Town of Glenburn".

2. RESIDENTIAL/COMMERCIAL DISTRICT (RCD)

a. PURPOSE

The purpose of the Residential/Commercial District is to provide developable land which is accessible to transportation corridors. This area is intended to accommodate: retail, warehousing, wholesale, service related businesses and residential uses in order to provide an area within the community for both residential and business development.

SECTION III: ESTABLISHMENT OF DISTRICTS (Cont.)

B. STANDARDS ESTABLISHING DISTRICTS AND DISTRICT DESCRIPTIONS (Cont.)

b. AREAS INCLUDED

The location of the Residential/Commercial District is shown on the "Official Zoning Map of the Town of Glenburn".

3. INDUSTRIAL DISTRICT (ID)

a. PURPOSE

The purpose of the Industrial District is to provide an area in the community for various scale industrial development, appropriately situated to accommodate that development.

b. AREAS INCLUDED

The location of the Industrial District is shown on the "Official Zoning Map of the Town of Glenburn".

4. RURAL DISTRICT (RD)

a. PURPOSE

The purpose of the Rural District is to maintain the rural character of Glenburn with the allowance and encouragement of natural resource based industries such as agriculture, commercial forestry, tree farms, timber harvesting, crop raisings, mineral extraction, recreational uses and low density residential development.

b. AREAS INCLUDED

The location of the Rural District is shown on the "Official Zoning Map of the Town of Glenburn".

C. OFFICIAL ZONING MAP

Districts established by this Ordinance are bounded and defined as shown on the "Official Zoning Map" of the Town of Glenburn dated March 22, 2011, which map is hereby made a part of this Ordinance.

The official copy of the map, as may be amended from time to time, shall be that map which bears the certification that it is true and correct, signed by the Chairman of the Planning Board and attested by the Town Clerk, and on file in the office of the Town Clerk.

SECTION III: ESTABLISHMENT OF DISTRICTS (Cont.)

C. OFFICIAL ZONING MAP (Cont.)

D. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to boundary lines of Districts as shown on the "Official Zoning Map of the Town of Glenburn", the following rules of interpretation shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, public utilities or right of ways shall be construed as following such center lines;

2. Boundaries indicated as being approximately following shorelines of any lake or pond shall be construed as following the normal high water mark;

3. Boundaries indicated as being the extension of centerlines of streets shall be construed to be the extension of such centerlines;

4. Boundaries indicated as approximately following the centerlines of streams, rivers or other continuous flowing watercourses shall be construed as following the channel center line of such watercourses;

5. Boundaries indicated as being parallel to or extension of features listed above shall be so construed. Distances not specifically indicated on the official map shall be determined by the scale of the map;

6. Where physical or cultural features existing on the ground are at variance with those shown on the official map, or in other circumstances where uncertainty exists with respect to the location of a boundary, the Planning Board shall interpret the district boundaries.

E. DIVISION OF LOTS BY DISTRICT BOUNDARIES

In the event that a District boundary line divides a lot or parcel of land of the same ownership of record, at the time such line is established by adoption or subsequent amendment of this Ordinance, the Planning Board, after written findings of fact finds that such extensions will not create unreasonable adverse impacts on the existing uses of the adjacent properties, may:

1. When that portion of the lot which is located in the more restrictive District is greater than ten (10) acres, extend the regulations applicable to the less restrictive portion into no more than twenty (20) percent of the more restrictive portion.

2. When that portion of the lot which is located in the more restrictive District is less than ten (10) acres, extend the regulations applicable to the less restrictive portion

SECTION III: ESTABLISHMENT OF DISTRICTS (Cont.)

E. DIVISION OF LOTS BY DISTRICT BOUNDARIES (Cont.)

into no more than fifty (50) percent of the more restrictive portion.

3. When that portion of the lot which is located in the more restrictive District is equal to that which is located in the less restrictive District, extend the regulations applicable to the less restrictive portion to the entire more restrictive portion.

SECTION IV: SCHEDULE OF USES

A. ACTIVITIES DESCRIBED

A matrix listing the uses permitted in the various Districts, under this Ordinance begins on page 4.3.

The various land uses contained in the matrix are organized according to the following eight (8) activity classifications:

1. Resource Management Activities
2. Resource Extraction Activities
3. Residential Activities
4. Institutional Activities
5. Commercial Activities
6. Industrial Activities
7. Transportation Activities
8. Solar Energy System Activities

B. SYMBOLS USED IN SCHEDULE OF USES

The following symbols contained in the Schedule of Uses have the following meanings:

1. DISTRICT SYMBOLS

SYMBOL	DESCRIPTION
VD	**Village District**
RCD	**Residential/Commercial District**
ID	**Industrial District**
RD	**Rural District**

2. PERMIT SYMBOLS

SYMBOL	DESCRIPTION
Y	**Uses Allowed Without a Permit**
N	**Uses Prohibited Within District**
C	**Use Requires a Code Enforcement Permit**
P	**Use Requires a Planning Board Permit**

SECTION IV: SCHEDULE OF USES (Cont.)

C. USES SUBSTANTIALLY SIMILAR TO PERMITTED USES MAY BE PERMITTED

1. USES ALLOWED WITHOUT A PERMIT: Uses substantially similar to those allowed without a permit, but that are not listed in the Schedule of Uses, may be permitted upon a finding by the Code Enforcement Officer that such use is substantially similar to uses listed in the Schedule.

2. USES REQUIRING A CODE ENFORCEMENT OFFICER PERMIT: Uses substantially similar to those requiring a Code Enforcement Officer Permit, but which are not listed in the Schedule of Uses, may be permitted upon a finding by the Code Enforcement Officer that such use is substantially similar to uses listed in the Schedule.

3. USES REQUIRING A PLANNING BOARD PERMIT: Uses substantially similar to those requiring a Planning Board Permit, but which are not listed in the Schedule of Uses, may be permitted upon a finding by the Planning Board that such use is substantially similar to uses listed in the Schedule.

D. USES SUBSTANTIALLY SIMILAR TO PROHIBITED USES ARE PROHIBITED.

Uses substantially similar to any uses listed as a Prohibited Use in the Schedule of Uses shall be prohibited.

E. COMPLIANCE WITH PERFORMANCE STANDARDS REQUIRED

All uses permitted must occur and be maintained in compliance with the applicable requirements and performance standards contained in Section V.

SECTION IV: SCHEDULE OF USES (Cont.)

F. SCHEDULE OF USES

Activities 1. RESOURCE MANAGEMENT	VD	RCD	ID	RD
a) Wildlife/fishery mgmt practices;	Y	Y	Y	Y
b) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;	Y	Y	Y	Y
c) Surveying and other resource analysis;	Y	Y	Y	Y
d) Forest management activities not including timber harvesting, pesticide and fertilizer application;	Y	Y	Y	Y
e) Agricultural management activities, not including pesticide and fertilizer application;	Y	Y	Y	Y
f) Mineral exploration to discover or verify the existence of mineral deposits, including the removal of specimens or trace quantities, provided such exploration is accomplished by methods of hand sampling, including panning, hand test boring, diggings, and other non-mechanized methods which create minimal disturbance and take reasonable measures to restore the disturbed area to its original condition;	Y	Y	Y	Y
g) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by the district in which it is located;	Y	Y	Y	Y
h) Accessory uses and structures that are essential for the exercise of uses listed above.	C	C	C	C

SECTION IV: SCHEDULE OF USES (Cont.)

Activities 2. RESOURCE EXTRACTION	VD	RCD	ID	RD
a) Commercial timber harvesting;	Y	Y	Y	Y
b) Production of commercial agricultural products;	Y	Y	Y	Y
c) Mineral extraction for road purposes only, affecting an area of less than 2 acres in size;	Y	Y	Y	Y
d) Mineral extraction operations for any purpose affecting an area 2 acres or greater in size;	P	P	P	P
e) Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells;	P	P	P	P
f) Accessory use and structures that are essential for the exercise of uses listed above.	C	C	C	C

SECTION IV: SCHEDULE OF USES (Cont.)

Activities 3. RESIDENTIAL	VD	RCD	ID	RD
a) Single-Family Detached Dwelling;	C	C	N	C
b) Single-Family Mobile Home, in Park;	C	N	N	C
c) Single-Family Mobile Home;	C	C	N	C
d) Multi-Family Dwelling: Two Unit or Duplex;	C	C	N	C
e) Multi-Family Dwelling: 3 or more families, including apartments;	P	N	N	P
f) Mobile Home Park;	P	N	N	P
g) Nursing Home/Boarding Care;	P	P	N	P1
h) Home Occupations;	P	C	N	P
i) In-Law Apartment	C	C	N	C
j) Accessory uses or structures that are essential for the exercises of uses listed above.	C	C	C	C

P1 - RD zone up to 5 residents

SECTION IV: SCHEDULE OF USES (Cont.)

Activities 4. INSTITUTIONAL	VD	RCD	ID	RD
a) Hospital and Medical Clinic;	P	P	N	N
b) Government Facilities and Services;	C	C	C	C
c) Public Schools;	P	P	N	N
d) Private Schools;	P	P	N	P
e) Day Care Centers;	C1	C1	N	P
f) Churches;	C	C	N	P
g) Cemeteries;	P	P	N	P
h) Fraternal Orders and Service Clubs;	P	P	N	P
i) Post Secondary Education Facilities;	P	P	N	N
j) Municipal Fire Stations	C	C	P	P
k) Fish &Game/Recreation based facilities;	P	P	N	P
l) Accessory uses and structures that are essential for the exercise of uses listed above.	C	C	C	C

C1 - Over 12 children requires PB approval

SECTION IV: SCHEDULE OF USES (Cont.)

Activities 5. COMMERCIAL	VD	RCD	ID	RD
a) Adult Entertainment;	N	P	N	N
b) Automobile Body Repair;	P	P	P	N
c) Automobile Recycling Facility;	N	P	P	N
d) Automobile Repair/Service;	P	P	P	N
e) Automobile Sales;	P	P	N	N
f) Automobile Supply Store;	P	P	P	N
g) Banks/Credit Unions;	P	P	N	N
h) Bar/Pub;	P	P	N	N
i) Beauty Shops;	P	P	N	N
j) Bed and Breakfast;	P	P	N	P
k) Campgrounds;	N	P	N	P
l) Clothing Store;	P	P	N	N
m) Florist Shop/Craft Shop;	P	P	N	P
n) Fuel Oil Sales;	P	P	P	N
o) Funeral Home;	P	P	N	N
p) Greenhouse;	P	P	P	P2
q) Grocery Store;	P	P	N	P2
r) Hardware Store;	P	P	N	N
s) Kennel, Commercial	N	P	N	N
t) Motel, Hotel and Inns, Maximum 10 rooms;	P	P	N	N
u) Motel, Hotel and Inns, More than 10 rooms;	N	P	N	N
v) Professional Offices;	P	P	P	N

P2 – Under 5,000 square feet

SECTION IV: SCHEDULE OF USES (Cont.)

Activities 5. COMMERCIAL (cont.)	VD	RCD	ID	RD
w) Professional Office Complex;	P	P	P	N
x) Pharmacy;	P	P	N	N
y) Radio Station;	P	P	P	P
z) Restaurant;	P	P	N	P
aa) Recreation Vehicles Sales and Service;	P	P	N	N
bb) Redemption Center;	P	P	N	P
cc) Retail Establishments ;	P	P	N	N
dd) Sporting Cabins;	P	P	N	P
ee) Sporting Goods;	P	P	N	N
ff) Take Out Restaurant (No interior seating);	P	P	N	N
gg) Towers 195 feet and less than 195 feet tall	P	P	P	P
hh) Towers greater than 195 feet tall	N	P1	P1	P1
ii) Veterinary Clinic/Hospital;	P	P	N	P
jj) Video Rentals;	P	P	N	N
kk) Warehouse/Storage Facility;	N	P	P	N
ll) Accessory uses and structures that are essential for the exercise of uses listed above.	P	P	P	P

P1 - FAA Approval needed

SECTION IV: SCHEDULE OF USES (Cont.)

Activities				
6. INDUSTRIAL	**VD**	**RCD**	**ID**	**RD**
a) Automobile Graveyard;	**N**	**N**	**P**	**N**
b) Bulk Oil and Fuel Tank Storage in excess of 500 gallons except for on-site heating and cooking purposes;	**P**	**P**	**P**	**P**
c) Concrete Plant;	**N**	**P**	**P**	**N**
d) Disposal of Hazardous/Leachable Materials;	**N**	**N**	**N**	**N**
e) Disposal of Solid Waste other than agriculture;	**N**	**N**	**N**	**N**
f) Junkyard;	**N**	**N**	**P**	**N**
g) Light Manufacturing Assembly Plant;	**N**	**P**	**P**	**N**
h) Lumber Yard/Sawmill;	**N**	**P**	**P**	**P**
i) Pulp Mill;	**N**	**N**	**N**	**N**
j) Sewage Treatment Facility;	**P**	**P**	**P**	**P**
k) Transportation Facility and Terminal Yard;	**N**	**P**	**P**	**N**
l) Wholesale Business Facility;	**N**	**P**	**P**	**N**
m) Accessory uses and structures that are essential for the exercise of uses listed above.	**P**	**P**	**P**	**P**

SECTION IV: SCHEDULE OF USES (Cont.)

Activities				
7. TRANSPORTATION AND UTILITIES	**VD**	**RCD**	**ID**	**RD**
a) Airport terminal building and airport uses;	**N**	**P**	**P**	**P**
b) Land management roads and water crossings of minor flowing waters;	**Y**	**Y**	**Y**	**Y**
c) Land management roads and water crossings of standing waters and of major flowing waters;	**P**	**P**	**P**	**P**
d) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops;	**P**	**P**	**P**	**P**
e) Road construction projects, other than land management roads;	**P**	**P**	**P**	**P**
f) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review;	**P**	**P**	**P**	**P**
g) Accessory uses and structures that are essential for the exercise of uses listed above.	**P**	**P**	**P**	**P**

Land Use Ordinance of the Town of Glenburn, Maine

SECTION IV: SCHEDULE OF USES (Cont.)

Activities				
8. SOLAR ENERGY SYSTEMS	**VD**	**RCD**	**ID**	**RD**
Principal Use				
a) Small-Scale ground-mounted Solar Energy Systems (SES) **Permitted as-of-right***	**Y**	**Y**	**Y**	**Y**
b) Small-Scale ground-mounted Solar Energy Systems (SES) **In Natural Resource Protection Areas****	**CU**	**CU**	**CU**	**CU**
c) Medium-scale ground-mounted Solar Energy System (SES)	**N**	**N**	**N**	**N**
d) Large-scale ground-mounted Solar Energy System (SES)	**N**	**N**	**N**	**N**
Accessory Use				
e) **Rooftop** Solar Energy System (SES) **Permitted as-of-right*****	**Y**	**Y**	**Y**	**Y**
f) Small-scale **Ground-mounted** Solar Energy System (SES) **Permitted as-of-right***	**Y**	**Y**	**Y**	**Y**
g) Small-scale **Ground-mounted** Solar Energy System (SES) **In Natural Resource Protection Areas****	**CU**	**CU**	**CU**	**CU**
h) Medium-scale Ground-mounted Solar Energy System (SES)	**N**	**N**	**N**	**N**
i) Large-scale Ground-mounted Solar Energy System (SES)	**N**	**N**	**N**	**N**

Y—Use Allowed Without a Permit
N—Use Prohibited Within District
C—Use Requires a Code Enforcement Permit
PB—Use Requires a Planning Board Permit
*Permitted as-of-right—Small-scale ground-mounted systems are permitted as-of-right which means development may proceed w/o a conditional use permit, variance, amendment, waiver or other discretionary approval **except** in natural resource protection areas
**CU—Use in natural resource protection areas requires a Conditional Use Permit
***Roof mounted systems permitted as-of-right which means development may proceed w/o a conditional use permit, variance, amendment, waiver or other discretionary approval

SECTION V: LAND USE STANDARDS

SECTION USERS GUIDE: This section contains general performance standards with which all development proposals submitted for approval pursuant to this Ordinance must comply.

The purpose of the regulations contained in this section is to allow maximum utilization of land while insuring against adverse impacts on the environment, neighboring properties, and the public interest. This assurance is provided by separating the areas of the Town of Glenburn into districts and permitting specific land uses within each, provided that a use meets all the additional criteria specified in this Ordinance.

This regulatory approach has been termed "performance zoning" because it permits a use to be developed on a particular parcel only if the use on that parcel meets "performance" standards which have been enacted to insure against the use causing (or having the potential to cause) adverse impacts.

The following Land Use Standards shall govern all Land Use Permits issued by the Code Enforcement Officer and the Planning Board.

In reviewing applications submitted pursuant to this Ordinance, the Code Enforcement Officer or the Planning Board shall consider the following performance standards and make written findings that each applicable standard has been met prior to issuing final approval. In all instances, the burden of proof shall be upon the applicant.

A. GENERAL STANDARDS

1. ACCESS REQUIREMENTS

Access to public roads shall be strictly controlled in both location and design. Provision shall be made for adequate access to the development to safeguard against hazards to traffic and pedestrians in the road and within the development, to avoid traffic congestion on any road and to provide safe and convenient circulation on public roads.

Guidelines: Development shall employ the following guidelines to the extent possible in designing access points:

a. Where a residential lot will front on two or more streets, access shall be to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

b. All access points should be located so as to provide adequate sight distance for vehicular movement. Adequate sight distance means an unobstructed view of the road in each direction for at least one hundred (100) feet for every 10 MPH of speed limit. (E.g., for access to a 25 MPH road, an access point shall have a clear view of two hundred fifty (250) feet in each direction).

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

c. Every effort shall be made to reduce the number of access points onto the public road. Measures to be taken may include shared driveways and frontage roads.

d. All entry and exit points shall be kept free from visual obstructions higher than three (3) feet above street level for a distance of twenty-five feet (25) from the edge of the traveled way in order to provide visibility for entering and leaving vehicles.

e. Driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, Section 754, must conform to Title 23, Section 704 and any rules adopted under that section.

2. ADULT BUSINESS / ENTERTAINMENT

a. No adult business/entertainment shall be in any location that is closer than five hundred (500) feet, measured in a straight line without regard to intervening structures or objects, to the nearest point on the boundary of any property which is owned or used by/for: any religious institutions, K-12 educational institutions, parks and playgrounds, libraries, day-care centers or residences.

b. No materials or devises displaying or exhibiting sexual explicit activities shall be visible from the exterior of the building in which the adult business is located.

3. AGRICULTURAL MANAGEMENT ACTIVITIES

Agricultural practices shall be conducted in such a manner as to prevent soil erosion, sedimentation, and contamination or nutrient enrichment of surface waters. Phosphorous allocation is addressed through implementation of the Town of Glenburn Subdivision Regulations.

4. AIR POLLUTION

Air pollution control and abatement shall comply with applicable minimum Federal and State requirements.

5. BUFFERS

All non-residential development located within forty (40) feet of a residential structure must provide landscaped buffer strips in the form of evergreen, deciduous vegetation or fencing. The buffering shall be sufficient to minimize the impacts of expected uses such as exposed machinery, outdoor storage areas, vehicle loading and parking, mineral extraction and waste collection and disposal areas.

6. CAMPGROUNDS

Campgrounds shall conform to the minimum requirements imposed under State licensing

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

procedures and the following:

a. Camping areas shall contain a minimum of two thousand (2,000) square feet of suitable land, not including roads and driveways, for each recreational vehicle and trailer site and a minimum of one thousand (1,000) square feet of suitable land, not including roads and driveways, for tent sites except it shall be a minimum five thousand (5,000) square feet for all sites when within the Shoreland Zone.

b. Campgrounds shall provide water and sewer systems, sanitation stations, and convenience facilities in accordance with the regulations set for by the Maine Department of Human Services and the Town of Glenburn.

c. The area intended for placement of an RV, trailer, tent, or shelter, and utility and service buildings shall be set back a minimum of seventy-five (75) feet from the exterior lot lines of the camping area.

d. All campgrounds shall be screened from adjacent land areas by a continuous landscaped area containing evergreen shrubs, trees, fences, walls, or any combination which forms an effective visual barrier of not less than six (6) feet high.

e. No travel trailer, camper, self-contained vehicles, or similar vehicles shall be used as a permanent place or abode, dwelling, or business for indefinite periods of time. Continuous occupancy extending beyond six (6) months in any twelve (12) month period shall be presumed to be permanent occupancy. Occupancy from October 1st to April 30th for any individual or unit is allowed only if the campground can furnish sewer and water on site during this period.

7. CONFORMANCE WITH OTHER LAWS

All proposed development shall be in conformity with the provisions of all applicable local ordinances, rules and regulations, and State and Federal laws, rules and regulations.

8. CONSTRUCTION IN FLOOD HAZARD AREAS

When any part of a development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, and locally adopted Floodplain Management Ordinance, the plan shall indicate that all principal structures on lots in the development shall be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100)-year flood elevation.

9. CONVERSIONS

a. Conversions of existing structures into multi-family units, in Districts permitting multi-family dwellings, may be permitted provided that:

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

(1) Off-street parking for two (2) vehicles per dwelling unit plus maneuvering space will be provided;

(2) Approval of conversion plans by the fire, electrical and plumbing inspector(s) is required prior to issuance of a land use permit;

(3) Each dwelling unit shall be at least three-hundred fifty (350) square feet in area for one (1) bedroom units plus one-hundred and fifty (150) square feet for each additional bedroom; and

(4) Each dwelling unit shall have its own toilet and kitchen facilities and no dwelling unit will share these facilities with any other dwelling unit.

(5) Each unit shall be provided with adequate rubbish disposal facilities.

b. Conversions of Mobile Home Parks

(1) No lot or lots in a mobile home park may be sold or conveyed without:

(a) The prior approval of the Planning Board; and

(2) The following conveyance is exempt from the conversion provisions of this section:

(a) Sale or conveyance of the mobile home park in its entirety to one entity, provided no change in use occurs.

10. DENSITY BONUS PROVISIONS

If a project is a planned development or cluster development, the minimum lot area per dwelling unit may be reduced by the amount shown below within all district designations. In no case shall lots served by subsurface sewage disposal systems be less than 20,000 square feet.

a. A density bonus of ten (10) percent, if ten (10) percent to less than twenty-five (25) percent on the site shall be permanently preserved as open space;

b. A density bonus of twenty (20) percent, if twenty-five (25) percent to less than forty (40) percent of the site shall be permanently preserved as open space;

c. A density bonus of thirty (30) percent, if forty (40) percent or more of the site shall be permanently restricted as open space.

11. DUST, FUMES, VAPORS, GASES, ODORS, GLARE, AND EXPLOSIVE MATERIALS

a. Emission of odors, dust, dirt, fly ash, fumes, vapors or gases which could damage: human

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

health, animals, vegetation, or property, must comply with State and Federal standards.

12. EROSION AND SEDIMENTATION CONTROLS

The following measures relating to conservation, erosion, and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance.

a. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction, and clean-up stages; and

b. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best management practices:

(1) Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;
(2) Development shall preserve outstanding natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;
(3) The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site;

(4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;

(5) The disturbed area and the duration of exposure shall be kept to a practical minimum;

(6) Disturbed soils shall be stabilized as quickly as practicable;

(7) Temporary vegetation or mulching shall be used to protect disturbed areas during development;

(8) Permanent (final) vegetation and mechanical erosion control measures in accordance with the provisions of the Department of Environmental Protection's Best Management Practices for Erosion and Sedimentation Control or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends;

(9) Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods;

(10) The top of the cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjacent property, unless otherwise specified by the Planning Board;

(11) During grading operations, methods of dust control shall be employed wherever

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

practicable;

(12) Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible; and

(13) Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

13. GARAGE/YARD SALES

A land use permit for a garage/yard sale shall be issued for a single sale or for a one-year period. The permit shall cover no more than three (3) separate sales during the period. Duration of any one sale shall not exceed three (3) days. No more than three (3) sales shall be held at the same location in any given year.

14. HOME OCCUPATIONS

a. The purpose of the Home Occupation provision is to permit the conduct of those businesses that are compatible with the Districts in which they are allowed. Home occupations are limited to those uses which may be conducted within a residential dwelling without substantially changing the appearance or condition of the residence or accessory structure;
b. Any home occupation or profession which is accessory to and compatible with a residential use may be permitted if:

(1) It is carried out in a dwelling unit or in a structure customarily accessory to a dwelling unit;

(2) It is conducted only by a member or members of the family residing in the dwelling unit; and/or not more than two employees;

(3) It does not materially injure the usefulness of the dwelling unit or accessory structure for normal residential purposes.

c. All home occupations shall conform with the following conditions:

(1) The home occupation shall be carried on wholly within the dwelling or accessory structure;

(2) It is conducted only by a member or members of the family residing in the dwelling unit; and/or not more than two employees;

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

(3) Exterior signs shall be not greater than 2 square feet, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building;

(4) Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours, shall not be permitted;

(5) The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood;

(6) In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of the maximum number of users the home occupation may attract during peak operating hours;

(7) The home occupation may utilize:

(a) Not more than forty percent (40%), but not to exceed 1,000 square feet, of the dwelling unit floor area, provided that for the purposes of this calculation, unfinished basement and attic spaces are not included;

(b) The total amount of allowable space, as determined above, can be located in a combination of one or more parts of the primary dwelling (including the basement) and/or one accessory structure as identified in the application.

(c) Unfinished attic spaces may be used for storage only, and are not to be counted as part of the area limitation in (a).

(d) Unfinished attic spaces to be used for storage only.

(8) Home occupations which involve use or storage of hazardous or leachable materials in excess of normal residential use are not permitted.

(9) The home occupation shall be allowed to be open to the public at times no earlier than 7 AM and no later than 7 PM. Additional hours for special circumstances must be approved by the Planning Board.

15. INDUSTRIAL PERFORMANCE STANDARDS

The following provisions shall apply to all permitted industrial uses:

a. Danger

No material which is dangerous due to explosion, extreme fire hazard, chemical hazard or

radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable State and Federal codes and regulations.

b. Vibration

With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates.

c. Wastes

No offensive wastes shall be discharged or dumped into any river, stream, watercourse, storm drain, pond, lake, or swamp. Industrial wastewater may be discharged to municipal sewers only and in such quantities and quality as to be compatible with existing municipal facilities.

d. Noise

Offensive noise shall not be transmitted beyond lot lines so as to cause disturbance to neighboring residential properties.

16. JUNKYARDS/GRAVEYARD/AUTOMOBILE RECYCLING

The following performance standards are required of all automobile graveyards, junkyards and automobile recycling businesses, whether new or existing.

a. The site must be enclosed by a visual screen at least 6 feet in height and built in accordance with the requirements of Title 30-A MRSA, Section 3754-A(1)(A)(1)-(4), and any regulations of the Maine Department of Transportation;

b. No vehicle shall be stored within any protected zone of any water body or inland wetland.

c. No vehicle shall be stored within three hundred (300) feet of public or private well (excluding owners), school, church or public playground or public park;

d. No vehicles shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist;

e. No vehicle shall be stored within a floodplain;

f. Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid and engine coolant (air conditioners included) shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of such waste material. No discharge of fluids from any motor vehicle shall be permitted into or onto the ground.

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

g. No vehicle shall be closer than twenty (20) feet from a lot line.

h. All vehicles, once stripped of valuable parts shall be crushed and removed from the lot to a metal recycler. Any vehicle remaining over one (1) year shall be considered as junk metal to be recycled.

i. No more than four (4) tires per vehicle shall be allowed to be stored in the yard. Scrap tires shall not be allowed to accumulate into a scrap tire pile. All tires shall be disposed of in an appropriate facility and manner in accordance with State and Federal regulations.

j. No open burning of salvage materials or junk shall be permitted on the premises. Waste fluids and unusable materials shall be disposed of in a duly licensed disposal facility.

k. The Planning Board and/or Code Enforcement Officer may attach reasonable conditions to the permit covering the operation and use of the automobile graveyard, junkyard or automobile recycling business to ensure compliance with the foregoing standards, and any other applicable ordinances, laws or regulations.

17. LANDSCAPING

Non-residential development proposed within the Industrial and Residential/ Commercial districts shall be landscaped to the extent possible so as to maintain the aesthetic appearance of the property and preserve as much natural vegetation as possible on the site.

18. LIGHTING DESIGN STANDARDS

All exterior lighting shall be designed to minimize adverse impact on neighboring properties.

19. LOT SIZE, SETBACK AND COVERAGE REQUIREMENTS

See B. Dimensional Requirements in this Section.

20. MANUFACTURED HOUSING

a. Intent: It is the intent of this Ordinance to provide a variety of housing alternatives to all economic levels within the community, while continuing to insure the minimum standards of health, safety and welfare of the community. To this end, this ordinance allows the siting of all types of manufactured housing within designated areas of the Town regardless of their construction date or compliance with all the standards of the Manufactured Housing Construction and Safety Standards adopted by the Department of Housing and Urban Development in 1976, as amended. The Town does hereby require however, that all manufactured housing sited within the Town of Glenburn meet certain minimum safety and design criteria.

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

b. Minimum Safety Standards: All manufactured housing as defined in this Ordinance, regardless of date of manufacture, and sited within the Town of Glenburn after the effective date of this ordinance, shall meet or exceed the following minimum standards before a "Certificate of Occupancy" shall be issued by the Code Enforcement Officer in conformance with Section VI. J. of this Ordinance.

c. HUD Approval Sufficient: All manufactured housing, as defined, constructed after July 1, 1976 and bearing the seal of the Department of Housing and Urban Development which certifies the manufactured home was built pursuant to the provisions of the Manufactured Housing Construction and Safety Standards, as amended, shall be deemed to have fulfilled the requirements of this section.

d. Minimum Electrical Safety Standards: All manufactured housing shall meet the following minimum safety requirements for electrical installation and maintenance as provided for by the National Electrical Code as said code pertains to the following:

(1) 100 Ampere Entrance required;
(2) Copper wiring required;
(3) Two means of grounding required;
(4) Ground faulting receptacles required;

In addition, all electrical installations or modifications to existing manufactured housing shall be inspected and certified by an electrician licensed by the State of Maine or the Code Enforcement Officer if duly appointed as electrical inspector.

e. Minimum Fire Prevention Standards: All manufactured housing shall meet the following minimum fire safety requirements as provided for by the National Electrical Code and the Manufactured Housing Construction and Safety Standards, as amended:

(1) All homes shall contain at least one operable fire extinguisher which is readily accessible at all times;

(2) All homes shall have at least one operable AC smoke detector and carbon monoxide detector centrally located within the home and one operable smoke detector in each of the bedrooms;

(3) The installation and maintenance of all heating systems including vents, chimneys, and encompassing secondary and tertiary as well as primary heating sources, shall meet the standards of NFPA 211 and NFPA 31 as applicable. In addition, no wood stove shall be used for heating purposes in a manufactured home in the Town of Glenburn without first being inspected and approved by the Glenburn Fire Department for safe installation;

(4) All automatic dryers, whether electric or gas, shall meet the venting requirements of the Manufactured Housing Construction and Safety Standards, as amended; and

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

(5) All manufactured housing shall meet the requirements of the Manufactured Housing Construction and Safety Standards, as amended, to wit, all manufactured homes shall provide for at least two means of egress from each bedroom, one of which must be directly to the outside of the home and may be accomplished by way of a window of suitable size which can be opened easily without tools, and two doors exiting directly to the outside of the home separated by distances as established by the standards.

f. Minimum Plumbing Standards: All manufactured housing shall meet the minimum standards of the Manufactured Housing Construction and Safety Standards, as amended. All exterior plumbing and hook-ups to a disposal system shall comply with the Maine State Plumbing Code, as amended.

g. Minimum Design Standards: All manufactured housing shall be sited and maintained in such a manner as to blend harmoniously with other residential structures in close proximity, to this end all manufactured housing located within the Town of Glenburn after the effective date of this ordinance shall:

(1) Have and maintain external siding which is residential in appearance for the manufactured home as well as any additions thereto or accessory structures located on the same lot;

(2) Be located on a permanent foundation at a minimum of a gravel pad. Pad must be 8" compacted and the manufactured home must be blocked at the blocking points, unless otherwise specified by a duly adopted building code.

(3) Permanent skirting shall be installed within thirty (30) days of siting;

(4) Provide a safe means of egress and ingress to and from the manufactured home including stairs with handrails when applicable.

21. MINERAL EXPLORATION AND EXTRACTION

The following requirements for mineral exploration and extraction activities, including the removal of topsoil, shall apply in all Districts:

a. All exploration/extraction activities, including test pits and holes, shall be promptly capped, refilled, or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety;

b. No portion of any ground area disturbed by the extraction activity shall be closer than fifty (50) feet from a public roadway;

c. Within two hundred fifty (250) feet of any water body, the extraction areas shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

which are effective in preventing sediments from being eroded or deposited into such water body;

d. A natural vegetation screen of not less than fifty (50) feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads;

e. If any mineral extraction operation located within seventy-five (75) feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter;

f. Extraction operations (gravel pit, etc.,) shall not be permitted within one hundred (100) feet of any property line without a written agreement of consent between property owners;

g. In no case shall a mineral extraction operation be conducted at times earlier than 7:00 A.M. nor later than 9:00 P.M.; and

h. At no time shall any mineral extraction operation location be used for the storage or dumping of any substance, including but not limited to hazardous materials or petroleum products that could produce a harmful leachate, both during the extraction operation and following its termination.

22. OFF-STREET PARKING

a. Off-street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any District;

b. Required off-street parking spaces shall be provided;

c. The following minimum off-street parking requirements shall be provided and maintained in case of new construction, alterations and changes of use or as deemed appropriate by the Planning Board.

(1) Dwellings - Two (2) parking spaces for each dwelling unit;

(2) Transient Accommodations:

(a) Bed and Breakfast accommodations and motels, hotels, boarding houses, and inns with 10 rooms or less -- Two (2) parking spaces plus one space for each guest room; and

(b) Motels, hotels, boarding houses, and inns with more than 10 rooms -- One (1) parking space for each guest plus one (1) space for each three (3) employees;

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

(3) Schools -- Five (5) parking spaces for each classroom plus one (1) space for each four (4) employees;

(4) Hospitals (bed facilities only) – One (1) parking space for every three (3) beds, plus one (1) for each employee based on the expected average employee occupancy;

(5) Theaters, churches, and other public assembly places – One (1) parking space for every four (4) seats or for every one hundred (100) square feet or major fraction thereof of assemblage space if no fixed assets;

(6) Retail Stores – One (1) parking space for every two hundred (200) square feet of retail area, plus one for every two employees, unless public parking is provided;

(7) Restaurants, eating and drinking establishments – One (1) parking space for every four (4) seats, plus one (1) for every two (2) employees, unless public parking is provided;

(8) Professional Offices and Public Buildings – One (1) parking space for every two hundred (200) square feet of gross leasable area, exclusive of cellar and bulk storage areas, unless public parking is provided;

(9) Other Commercial Recreation Establishments (mini golf courses, etc.) - The number of spaces deemed appropriate by the Planning Board; and

(10) Industrial – One (1) parking space for each 1.5 employees, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of specific operations.

23. OFF-STREET LOADING

Adequate off-street loading areas shall be provided for appropriate land uses. Loading areas cannot be included as parking spaces when meeting parking requirements.

24. OIL AND CHEMICAL STORAGE

a. All storage of petroleum or liquid products shall be in conformance with the provisions of Title 38 MRSA, Section 561 et.seq., which among other things establishes a ten-year compliance schedule for the discontinuance and removal of non-conforming underground oil storage facilities and requires qualified personnel to oversee the removal of certain underground facilities; and compliance with any duly adopted building codes and ordinances of the Town of Glenburn.

b. When applicable, the applicant shall have the burden of proof to assure the Planning Board or Code Enforcement Officer that all provisions of the above statutes have been met before

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

the issuance of any permits may take place.

25. PESTICIDE APPLICATION

Pesticide application in any of the Districts shall not require a permit provided such application is in conformance with applicable State and Federal statutes and regulations. Any pollutant introduced into soil on the site shall not exceed a concentration in the ground water that is greater than the guidelines established for it in the Safe Drinking Water Standard, EPA Health Advisory. Any violation of this standard shall be cause to order the immediate stop of the use or activity responsible for the contamination. The landowner shall be responsible for the cost of all remedial actions.

26. REFUSE DISPOSAL

a. The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner.

b. The impact of particular industrial or chemical wastes or by-products upon the sanitary facilities (in terms of volume, flammability or toxicity) shall be considered and the applicant may be required to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The applicant must specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

27. SEWAGE DISPOSAL

a. Subsurface Sewage Disposal - No permit shall be issued for a project with subsurface sewage disposal unless:

(1) There is an area of suitable soils according to the Subsurface Waste Water Disposal rules of sufficient size to accommodate the proposed system;

(2) An acceptable plan to construct the absorption area is prepared in accordance with the Subsurface Waste Water Disposal Rules; and

(3) In lieu of (1) and (2) above, the applicant demonstrates that any deficiencies of the soil for purposes of sewage disposal can and will be overcome by a suitable engineering solution;

No development shall be permitted which utilizes, for on-site subsurface sewage disposal purposes, any soil listed in the Soil Suitability Guide as having a very poor rating for the proposed use, unless the proposed sewage disposal system is approved under the Subsurface Waste Water Disposal Rules.

28. SIGNS

a. Conformance of Signs

No sign shall be hereafter erected, altered or maintained, within the limits of the Town of Glenburn, Maine except in conformance with the provisions of this section.

b. Signs Prohibited

No sign, whether new or existing, shall be permitted within the Town of Glenburn, Maine which causes a traffic sight, health or welfare hazard, or results in a nuisance, due to illumination, placement, display, or obstruction of existing signs.

c. Temporary Signs

The following temporary signs are permitted provide said signs conform to all standards of this section and all other municipal, federal and state ordinances, statutes and/or regulations:

(1) Temporary Signs Giving Notice

Signs of a temporary nature, such as political posters, advertisements or charitable functions, notices of meetings, other non-commercial signs of a similar nature, are permitted for a period not to exceed thirty (30) days, provided that the persons who posted the signs shall be responsible for their removal.

(2) Temporary Yard Sale Signs

Temporary yard sale signs are permitted provided they do not exceed the size standards of Subsection (e) and provided they are removed within 24 hours of the completion of the sale. Yard sales which extend for more than three (3) consecutive days are considered commercial use.

d. Sign Requirements

All signs within the limits of the Town of Glenburn shall meet the following requirements:

(1) No sign shall project over a walkway or interfere in any way with the normal flow of foot or vehicular traffic. All free standing signs shall be set back a minimum of eight (8) feet from property lines in all Districts.

(2) No sign shall contain, include, or be illuminated by flashing, blinking, intermittent, or moving lights;

(3) No sign shall exceed twenty-five (25) feet in height;

(4) Signs may be illuminated only by shielded, non-flashing lights so as to effectively prevent beams of light from being directed at neighboring residential properties or any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof.

(5) Roof signs shall not extend more than ten (10) feet above the roof line;

(6) Signs in Industrial District. No more than two free standing signs per use. Signs may be double faced. No larger than 100 square feet in area and no higher than twenty-five (25) feet in height.

(7) Signs in Village District will be submitted to and reviewed by the Planning Board for consistency determination and approval with District aesthetics.

e. Off Premise Signs

No off premise sign shall be erected or maintained in the Town of Glenburn except in conformity with the Title 23 MRSA, Sections 1901-1925, and The Maine Traveler Information Services Law. Off premises official business directional signs may be located in the Town of Glenburn in such a location and in such a manner as allowed under Title 23 MRSA, Sections 1901-1925 and under the rules and regulations of the Maine Department of Transportation.

f. Exempt Signs

The following signs are exempt from the provisions of this section except as otherwise provided for herein:

(1) Traffic control signs, signals, and/or other devices regulating or enhancing public safety erected by a governmental body.

29. SITE CONDITIONS

a. During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon order of the Code Enforcement Officer or other authorized personnel. The developer shall make provision for disposal of oil and grease from equipment and the site area should be regularly treated to control dust from construction activity.

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

b. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit; and

c. No changes shall be made in the elevation or contour of the lot or site by the removal of earth to another lot or site other than as shown on an approved site plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval by the Code Enforcement Officer.

30. SOILS

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and similar intensive land uses, shall require a soils report, prepared by a duly licensed individual as appropriate for the project.

31. SOLAR ENERGY

All *principal use* medium-scale and large-scale solar energy systems are prohibited in all zoning districts of the Town of Glenburn.

All *accessory use ground-mounted* medium-scale and large-scale solar energy systems are prohibited in all zoning districts of the Town of Glenburn.

All medium-scale and large-scale *ground-mounted* solar energy systems are prohibited in all zoning districts of the Town of Glenburn.

Standards for Roof-Mounted and Small-Scale Ground-Mounted Solar Energy Systems

(a) Roof-mounted and building-mounted solar energy systems and equipment are permitted by right, unless they are determined by the Code Enforcement Officer and the Fire Chief to present one or more unreasonable safety risks, including, but not limited to, the following:

(i) Weight load;

(ii) Wind resistance;

(iii) Ingress or egress in the event of fire or other emergencies; or

(iv) Proximity of a ground-mounted system relative to buildings.

(b) All solar energy system installations shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Fire Protection Association (NFPA1).

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

(c) All wiring shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Electrical Code (NFPA 70).

(d) Prior to operation, electrical connections must be inspected and approved by an electrical inspector or master electrician.

Planning Board Application and Review

(a) Applicability:

(i) Roof mounted solar energy systems are not subject to Planning Board Review.

(ii) Small scale ground mounted systems totaling less than 15,000 square feet (approximately one-third of an acre) per lot are not subject to Planning Board Review.

(iii) Medium-scale ground-mounted solar energy systems are equal to or greater than 15,000 square feet but less than 87,120 square feet (two acres) and are prohibited in all zoning districts of the Town of Glenburn.

(iv) Large-scale ground-mounted solar energy systems are equal to or greater than 87,120 square feet (two acres) and are prohibited in all zoning districts of the Town of Glenburn.

APPLICABILITY

(a) Notwithstanding the provisions of 1 M.R.S.A section 302 or any other law to the contrary, the requirements of this section shall apply to all roof-mounted and ground-mounted solar energy systems modified or installed after the date of its enactment.

(b) All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and standards.

(c) Any upgrade, modification or structural change that materially alters the size, placement or output of an existing solar energy system shall comply with the provisions of this section.

(d) For the purpose of this section, the town's zoning districts are mapped and categorized as follows: (See Schedule of Uses on Page 5.1)

Permitting

(a) A solar energy system or device shall be installed or operated within the town provided it is in compliance with this ordinance.

(b) Permitting shall be determined by the locational zone within the town, type of solar system, and proposed size. The town has designated the proper permitting process for each solar system in the attached matrix entitled "Section IV: Schedule of Uses, Activities 8. Solar Energy Systems."

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

(c) Permitted Use: Roof-mounted solar energy systems and small ground mounted solar energy systems are permitted in all zoning districts, subject to the dimensional standards of Section 5.

32. TEMPORARY STORAGE

Portable or mobile trailers, vans, and similar vehicles or temporary buildings may be used for storage, only upon approval of the Code Enforcement Officer and only for temporary period not to

exceed six (6) months. Such approval may be granted by the Code Enforcement Officer and may be extended for successive periods of six (6) months each, if a finding can be made that the use:

a. Does not diminish area requirements of set forth for the District in which it is located;

b. There is a valid temporary need which cannot be met with the principal structure and that adequate economic hardship can be shown;

c. The initial approval, or any renewal, of the use will not in any way be detrimental to the neighboring properties including aesthetic appearance;

d. The use is not intended as a permanent or long-term use;

e. The use is not intended to circumvent building area limitations for the District in which it is located or prolong the use of facilities that have been outgrown;

f. Will be adequately screened from neighborhood properties and the street;

g. Will not be used as or intended for advertising for on or off premise purposes; and

h. Is not intended for retail sales.

The above provisions do not prohibit the use of such temporary facilities as construction or job site office or equipment storage facilities during construction provided that no advertising other than the contractors name shall be permitted and that such signs meet the sign requirements of this Ordinance.

33. TOPSOIL AND VEGETATION REMOVAL

a. Topsoil shall be considered part of the development and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations;

b. Except for normal thinning, landscaping, cutting or trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Planning Board shall require a

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

developer to take measures to correct and prevent soil erosion in the proposed development.

34. TOWERS

No tower shall be hereinafter erected, altered or maintained, within the limits of the Town of Glenburn, Maine except in conformance with the provisions of this section. The Town may elect to require a surety prior to the construction of any tower.

a. Tower Requirements: All towers within the limits of the Town of Glenburn shall meet the following requirements:

(1) Priority of Location: New wireless telecommunications facilities must be located according to the priorities listed below. The applicant shall demonstrate that a facility of a higher priority cannot reasonably accommodate the applicant's proposed facility.

Priority 1: Co-location on an existing wireless telecommunications facility or other existing structure within the Industrial District.

Priority 2: A new facility on public or private property in the Residential/Commercial District (RCD) or permitted as a commercial use.

Priority 3: A new facility on public or private property in the Village District (VD).

Priority 4: A new facility on public or private property in the Rural District (RD).

(2) Siting on Municipal Property: If an applicant proposes to locate a new wireless telecommunications facility, or expand an existing facility on municipal property, the applicant must show the following:

(a) The proposed location complies with applicable municipal policies and ordinances.

(b) The proposed facility will not interfere with the intended purpose of the property.

(c) The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.

(3) Structural Standards: A new wireless telecommunications facility must comply with the current Electronic Industries Association/ Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

(4) Lighting: A new wireless telecommunications facility must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. However, security lighting may be used as long as it is shielded to be down directional to

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

retain light within the boundaries of the site.

(5) Color and Materials: A new wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.

(6) Landscaping: A new wireless telecommunications facility shall be screened with native plants from the view of abutting property owners to the maximum extent possible and landscaped to conform with the surrounding area.

(7) Fencing: A new telecommunications facility must be fenced to discourage trespass on the facility. As deemed appropriate by the Planning Board, sufficient anti-climbing measures and other security measures preventing access to the site shall be incorporated into the permit to reduce the potential for trespass and injury.

(8) Visual impact: The proposed wireless telecommunications facility will have no unreasonable adverse impact upon scenic resources within the Town, as identified either in the municipally adopted comprehensive plan, or by a State or federal agency. The following submissions are required as a basis for the Planning Board to determine visual impact:

(a) A tree line elevation drawing depicting vegetation within two-hundred (200) feet of the proposed facility;

(b) Details regarding the type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;

(c) Details or drawings indicating the extent to which the proposed wireless telecommunications facility would be visible from the viewpoint(s) such as passing motorists;

(d) A description of the amount and location of proposed vegetative screening;

(e) The distance of the proposed facility from scenic areas and scenic views the viewpoint and the facility's location within the designated scenic resource; and

(f) A narrative regarding the presence of reasonable alternatives that would allow the facility to function consistently with its purpose.

(9) Setbacks: The center of the base of any proposed telecommunications tower must be setback a minimum of one hundred percent (100%) of the tower's height, or the required minimum setback of the district in which it is located, whichever is greater, from the property line of any abutting lot. No part of the tower structure, including anchors, guy

wires, overhead lines, masts, etc., shall be located in the required minimum setback of the district in which it is located or in any required buffer area, both on the ground or in the air space above the ground. A tower's setback may be reduced by the Planning Board to allow the integration of a tower into an existing or proposed structure such as a church steeple, power line support device, water tank or other similar structure.

(10) Historic and Archaeological properties: The proposed facility, to the greatest degree practicable, will have no unreasonable adverse impact upon a historic district, site or structure which may be listed on or eligible for listing on the National Register of Historic Places.

b. Abandonment: A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned. If the Owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation. If a surety has been required by the Planning Board and given to the municipality for removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

c. Exempt Towers: The following towers are exempt from the provisions of this section:

(1) Emergency wireless telecommunications facilities.

(2) Amateur (ham) radio stations.

(3) Parabolic Antenna. Parabolic antennas less than seven (7) feet in diameter, that are an accessory use of the property.

(4) Maintenance or repair. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.

(5) Temporary wireless telecommunications facilities.

(6) Antennas as a residential accessory use.

35. TRANSIENT ACCOMMODATIONS: "BED AND BREAKFAST"

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

"Bed and Breakfast" accommodations shall be permitted in the private, year round residence of the host family who live on the premises provided that:

a. The maximum number of guests at any time is ten (10) persons;

b. The maximum number of guestrooms is three (3);

c. Breakfast is the only meal provided by the host family;

d. One (1) sign not to exceed four (4) square feet is permitted on the premises; and,

e. The "Bed and Breakfast" operation shall not have any adverse effect on the neighbors.

36. TRANSIENT ACCOMMODATIONS: "MOTELS AND HOTELS"

"Motel and Hotel" accommodations include buildings where rooms are provided for compensation and may include accessories uses such as restaurants, lounges, gift shops, conference rooms, and recreational facilities such as swimming pools and game rooms.

37. TRANSIENT ACCOMMODATIONS: "RENTAL CABINS AND COTTAGES"

To ensure the health, safety, and welfare of guests and the occupants of neighboring properties, the following requirements shall be met:

a. Each cabin or cottage site shall meet the minimum lot size requirements of a single family detached dwelling in the applicable District;

b. A minimum of two hundred (200) square feet of off-street parking plus maneuvering space shall be provided for each cabin or cottage;

c. Each cabin or cottage shall be set back a minimum of fifty (50) feet from the exterior lot lines;

d. Each cabin or cottage shall be provided with a safe and adequate means of sewage, garbage and rubbish disposal, water supply and fire protection;

e. Adequate storm water drainage shall be provided for each cabin or cottage 38.

f. Each cabin or cottage site shall be appropriately landscaped.

38. UTILITY INSTALLATION

The installation of utilities such as electrical service, transmission lines and associated cables shall be installed underground as determined by the Planning Board so as to blend harmoniously with the adjacent land uses and district design.

SECTION V: LAND USE STANDARDS (Cont.)

B. GENERAL STANDARDS (Cont.)

39. FINANCIAL CAPACITY AND TECHNICAL ABILITY
For new commercial construction the applicant must provide evidence that the developer has the financial capacity and technical ability to carry out the project as proposed.

B. DIMENSIONAL REQUIREMENTS

All structures and uses shall conform to the following dimensional requirements:

Village District Dimensional Requirements	(VD) Village District
Minimum Lot Size*	**1 Acre**
Minimum Lot Size Per Dwelling Unit	**1 Acre (For first dwelling unit)** **¾ Acre (For second dwelling unit)** **½ Acre (For each additional dwelling unit)**
Minimum Road Frontage	**100 Feet**
Minimum Front Yard Setback From Edge of Road Right of Way or Fee Title (not edge of travelled way)	**20'** **10' (Accessory structures less than 150 square feet)**
Minimum Side Yard Setback	**20'** **6' (Accessory structures less than 150 square feet)**
Minimum Rear Yard Setback	**20'** **6' (Accessory structures less than 150 square feet)**
Maximum Building Height	**35'**
Maximum Lot Coverage	**75% (For non-residential or mixed uses)**

* Planning Board may apply a density bonus to cluster developments in accordance with Section V.A.11.

SECTION V: LAND USE STANDARDS (Cont.)

C. DIMENSIONAL REQUIREMENTS (Cont.)

All structures and uses shall conform to the following dimensional requirements;

Residential/Commercial District Dimensional Requirements	**(RCD) Residential/Commercial District**
Minimum Lot Size* Per Dwelling Unit	**1 ¾ Acres**
Minimum Lot Size Per Commercial Structure	**1 acre**
Minimum Lot Size Mixed Use	**2 acres**
Minimum Road Frontage	**100'**
Minimum Front Yard Setback From Edge of Road Right of Way or Fee Title (not edge of travelled way)	**30'** **10' (Accessory structures less than 150 square feet)**
Minimum Side Yard Setback	**20'** **6' (Accessory structures less than 150 square feet)**
Minimum Rear Yard Setback	**20'** **6' (Accessory structures less than 150 square feet)**
Maximum Building Height	**35'**
Maximum Lot Coverage	**80% (For nonresidential uses)**

* Planning Board may apply a density bonus to cluster developments in accordance with Section V.A.11.

All structures and uses shall conform to the following dimensional requirements.

SECTION V: LAND USE STANDARDS (Cont.)

C. DIMENSIONAL REQUIREMENTS (Cont.)

Industrial District Dimensional Requirements	(ID) Industrial District
Minimum Lot Size	2 Acres
Minimum Road Frontage	200'
Minimum Front Yard Setback From Edge of Road Right of Or Fee Title (not edge of travelled way)	30' 10' (Accessory structures less than 150 square feet)
Minimum Side Yard Setback	20' 6' (Accessory structures less than 150 square feet)
Minimum Rear Yard Setback	20' 6' (Accessory structures less than 150 square feet)
Maximum Building Height	35'
Maximum Lot Coverage	90%

SECTION V: LAND USE STANDARDS (Cont.)

C. DIMENSIONAL REQUIREMENTS (Cont.)

All structures and uses shall conform to the following dimensional requirements:

Rural District Dimensional Requirements	**(RD) Rural District District**
Minimum Lot Size*	**1.75 acres**
Minimum Lot Size Per Dwelling Unit	**1.75 acres**
Minimum Road Frontage	**175' ****
Minimum Front Yard Setback From Edge of Road Right of Way or Fee Title (not edge of travelled way)	**20'** **10' (Accessory structures less than 150 square feet)**
Minimum Side Yard Setback	**20'** **6' (Accessory structures less than 150 square feet)**
Minimum Rear Yard Setback	**20'** **10' (Accessory structures less than 150 square feet)**
Maximum Building Height	**35'**
Maximum Lot Coverage	**35%**

* Must accommodate a one hundred fifty (150) foot square somewhere within its boundaries. * Planning Board may apply a density bonus to cluster developments in accordance with Section V.A.11.

** With the following exceptions:

SECTION V: LAND USE STANDARDS (Cont.)

C. DIMENSIONAL REQUIREMENTS (Cont.)

a. On cul-de-sacs the road frontage may be reduced to eighty feet (80'). The resulting lot must still be able to accommodate a one hundred fifty foot square (150).

b. On Town Ways and Public Easements, this road frontage may be reduced to fifty feet (50') provided that the resulting lot can accommodate two hundred feet square (200) exclusive of any rights-of-way, somewhere within its boundaries. On Privately Owned Roads, the deed for each lot shall either show ownership of the land underlying the Privately Owned Road in fee simple or it shall grant to the owner of such lot a right over such Privately Owned Road. In no case shall the Privately Owned Road or the right-of-way have a minimum width of less than fifty feet (50') for the entire portion of such right or Privately Owned Road beginning at a Town Way or a Public Easement and extending sufficiently far as to allow the lot to meet the one hundred seventy five feet (175) frontage requirements.

SECTION VI: ADMINISTRATION AND ENFORCEMENT

SECTION USERS GUIDE: This section contains provisions for the administration of this Ordinance including specific provisions for certificates of compliance, conditions of approval, and public hearings.

A. ADMINISTERING BODIES AND AGENTS

1. CODE ENFORCEMENT OFFICER

The Code Enforcement Officer shall approve or deny those applications on which the Officer is employed to act as provided in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

2. PLANNING BOARD

The Glenburn Planning Board established by the "Glenburn Planning Board Ordinance" is hereby designated as the Planning Board for the purposes of this Ordinance.

The Planning Board shall approve, approve with conditions, or deny those applications on which it is empowered to act as stated in this Ordinance. Approval shall be granted only if the proposed use or structure is in conformance with the provisions of this Ordinance.

3. BOARD OF APPEALS

The Glenburn Board of Appeals established by the "Ordinance Establishing Board of Appeals" is hereby designated as the Board of Appeals for the purposes of this Ordinance.

B. APPROVAL REQUIRED

After the effective date of this Ordinance, no person shall engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the Planning Board or Code Enforcement Officer, as provided herein.

C. APPLICATION REQUIRED

Applications for approval shall be submitted in writing, on forms provided, to the Code Enforcement Officer who shall oversee the permitting process and record keeping. The Code Enforcement Officer may require the submission of additional information deemed necessary to determine conformance with the provisions of this Ordinance.

D. CODE ENFORCEMENT OFFICER PERMIT

A permit issued by the Code Enforcement Officer shall be required before beginning or undertaking any of the following activities:

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

D. CODE ENFORCEMENT OFFICER PERMIT (Cont.)

1. ACTIVITIES REQUIRING PERMIT

   a. FLOOD HAZARD AREAS: All construction or earth moving activities or other improvements within the one hundred (100)-year flood plain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

   b. NEW CONSTRUCTION: New construction of buildings or structures.

   c. ALTERATION: Alteration of a building, structure, or land, or parts thereof, including, but not limited to:

      (1) Interior renovations for change in use;

      (2) Removal of interior walls to create new rooms;

      (3) Enclosing open frame porch, for the creation of additional sleeping space or any activity which increases the existing amount of water used daily;

   d. PLACEMENT OF SIGNS: Placement of signs except temporary signs.

   e. MOVING OR DEMOLITION: All buildings or structures which are removed from or moved onto, or moved around within a lot, or demolished.

   f. CHANGE OR USE: The change of any premises from one category of land use to any other land use.

   g. SECTION IV: F. SCHEDULE OF USES. Any activity requiring a Land Use Permit in accordance with the Land Use Ordinance Schedule of Uses.

2. PROCEDURE

   a. APPLICATION: All applications for a Code Enforcement Officer Permit shall be submitted, with the appropriate fee(s), in writing to the Code Enforcement Officer on forms provided.

   b. SUBMISSIONS: All applications for a Code Enforcement Officer Permit shall be accompanied by a sketch plan, accurately drawn to scale and showing actual dimensions or distances, and showing:

      (1) The actual shape and dimensions of the lot for which a permit is sought;

      (2) The location and size of all buildings, structures, and other significant features currently existing on the lot, as well as all water bodies and

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

D. CODE ENFORCEMENT OFFICER PERMIT (Cont.)

wetlands within two hundred fifty feet (250') of the property lines;

(3) The location and building plans of new buildings, structures or portions thereof to be constructed. Plans to be submitted if deemed necessary by the Code Enforcement officer;

(4) The existing and intended use of each building or structure;

(5) Where applicable, the location of soil test pits, subsurface sewage disposal system, parking lots and driveways, signs, buffers, private wells; and

(6) Such other information as may be reasonable required by the Code Enforcement Officer to provide for the administration and enforcement of this Ordinance.

c. TO WHOM ISSUED: No permit shall be issued except to the owner of record or the owner's authorized agent. Written proof of legal standing shall be required.

d. COMPLIANCE WITH LAND USE ORDINANCE: All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable provisions of this Ordinance.

e. DETERMINATION OF COMPLETENESS: Within fifteen (15) days of the date of receipt of the required application, the Code Enforcement Officer shall notify the applicant in writing whether the application is complete. If the application is determined to be incomplete, the notice shall specify the additional material needed to make the application complete.

f. DEADLINE FOR DECISION: The Code Enforcement Officer shall, within thirty (30) days after a determination that the application is complete: issue the permit, if all proposed construction and uses meet the provisions of the Ordinance, or deny the application. All decisions of the Code Enforcement Officer shall be in writing, and shall be mailed to the applicant.

g. COPIES: One (1) copy of the application, with the permit or other written decision of the Code Enforcement Officer, shall be returned to the applicant, and one (1) copy, with a copy of the permit or written decision, shall be retained by the Code Enforcement Officer as a permanent public record.

h. POSTING: The applicant shall cause any permit issued to be conspicuously posted on the lot on which the activity will occur at a location clearly visible from the street.

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

D. CODE ENFORCEMENT OFFICER PERMIT (Cont.)

i. COMMENCEMENT AND COMPLETION OF WORK: Construction and alteration activities on projects for which a permit has been granted under this Section shall commence within six (6) months of the date of issuance of the permit and shall be completed within eighteen (18) months of that date.

Activities which are not commenced or completed within the time limits provided above shall be subject to new application and the permit issued under this Section shall be considered void.

The deadlines may be extended for up to twelve (12) months by the Code Enforcement Officer, for good cause, if an application for an extension is submitted not later than thirty days prior to the expiration of the prior permit.

j. APPEALS: Appeals from decisions of the Code Enforcement Officer may be taken pursuant to the provisions of this Ordinance.

E. PLANNING BOARD PERMIT REVIEW

The Planning Board shall review all applicable Land Use Permit applications pursuant to Section IV, F., Schedule of Uses.

1. APPLICATION: All applications for a Planning Board Permit shall be submitted, with applicable fee(s), in writing to the Code Enforcement Officer on forms provided.

2. SUBMISSION: All applications for a Planning Board Permit shall be accompanied by a sketch plan, accurately drawn to scale and showing actual dimensions or distances, and showing:

a. Map drawn to scale.

b. Name of applicant

c. Boundaries of the tract of land.

d. Location of existing and proposed buildings and other structures, including use and proposed use thereof.

e. Location of buildings on abutting properties or within three hundred (300) feet of the property line of the proposed development.

f. Names, addresses, and map and lot numbers of abutting property owners

g. Location of existing public streets.

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

E. PLANNING BOARD PERMIT REVIEW (Cont.)

h. Location of proposed access drives to the lot from public streets.

i. Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas.

j. Location of existing and proposed pedestrian walkways.

k. Location of existing and proposed utilities and easements therefore, including sanitary sewerage, water, and electricity.

l. Location of existing natural drainage ways and proposed storm drainage facilities, including dimensions of culverts, pipes etc.

m. Location, intensity, type, size and direction of all outdoor lighting.

n. Location and proposed use for areas proposed for outdoor recreation.

o. Location and type of existing and proposed fences, hedges, and trees of twelve (12) inch diameter and over measured from a point four and one-half (4.5) feet above ground level or filled surface level.

p. Contour lines at appropriate intervals to show the effect on the land of existing and proposed grades for areas proposed to be excavated or filled if deemed necessary by the Planning Board.

q. Location and size of signs and all permanent outdoor fixtures.

r. District classification.

s. Setback dimensions from property lines and center of road.

3. TO WHOM ISSUED: No permit shall be issued except to the owner of record or the owner's authorized agent. Written proof of legal standing shall be required.

4. COMPLIANCE WITH LAND USE ORDINANCE: All activities under taken pursuant to a permit issued under this Section shall comply with all applicable provisions of this Ordinance.

5. DETERMINATION OF COMPLETENESS: Within 15 days of the date of receipt of the required application, the Code Enforcement Officer shall notify the applicant in writing whether the application is complete. If the application is determined to be incomplete, the notice shall specify the additional material needed to make the application complete. Once the Code Enforcement Officer determines that the application is complete, the

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

E. PLANNING BOARD PERMIT REVIEW (Cont.)

Officer shall refer the application to the Planning Board.

6. PUBLIC HEARING DEADLINE: Within thirty (30) days after the referral of an application for a Land Use Permit by the Code Enforcement Officer, and before taking action thereon, the Planning Board shall hold a public hearing on the application. Provided, however, that if there is insufficient time between the date of referral and the next regular meeting of the Planning Board to accommodate the required notices, the public hearing shall be held at the next regular, or at the discretion of the Planning Board, special meeting of the Planning Board. Notice of the hearing shall be published in a local newspaper at least seven (7) days in advance of said hearing. A notice of said hearing shall be mailed to each landowner abutting the parcel involved. Land owners shall be considered to be those against whom property taxes are assessed. Failure of any land owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board. Responsibility for such notification shall be assumed by the Code Enforcement Officer. The applicant shall bear all associated costs of advertisements and notifications. The purpose of the public hearing shall be to receive input from the general public relative to the applicable sections of the review standards. At the beginning of the public hearing, the Planning Board shall verify that the application is complete.

   When a Planning Board review is required for home occupations under Section IV. Schedule of Uses, Activities, 3. Residential (h) Home Occupations of this ordinance, the Public Hearing may be waived upon the recommendation of the code enforcement officer and the Planning Board.

7. PLANNING BOARD REVIEW AND ACTION: Within thirty (30) days after the public hearing, in which the permit application is reviewed, the Planning Board shall approve, approve with modifications, or disapprove the application. The Board shall limit its review to the criteria and standards established within this Ordinance. The Board shall inform the applicant of its decision in writing, and in cases of disapproval or approval with modifications, reasons for such action shall be stated. A copy of the Board's decision shall be retained on file with the Code Enforcement Officer. A Land Use Permit shall not be issued unless approval of the application has been granted.

8. COPIES: One (1) copy of the application, with the permit or other written decision of the Code Enforcement Officer, shall be returned to the applicant, and one (1) copy, with a copy of the permit or written decision, shall be retained by the Code Enforcement Officer as a permanent public record.

9. POSTING: The applicant shall cause any permit issued to be conspicuously posted on the lot on which the activity will occur at a location clearly visible from the street.

10. COMMENCEMENT AND COMPLETION OF WORK: Construction and alteration activities on projects for which a permit has been granted under this Section shall

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

E. PLANNING BOARD PERMIT REVIEW (Cont.)

commence within six (6) months of the date of issuance of the permit and shall be completed within eighteen (18) months of that date.

Activities which are not commenced or completed within the time limits provided above shall be subject to new application and the permit issued under this Section shall be considered void.

The deadlines may be extended for up to twelve (12) months by the Code Enforcement Officer, for good cause, if an application for an extension is submitted not later than thirty (30) days prior to the expiration of the prior permit.

11. APPEALS: Appeals from decisions of the Planning Board may be taken pursuant to the provisions of this Ordinance.

F. OTHER PERMITS REQUIRED BEFORE APPROVAL

Applications for approval under this Ordinance will not be considered complete for processing until all other required local, state, and federal permits have been secured and evidence that they have been secured has been provided unless state or federal regulations require local approval first.

G. POSITIVE FINDINGS REQUIRED

Approval shall be granted by the Code Enforcement Officer or Planning Board, after receipt of a complete application, only upon a positive finding by the Code Enforcement Officer or Planning Board that the proposed use:

1. Is a permitted use in the district in which it is proposed to be located;

2. Is in conformance with the applicable performance standards of Section V of this Ordinance;

3. Will not result in unsafe or unhealthful conditions;

4. Will not result in undue land, water or air pollution;

5. Will not result in undue erosion or sedimentation;

6. Will avoid problems associated with development in flood hazard areas;

7. Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;

8. Will conserve significant natural, archaeological and historical resources;

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

G. POSITIVE FINDINGS REQUIRED (Cont.)

9. Will not adversely impact public infrastructure; and

10. Be consistent with the long-range goals of the Comprehensive Plan, other adopted plans of the town, and the goals and purposes of the established districts.

H. VIOLATIONS

Violations of the terms and conditions of this Ordinance shall be corrected within 30 days of receipt of Notice of Violation, unless an extension of time is granted by the Code Enforcement Officer.

I. CERTIFICATE OF OCCUPANCY REQUIRED

After a building, structure, or part thereof has been erected, altered, enlarged, or moved, pursuant to approval under this Ordinance, a Certificate of Occupancy shall be obtained from the Code Enforcement Officer for the proposed use before the same may be occupied or used. A Certificate of Occupancy is required for all activities granted approval under the provisions of this Ordinance except for the following:

a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed two hundred (200) square feet.

b. Decks not exceeding two hundred (200) square feet in area, that are not more than thirty (30) inches above grade at any point, are not attached to a dwelling, and do not serve an egress exit door.

c. Accessory structures not greater than 3,000 square feet in floor area, and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling(s) and which is located on the same lot.

J. ENFORCEMENT

1. NUISANCES

Any violation of this Ordinance shall be deemed to be a nuisance.

2. CODE ENFORCEMENT OFFICER

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

J. ENFORCEMENT (Cont.)

to correct the violation, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

3. LEGAL ACTIONS

When the above does not result in the correction or abatement of the violation or nuisance condition, the Town Council, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of the Ordinance in the name of the municipality.

4. CIVIL PENALTY

Any person who violates any provision of this Ordinance shall be liable for civil penalties pursuant to Title 30-A MRSA, Section 4452(3). Each day the violation continues shall constitute a separate violation.

5. CONTRACTOR LIABILITY

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits for said activity have not been obtained or if work performed by the contractor does not conform to all conditions of approval of the permit or the terms of this Ordinance.

K. APPEALS-POWERS AND DUTIES OF BOARD OF APPEALS

1. ADMINISTRATIVE APPEALS

To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this Ordinance is not appealable to the Board of Appeals.

When the Board of Appeals reviews a decision of the Code Enforcement Officer, the Board of Appeals shall hold a "de novo" hearing. At the hearing, the Board shall receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity, the Board of Appeals shall hear and decide the matter afresh,

K. APPEALS-POWERS AND DUTIES OF BOARD OF APPEALS (Cont.)

undertaking its own independent analysis of the evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, the Board of Appeals shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

2. VARIANCES

The Board of Appeals may grant variances upon application, within the limitations set forth in this Ordinance and state law.

a. Variances may be granted only from dimensional requirements including frontage, lot area, lot width, height, and setback requirements.

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

c. The Board shall not grant a variance unless it finds that:

(1) The proposed structure or use would meet the performance standards of this Ordinance except for the specific provision which has created the alleged undue hardship and from which relief is sought; and

(2) The strict application of the terms of this Ordinance would result in an undue hardship.

The term "undue hardship" shall mean all of the following:

(a) The land in question cannot yield a reasonable return unless a variance is granted;

(b) That the need for a variance is due to the circumstances of the property and not to the general conditions in the neighborhood;

(c) That the granting of a variance will not alter the essential character of the locality; and

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

K. APPEALS-POWERS AND DUTIES OF BOARD OF APPEALS (Cont.)

(d) That the hardship is not the result of action taken by the applicant or a prior owner.

d. Notwithstanding Section 2(c) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. For the purposes hereof, "disability" has the same meaning as a physical or mental disability under Title 5 MRSA, Section 4553-A.

e. Pursuant to Title 30-A MRSA, Section 4353(4-B), the Board may grant a setback variance to an owner of a single-family dwelling that is the primary year-round residence of the applicant, but only when strict application of the Land Use Ordinance to the applicant and the applicant's property would cause undue hardship. A variance under this section may not exceed twenty percent (20%) of a setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage (if applicable). If the applicant has obtained the written consent of the affected abutting landowner(s), the twenty percent (20%) limitation may be exceeded, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to Title 38 MRSA, subchapter I, article 2-B. The term "undue hardship" for this subsection means:

(1) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

(2) The granting of a variance will not alter the essential character of the locality;

(3) The hardship is not the result of action taken by the applicant or a prior owner;

(4) The granting of the variance will not substantially reduce or impair the use of abutting property; and

(5) That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

K. APPEALS-POWERS AND DUTIES OF BOARD OF APPEALS (Cont.)

3. APPEAL PROCEDURE

a. Administrative Appeal or Variance Application

(1) An administrative appeal may be taken to the Board of Appeals by an aggrieved party from any action of the Code Enforcement Officer or the Planning Board as set forth in Section VI.K.1 above. Such an appeal shall be taken within thirty (30) days of the date of the official action appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(2) A variance application may be taken to the Board of Appeals seeking a variance authorized by Section VI.K.2 above.

(3) Applications for an administrative appeal or a variance shall be made by filing with the Board of Appeals a written application, on forms provided, which includes:

(a) A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

(b) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

b. Upon receiving an application for an administrative appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the matters constituting the record of the decision appealed from. The applicant shall be responsible for transcribing any audio or video recording of the prior proceedings.

c. Upon receiving an application for a variance, the Code Enforcement Officer shall transmit to the Board of Appeals all of the papers constituting the application.

d. The Board of Appeals shall hold a public hearing on an administrative appeal or an application for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

e. Decision by Board of Appeals.

(1) A combination of three regular or associate members of the Board shall constitute a quorum for the purpose of deciding an administrative appeal or variance application.

SECTION VI: ADMINISTRATION AND ENFORCEMENT (Cont.)

K. APPEALS-POWERS AND DUTIES OF BOARD OF APPEALS (Cont.)

(2) The person filing the administrative appeal or variance application shall have the burden of proof.

(3) The Board shall decide all administrative appeals and variance applications within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals. A vote granting the requested relief must include a majority vote of the Board members present and eligible to vote, provided that such a vote shall include at least two votes in favor of the requested relief.

(4) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. Copies of written decisions of the Board of Appeals shall be mailed to the applicant and be given to the Planning Board, Code Enforcement Officer, and the Town Council.

4. APPEAL TO SUPERIOR COURT

Except as provided by Title 30-A MRSA, Section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure within forty-five (45) days from the date of the decision of the Board of Appeals.

5. RECONSIDERATION

Reconsideration. In accordance with Title 30-A MRSA, Section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, applicant, petitioner for reconsideration, Planning Board, Code Enforcement Officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

L. VARIANCES RECORDED

If the Board of Appeals 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 its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form.

Applicant is responsible for recording this certificate in the Penobscot County Registry of Deeds within 90 days of the date of the final written approval of the variance or the variance is void. A variance is not valid until recorded as provided in this section. The date of the final written approval shall be the date stated on the written approval.

M. FEE SCHEDULE

All applications fees for permit applications shall be paid to the Town of Glenburn in accordance with the fee schedule as established by the Glenburn Town Council. Fees shall be for the cost of processing the permits and shall not be refundable regardless of the final decision to issue or deny a permit. Advertising costs, technical or legal assistance and associated costs deemed necessary by the Town for the review of applications shall be the responsibility of the applicant.

SECTION VII: DEFINITIONS

A. CONSTRUCTION OF LANGUAGE

1. In this Ordinance, certain terms or words should be interpreted as follows:

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

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

   c. The word "shall" is mandatory;

   d. The word "may" is permitted;

   e. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied"; and

   f. The word "dwelling" includes the word "residence".

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

2. Terms not defined shall have the customary dictionary meaning.

B. DEFINITIONS

For the purposes of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

Abutting: Having a common border with, or being separated from such common border by an alley, right-of-way or easement.

Access: A means of approach or entry to or exit from property.

Accessory Structure: See Structural Terms

Acre: A measure of land containing forty-three thousand, five hundred sixty (43,560) square feet.

Adult Entertainment: Any business in any use category, of which a substantial or significant portion consists of selling, renting, leasing, exhibiting, displaying, or otherwise dealing in materials or devices of any kind which are sexually explicit or appeal to prurient interest and which depict or describe sexual activities.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Aggrieved Person: A person whose interests are damaged or adversely affected by a decision, an action, or the failure to act by the Planning Board or Code Enforcement Officer.

Agricultural Activity: Land clearing, tilling, fertilizing, including spreading and disposal of animal manure and manure sludge, liming, planting, pesticide application, harvesting of cultivated crops, pasturing of livestock and other similar or related activities, but not the construction, creation or maintenance of land management roads.

Alteration: As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing height; or in moving from one location or position to another.

Amateur (ham) Radio Stations: Amateur (ham) radio stations as licensed by the Federal communications Commission (FCC).

Antenna, Accessory Use: An antenna that is an accessory use to a residential dwelling unit.

Appeal: A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this Ordinance as expressly authorized by this Ordinance.

Attic: That part of a building that is immediately below, and wholly or partly within, the roof framing.

Automobile Graveyard: A yard, field or other outdoor area used as a place of storage for three (3) or more unregistered or uninspected motor vehicles, as defined in Title 29-A MRSA, Section 101(42), or parts of the vehicles. The term also includes an area used for automobile dismantling, salvage and recycling operations. The term does not include an area used for any of the purposes specified in Title 30-A MRSA, Section 3752(1)(A)(1) through (8).

Automobile Recycling Facility: An automobile recycling business is a business which purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts, rebuilding or repairing salvage vehicles for resale. (See Title 30-A MRSA 3752)

Automobile Repair Service: A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; over-all painting and undercoating of automobiles.

Automobile Sales: A lot arranged, designed, or used for the storage and display for sale of any motor vehicle and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.

Automobile Supply Store: An establishment engaged primarily in the retail sales of automobile goods, parts and accessories.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Basement: The substructure of a building that is partially or wholly below ground level which may or may not be used for living spaces.

Bed and Breakfast: Accommodations provided for compensation as a business in the private year-round residence of the host family, consisting of a maximum of three (3) guest rooms and ten (10) guests at any one time. Breakfast is the only meal, if any, to be provided for compensation.

Buffers: Units of land, together with specified types and amounts of planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

Building: A roofed structure. See Structural Terms.

Building Front Line: Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

Campground: Any land area specifically designed and developed, containing two (2) or more individual campsites which accommodate that segment of the traveling public seeking temporary camping accommodations for tents, recreational vehicles and/or towed travel trailers for compensation. Accessory uses include camper services and facilities such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlet for camping supplies and equipment, recreational services etc.

Certificate of Occupancy: Official certification that a premises conforms to provisions of the Land Use Ordinance (National Electric Code, Maine State Plumbing Code, American Disabilities Act, Life Safety 101 and NFPA 31) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

Cluster Development: The development, according to an approved plan, of a large tract of land where three (3) or more buildings are constructed on lots smaller than normally required in the district where located, provided the overall density of the development of the tract does not exceed the density or requirements of the district; and land not built upon is permanently preserved as common "open space". The term also refers to a Planned Unit Development.

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

Day Care Center: A house or place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day, providing care and protection for three (3) or more children under the age of sixteen (16) unrelated to the operator, not

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

to include nursery schools, summer camps, formal public or private schools, and further defined by the Department of Human Services as follows:

Day Care Center:	A Day Care Facility as defined in State statutes for thirteen (13) or more children on a regular basis; and
Day Care Home:	A Day Care Facility as defined in State statutes for three (3) to twelve (12) children on a regular basis.

Developer: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

District: A specified portion of the Town, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof, apply under the provisions of this Ordinance.

Drainage: The removal of surface or ground water from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water-supply preservation or alleviation of flooding.

Easement: Legally binding authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

Emergency Operations: Emergency operations shall include operations conducted for the public health, safety or general welfare, such as protection or resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.

Emergency Wireless Telecommunications Facility: Temporary wireless communication facilities for emergency communications by public officials.

Enlargement or To Enlarge: An "enlargement" is an addition to an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.

Essential Services: The construction, alteration, maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection supply or disposal systems. Such systems include towers (with exception of cellular towers), poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories. These systems are exempt from definition of a structure.

Extension or To Extend: An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Family: Two (2) or more persons related by blood, marriage, adoption or guardianship, or not more than five (5) persons not so related occupying a dwelling unit and living as a single housekeeping unit; such a group to be distinguished from a group occupying a boarding house, lodging house, club, or fraternity, or hotel.

Fire Station: A building constructed for the purpose of housing municipal fire equipment and related items for fire protection and prevention.

Garage, Residential: An accessory building for parking or temporary storage of automobiles of residential occupants of the premises, or a part of the residence usually occupying the ground floor area of principal one-or-two family dwellings. Not more than one (1) space may regularly be used by the private passenger automobile or a person not resident on the premises.

Garage Sales/Yard Sales: Garage sales shall mean and include all sales entitled "garage sale", "lawn sale", "porch sale", "attic sale", "rummage sale", or "flea market" sale or any similar casual sale of tangible personal property which is advertised by any means or is made evident by articles being set out in a yard, porch, or garaged whereby the public at large is/can be made aware of such sale.

Grocery Store: A small neighborhood establishment retailing food and related commodities, as distinguished from a supermarket, defined as a "Major Retail Outlet".

Guest Room: A room in a hotel, motel, tourist home or "bed and breakfast" residence offered to the public for compensation in which no provision is made for cooking.

Home Occupation: A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building or a structural accessory thereto, which use is accessory, incidental and secondary to the use of the building for dwelling purposes, and does not change the residential character or appearance of such building.

Hospital: An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Hotel: An establishment that provides lodging and usually meals, entertainment and various personal services for the public.

Industry: Use of a premises for assembling, fabricating, finishing, manufacturing, packaging, or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations and repair shops.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

In-Law: A parent or grandparent, child or grandchild or individuals related by blood marriage or adoption.

In-Law Apartments: See "Structural Terms"

Inn: An establishment for lodging and entertaining of travelers.

Junkyard: A yard, field or other outside area used to store, dismantle or otherwise handle: (a) discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture; (b) discarded, scrap and junked lumber; and (c) old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and scrap iron, steel and other scrap ferrous and non-ferrous material.

Kennel, Commercial: Any place in or at which any number of dogs or cats are kept for the purpose of sale or in connection with boarding, care, training or breeding, for which a fee is charged.

Land Use Permit: A permit for proposed land use activity as defined in this Ordinance and issued by the Planning Board or Code Enforcement Officer in accordance with the provisions of this Ordinance.

Light Manufacturing: The fabrication or processing of materials into a finished product. Fabrication relates to the stamping, cutting or otherwise shaping of the processed materials into objects/products. Light manufacturing does not include the refining or other initial processing of basic raw materials such as metal ore, lumber or rubber.

Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
Lot: A parcel of land undivided by any street or public road and occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses incidental to such building, use or development, including such open spaces and yards as are designed, and arranged or required by this Ordinance for such building, use or development.

Lot Area: The area contained within the boundary lines of a lot.

Lot Coverage: That portion of a lot that is covered by buildings, structures or other improve-ments on the ground surface which are more impervious than the natural surface, such as paving driveways, etc.

Lot Corner: A lot abutting two or more streets at their intersection.

Lot Depth: The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Lot Frontage: Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by the Ordinance shall be provided, on at least one street.

Lot Line: A line bounding a lot which divides one lot from another, or from a street or any other public or private space, as defined below:

Front Lot Line:	In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard. In the case of a lot with no road frontage, the front lot line shall be considered to be the lot line in front of the building.
Rear Lot Line:	That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front lot line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.
Side Lot Line:	Any lot line other than a front or rear lot line.

Lot of Record: Any validly created lot described in a deed or shown on a plan recorded in the Penobscot County Registry of Deeds which, at the time of the recording of the deed or plan, complied with all applicable laws, ordinances, and regulations.

Lot Standards: The combination of controls that establishes the maximum size of a building and its location on the lot. Components of lot standards, also known as "space and bulk" regulations in size and height of building; location or exterior walls at all levels with respect to lot lines, streets and other buildings; building coverage; gross floor area of buildings in relation to lot area; open space (yard) requirements; and amount of lot area provided per dwelling unit.

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

For the purposes of this Ordinance, three (3) types of manufactured housing will be referred to:

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

1. NEWER MOBILE HOME: Those units constructed after June 15, 1976, that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are fourteen (14) body feet or more in width and are seven hundred fifty (750) or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit. This term also includes any structure that meets all of the preceding requirements, except the size requirement, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Sections 5401, et seq.

2. OLDER MOBILE HOMES: Those units constructed before June 15, 1976, and not in compliance with the Manufactured Housing Construction and Safety Standards Act of 1974, which are constructed on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, but does not include those smaller units commonly called "travel trailers"; and

3. MODULAR HOMES: Those units which the manufacturer certifies are constructed in compliance with the Title 10 MRSA, chapter 951 and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and area designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

Marina: A business establishment having frontage on navigable water within the Town and providing for hire off-shore mooring or docking facilities for boats and accessory services and facilities such as: boat sales, rental and storage, marine supplies and equipment, marina engine and hull repairs, construction and outfitting for pleasure craft, fuel and oil, electricity, fresh water, ice, shower and laundry facilities and on-premise restaurant.

Medical Clinic: An office building used by members of the medical profession for the diagnosis and outpatient treatment of human ailments.

Mineral Extraction: The removal of sand, gravel, bedrock or soil from its natural site of geologic deposition or formation; the screening, sorting, crushing or other processing of any part of the geologic material so removed; the storage of sand, gravel, crushed stone, or soil in stock piles or other forms.

Mobile Home Park: A parcel of land under unified ownership approved by the Town of Glenburn

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

for the placement of three (3) or more manufactured homes.

Motel: An establishment that provides lodging and parking and in which rooms are accessible from an outdoor parking area.

Motor Vehicle: Every vehicle that is self-propelled and designed for carrying persons or property or which is used for the transportation of persons.

Municipal Facilities: Buildings or land that is owned by a Public entity and operated under its supervision for a public purpose.

Non-Conforming Use: See USE TERMS

Normal Maintenance and Repair: Any work necessary to maintain an improvement or structure in its original or previously improved state or condition. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in use, change in location, change size or capacity.

Owner: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Parcel: The entire area of a tract of land before being divided by a development.

Parking Lot: An open area other than a street used for the parking of more than two automobiles and available for public use whether free, for compensation, or an accommodation for clients or customers.

Parking Space: A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.
Performance Standard: A criterion established to control the use of land and structures. The purpose of performance standards is to provide detailed regulations and restrictions by means of minimum criteria which must be met by users in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare of citizens of Glenburn.

Professional Office: An office of a professional such as an architect, accountant, dentist, doctor of medicine, lawyer, etc., but not including any manufacturing, commercial or industrial activity.

Radio Station: An establishment engaged primarily in the use of electromagnetic waves for the wireless transmission of electric impulses into which sound is converted for the purposes of entertainment, education, news or weather.

Restaurant: An establishment whose principal business is the sale of food and/or beverages to consumers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

1. Customers normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; or

2. A cafeteria type operation where food and beverages generally are consumed within the restaurant building.

Retail Establishment: Any business, housed in a permanent structure, engaged primarily in the sale of goods and services to the ultimate consumer for direct consumption and/or use, but not for resale.

Road: A thoroughfare or way consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

Private Road:	A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.
Public Road:	A public thoroughfare, way, or easement permanently established and maintained by the Town of Glenburn or the State of Maine for the passage and use of the general public by motor vehicle. The term shall include town ways, state highways, and state aid highways as defined in Title 23 MRSA, Sections 53 and 3021.

Setback: The minimum horizontal distance between the front lot line, rear lot line, or side lot line of a lot and the nearest part of a building or structure. For the purposes of this definition, a structure shall not include a fence or retaining wall.

Sexually Explicit: The displaying or depiction of sex organs during actual or simulated sexual intercourse or sexual acts as defined in Title 17-A MRSA, Section 251.

Sign Items: Device, model, banner, pennant, insignia, flag, or other representation, which is used as, or is in the nature of an advertisement, announcement or direction.

Signs:

Free Standing:	A sign supported by one or more uprights or braces permanently affixed into the ground.
Portable:	A sign not designed or intended to be permanently affixed into the ground or to a structure.
Roof:	A sign that is attached to a building and is displayed above the eaves of such building.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Temporary:	A sign of a temporary nature, erected less than ninety (90) days, exemplified by the following: political poster, charitable signs, construction signs, carnival signs, garage sale signs, lawn sale signs, rummage sale signs, and all signs advertising sales of personal property, and for rent signs.
Wall:	Any sign painted on, or attached parallel to, the wall surface of a building and projecting therefrom not more than six (6) inches.
Window:	Any on-premise, non-temporary sign visible from the exterior of the building or structure which is permanently painted, attached, glued, or otherwise affixed to a window.
Area of a Sign:	The exposed surface of the sign including all ornamentation, embellishment, background, and symbols.

Solar Energy Systems:

As-of-Right Development:	Roof mounted and small-scale ground mounted solar energy systems that do not require any regulatory or permitting changes or additional oversight by a municipal planning authority. Development may proceed without the need for a conditional use permit, variance, amendment, waiver, or other discretionary approval, cannot be prohibited and can be built once a building permit has been issued by the code enforcement officer.
Electrical Equipment:	Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended location.
Electricity Generation (production, output):	The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).
Height of building:	The vertical measurement from grade to the highest point of the building, except that utility structures such as chimneys, TV antennae, HVAC systems, and roof-mounted solar energy systems shall not be included in this measurement, nor shall any construction whose sole function is to house or conceal such structures.
Mounting:	The manner in which a solar PV system is affixed to the roof or or ground. (i.e., roof mount, or ground mount).
Power:	The rate at which work is performed (the rate of producing,

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

transferring, or using energy). Power is measured in Watts (W), kilowatts (kW), Megawatts (MW), etc. in Alternative Current (AC).

Solar Array: Multiple solar panels combined together to create one system.

Solar Collector: A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. It may be roof-mounted or ground-mounted, and may be of any size as follows:

1. Small-scale Solar Energy System is one whose physical size based on total airspace projected over a roof or the ground is less than 15,000 square feet per lot (approximately one-third of an acre);
2. Medium-scale Solar Energy System is one whose physical size based on total airspace projected over a roof is equal to or greater than 15,000 square feet but less than 87,120 square feet and
3. Large-scale Solar Energy System is one whose physical size based on total airspace projected over a roof is equal to or greater than 87,120 square feet.

Solar Energy System, Ground-Mounted: A Solar Energy System that is structurally mounted to the ground and is not roof-mounted.

Solar Energy System, Roof-Mounted: A Solar Energy System that is mounted on the roof of a building.

Tilt: The angle of the solar panels and/or collective relative to horizontal. Tilt is often between 5 and 40 degrees. Solar energy systems can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round.

Sporting Cabin: A series of cottages or structures that provide lodging for the public typically associated with a sporting or nature activity.

Street Line: The outermost edge of a Public Road or Private Road that separates a lot from the

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Public Road or Private Road. (Note: the outermost edge of a Public Road means the outermost edge of the right of way or fee simple title interest of the Town or State in the Public Road, as opposed to the travelled portion (travel lanes, shoulders, and ditches) of the Public Road. The outermost edge of a Private Road means the outermost edge of the right of way in which the Private Road is located.

Structural Terms:

Building: Any structure, maintained, or intended for use as shelter or enclosure of persons, animals, goods or property of any kind. This term is inclusive of any use thereof. Where independent units with separate entrances are divided by walls, each unit is a building.

Building, Accessory:
A building which (1) is subordinate in area, extent and purpose to the principal building or use served, (2) is located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance, and (3) is customarily incidental to the principal building or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building, Principal:
A building (structure) in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located.

Dwelling: A building or portion thereof, used exclusively for residential occupancy, including single-family, two-family and multiple family dwellings.

Dwelling Unit/Apartment:
A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating.

Dwelling, Single Family Detached:
A dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit. The term shall include manufactured and prefabricated homes.

Dwelling, Two Family:
A detached or semi-detached building used for residential occupancy by two (2) families living independently of each other.

Dwelling, Multiple Family:
A building or portion thereof used for residential occupancy by three (3) or more families living independently of each other and doing their own cooking in the building, including apartments, group houses and row houses.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

In-Law Apartment:

The portion of a home, with or without separate entrance, plumbing and cooking facilities which serves the purpose of providing living space to In-Laws of the people residing in the principal dwelling. A single structure containing two dwelling units may be created on a lot or on an existing lot of record if the following additional criteria are met:

a. The two dwelling units are part of the same structure and share at least one contiguous wall;

b. There is free accessibility between the living spaces of the two units through an interior doorway (access between the two units without the need to exit the structure);

c. The smaller of the two dwelling units does not exceed 650 square feet in total floor area and has only one (1) bedroom;

d. All setback requirements are met

Non-conforming Structure:

A structure which does not conform to the provisions of this ordinance.

Structure: Anything constructed or erected, the use of which requires permanent location on, above or below the surface of the land, including a patio or deck. (See Essential Services)

Structure, Accessory:

A structure (including a building that does not exceed one hundred fifty (150) square feet) which (1) is subordinate to the principal building or use served, (2) is located on the same lot as the principal building or use served, and (3) is customarily incidental to the principal building or use served.

Temporary Wireless Telecommunications Facility: A temporary wireless communications facility that is in operation for a maximum period of one hundred (180) days.

Transient: A non-resident person residing within the Town of Glenburn less than thirty (30) days.

Tower: A building or structure typically higher than its diameter and high relative to its surroundings that may stand apart or be attached to a larger structure and that may be fully walled in or of skeleton framework. See Section 5 Land Use Performance Standards

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Accessory Use: A use subordinate to a permitted use located on the same lot, and customarily incidental to the permitted use.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Principal Use: The specific primary purpose for which land is used.

Conforming (Permitted) Use: A use that may be lawfully established in a particular district, provided it conforms with all the requirements, standards and regulations of such district.

Non-Conforming Use: A use which does not conform to the provisions of this Ordinance.

Open Space Use: A use that does not disturb the existing state of the land except to restore this land to a natural condition.

Variance: A relaxation of the terms of this Ordinance where such a variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship.

Warehouse and Storage Facility: A commercial structure for the storage of personal items merchandise or commodities, including bulk storage and bulk sales outlet.

Wholesale Business Establishment: Any business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to consumers.

Wireless Telecommunications Facilities: Any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, personal communications service (PCS) or pager services.

Yard: The area of land on a lot not occupied by buildings.

Front Yard: The open, unoccupied space on the same lot with the principal building between the front lot line and the nearest part of any building or structure on the lot, and extending the entire width of the lot.

Rear Yard: The open, unoccupied space on the same lot with the principal building between a rear lot line and the nearest part of any building or structure on the lot, and extending the entire width of the lot.

Side Yard: The open, unoccupied space on the same lot with the principal building between a side lot line and the nearest part of any building or structure on the lot, extending from the front yard to the rear yard.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Adopted 11/06/12, effective 12/06/12 (Zoning Ordinance repealed and replaced with this ordinance)

Amended 06/10/15, effective 07/10/15 Section V. (6) Add Campgrounds; Section VI(I) a., b., & c.

Amended 06/15/16, effective 07/15/16 Section V. (A)(38) Add Financial Capacity& Technical Ability; Section VI, E.(2)(f) Add names, addresses, and map and lot numbers of abutting property owners; Section VI(E)(6) Public Hearing Deadline; Section VI(E)(6) Add paragraph two

Amended 06/09/21, effective 07/09/21 To add Solar Energy to Schedule of Uses

Moratorium Ordinance, effective 01/20/22 to 03/22/22 on solar energy Schedule of Uses and standards (repealed 03/17/22 by town vote amending Land Use Ordinance Solar Energy uses and standards)

Amended 03/17/22, effective 04/16/22 Section IV. Schedule of Uses, Activities, 8. Solar Energy Systems; Section V. Land Use Standards, 31. Solar Energy; Section VII. Definitions; Solar Energy Systems, As-of-Right Development.