TOWN OF SEARSPORT
LAND USE ORDINANCE

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TOWN OF SEARSPORT LAND USE ORDINANCE

SECTION I:

A. TITLE

This Ordinance shall be known as and may be cited as the "Land Use Ordinance of the Town of Searsport, 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 and Title 30-A, Section 4352 and Section 3001 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 Searsport 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 Searsport;

3. PRESERVATION OF THE TOWN CHARACTER: To preserve and protect the character of Searsport 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 ensure 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 Searsport except for those areas to which the Searsport Shoreland Zoning Ordinance applies. All buildings or structures hereinafter 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. Existing or future buildings, structures, or land areas can be used for any purpose or in any manner as provided for in this Ordinance. A non-conforming use, lot of record or structure as of the effective date of this Ordinance may continue.

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, the provision that imposes 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 Board of Selectpersons to the Planning Board.

c. Written petition of 10% of the number of registered voters who voted in the most recent gubernatorial election, in accordance with 30-A M.R.S.A. § 2522 or 2528.

d. An individual may initiate an amendment through any of the above methods.

2. HEARINGS

All proposed amendments shall be referred to the Planning Board for their recommendation. The Planning Board shall hold a public hearing at least 30 days before the town meeting vote on any proposed amendment, and shall make a written recommendation to the Select Board within 30 days from the public hearing.

3. MAJORITY VOTE

After receiving the recommendation of the Planning Board, the amendment may be adopted or rejected by majority vote of the voters at an Annual Town Meeting.

H. EFFECTIVE DATE

This Ordinance, when adopted, and any amendments thereto, shall be effective immediately following its/their adoption or approval at an Annual Town Meeting. A copy of this Ordinance, certified by the Town Clerk shall be filed with the Town Clerk and the Waldo County Registry of Deeds.

I. EFFECT OF THIS ORDINANCE

This Ordinance is a substantial revision of the Land Use Ordinance dated March 10, 2012. It is the intention and direction of this Section that if any revision set forth in this Ordinance is held to be invalid or void in its entirety, then the previously enacted provision shall be automatically revived.

SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS

The intent of this Ordinance is to allow continued use of property and not to cause harm or undue hardship to property owners.

A. BURDEN OF PROOF

When an owner of any non-conforming structure, use or lot seeks to establish that such structure, use or lot is a lawfully existing non-conforming structure, use or lot as defined in this Ordinance, the burden of proof shall be upon said owner.

B. CONTINUANCE

Any building, structure, or parcel 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 STRUCTURES

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

a. No non-conforming structure shall be enlarged or altered in any way that increases its non-conformity except as noted in Paragraph 2 below;

b. Should any non-conforming structure be destroyed or damaged by any means, exclusive of an intentional demolition, said structure may be rebuilt on the existing footprint to the dimensions of the structure which was destroyed provided rebuilding is begun within eighteen months; and

c. A non-conforming structure may be moved within a lot in a manner that 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:

i. Location and character;
ii. Fencing and screening;
iii. Landscaping, topography, and natural features;
iv. Traffic and access;
v. Signs and lighting; and
vi. Potential nuisance.

2. EXISTING NON-CONFORMING USE OF STRUCTURES AND/OR LAND

Continuance of non-conforming use of structures and/or land shall be subject to the following provisions:

a. No structure devoted to a non-conforming use shall be enlarged or extended by more than a total of 50% of the existing square footage as of March 10, 2007 or the date the structure was built, if after March 10, 2007.

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 other than in conformance with (a) above.

c. Any non-conforming use of a structure or premises may be changed to another nonconforming use provided that the Planning Board shall find that the proposed use is at least as consistent with the District's purpose as the existing non-conforming use. At no time shall a use be permitted which is less conforming than 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 Should any use, subject to the provisions of this Ordinance, be discontinued for two continuous years, such same use may not commence again without an approval of the Code Enforcement Officer.

f. A non-conforming use of land or a structure housing an existing non-conforming use may be moved to a different location within the same lot, provided that the Planning Board finds that the change in location is appropriate in regards to:

i. Location and character;
ii. Fencing and screening;
iii. Landscaping, topography, and natural features;
iv. Traffic and access;
v. Signs and lighting; and
vi. Potential nuisances.

3. 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 has been issued and upon which construction has been lawfully commenced prior to the adoption or

amendment of the Ordinance. In such instance's construction must start within one year after the issuance of the permit.

C. NON-CONFORMING LOTS OF RECORD

A single parcel of land, the legal description of which or the dimensions of which are recorded on a document or map recorded in the Registry of Deeds, which at the effective date of adoption or subsequent amendment of this Ordinance does not meet the lot area or width requirements or both, of the district in which it is located, may be built upon as an existing non-conforming lot of record provided that all other provisions of this Ordinance are met.

D. TRANSFER OF OWNERSHIP

Ownership of lots, uses and structures that remain lawful but become non-conforming by the adoption or amendment of the Ordinance may be transferred and the new owner may continue to occupy or use the same subject to the provisions of this Ordinance.

SECTION III: ESTABLISHMENT OF DISTRICTS

A. DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the Town of Searsport is hereby divided into the following districts:

- Commercial District (C)
- Commercial 2 District (C2)
- Commercial 3 District (C3)
- Conservation District (CD)
- Halfmoon Pond Watershed Overlay District (HPOD)
- Historic Overlay District
- Industrial District (I)
- Marine District (M)
- Mixed Residential District (MR)
- Residential District (R)
- Residential District 1 (R1)
- Residential 2 District (R2)
- Residential 3 District (R3)
- Residential 4 District (R4)
- Rural Agricultural Residential District (RAR)

B. DISTRICTS SUBJECT TO THIS ORDINANCE

Details of the following Districts are contained in Section IV

- Commercial District
- Commercial 2 District
- Commercial 3 District
- Industrial District
- Marine District
- Mixed Residential District
- Residential District
- Residential District 1
- Residential District 2
- Residential District 3
- Residential District 4
- Rural Agricultural District

C. DISTRICTS NOT DESCRIBED IN SECTION IV

1. CONSERVATION DISTRICT (CD)

a. PURPOSE

The purpose of the Conservation District is to encompass areas of the community that are currently owned by the State of Maine and are designated as a state park. The Conservation District is not subject to regulation by the Town.

b. AREAS INCLUDED

The location of the Conservation District is illustrated on the Official District Boundary Map of the Town of Searsport.

2. HALFMOON POND WATERSHED OVERLAY DISTRICT (HPOD)

a. PURPOSE

The purpose of the Halfmoon Pond Watershed District is to prevent deterioration of the pond's water quality which has been experienced in the past.
b. AREAS INCLUDED

The location of the Halfmoon Pond Watershed Overlay District is illustrated on the Official District Boundary Map of the Town of Searsport.

c. PROHIBITED USES:

The following uses are prohibited:

Campgrounds
Commercial or retail uses
Mineral extraction industry
Furniture stripping and wood preserving
Golf courses
Industrial uses
Junkyards
Landfills
Manufacture, use, storage, or disposal of solid waste, hazardous materials
Commercial motor vehicle service, repair, storage, or salvage
Operation of gas or diesel equipment on Halfmoon Pond
Truck Terminals
Underground storage of petroleum or hazardous materials
Use of chemical pesticides or herbicides
Warehouses, storage units
Uses similar to prohibited uses

d. In the Halfmoon Pond Watershed Overlay District, in order to minimize phosphorous runoff and other deleterious impact on water quality, the following additional resource protection measures will be required:

Tilling is not permitted within 500 feet of the normal high-water mark of Halfmoon Pond or within 250 feet of its tributaries.

Land application of sludge and other process wastes is prohibited in the Watershed Overlay District.

3. HISTORIC OVERLAY DISTRICT (H)

PURPOSE

The purpose of the Historic Overlay District is to acknowledge and ensure the long-term preservation of historical structures listed on the National Register of Historic Places and not to regulate land use. Please refer to the appropriate "overlay" district. This district applies only to properties listed on the National Register of Historic Places and designated on the Official District Boundary Map of the Town of Searsport.

D. OFFICIAL DISTRICT BOUNDARY MAP

Districts established by this Ordinance are bounded and defined as shown on the official "District Boundary Map of Searsport, Maine". The following rules of interpretation shall apply:
The official copy of the map 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. The official "District Boundary Map of Searsport, Maine" shall be given precedence over any District description in this Ordinance.

E. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to boundary lines of Districts as shown on the official "District Boundary Map of Searsport", 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.

F. AMENDMENTS TO DISTRICT BOUNDARIES

The Select Board, of its own initiative, and the Planning Board or any property owner may petition for a change in the boundary of any District. No change in a District boundary shall be approved without a duly authorized majority vote at an Annual Town Meeting. A warrant article shall not be presented for consideration without written findings of fact from the Planning Board, upon substantial evidence, that:

1. The change 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

2. The change in District boundaries 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 will not act upon petition 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 if the change is deemed to have a potential town-wide impact.

SECTION IV - DISTRICT ATTRIBUTES

This section contains District descriptions, permitted uses and dimensional requirements applicable to new construction or uses.

A. ACTIVITIES DESCRIBED

The various land uses contained herein are organized according to the following seven (7) 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

B. CATEGORIES OF USES

1. Uses Allowed without a Permit
2. Use Requires Code Enforcement Review/Permit
3. Use Requires Planning Board Review/Permit

C. USES SUBSTANTIALLY SIMILAR TO PERMITTED USES SHALL BE PERMITTED

1. USES ALLOWED WITHOUT A PERMIT: Uses substantially similar to those allowed without a permit but are not listed herein shall be permitted upon a ruling by the Code Enforcement Officer that such use is substantially similar to uses listed.

2. USES REQUIRING A CODE ENFORCEMENT OFFICER PERMIT: Uses substantially similar to those requiring a Code Enforcement Officer permit but which are not listed herein shall be permitted by the Code Enforcement Officer.

3. USES REQUIRING A PLANNING BOARD PERMIT: Uses substantially similar to those requiring a Planning Board permit but which are not listed herein shall be permitted by the Planning Board.

4. In determining whether a use is substantially similar to a permitted use, the reviewing authority shall consider the nature of the use and its intensity, in terms of traffic, noise, odor, type of goods manufactured or sold or services offered (if applicable).

D. 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.

COMMERCIAL DISTRICT (C): The Purpose of the Commercial District is to encourage development of commercial uses while planning carefully to avoid conflicts with residential and other uses, and to inhibit strip development and dense sprawl along Route One. The location of the Commercial District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Commercial District.

RESOURCE MANAGEMENT

Uses allowed without review/permit:

a) Forest and agricultural management activities
b) 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
c) Surveying and other resource analysis
d) Wildlife/fishery management practices

RESOURCE EXTRACTION

Uses allowed without review/permit:

a) Commercial timber harvesting

Code Enforcement Officer review/permit required:

a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells
b) Production of commercial agricultural products.

RESIDENTIAL

Police Department review/permit:

a) Yard, porch, barn, garage sale
   (a) Each sale no more than 3 consecutive days
   (b) 1 sale per year to a residence
b) On-Site auction sale
   (a) Each sale no more than 2 consecutive days
   (b) 1 sale per year to a residence

Code Enforcement Officer review/permit required

a) Dwelling – single-family detached
b) Dwelling – multi-family: two unit or duplex.
c) Home occupations
d) In Law apartment

Planning Board review required

a) Boarding care
b) Dwelling unit: in a commercial establishment
c) Dwelling - multi-family; 3 or more families, including apartments

INSTITUTIONAL

Planning Board review required

a) Churches
b) Day care centers
c) Fraternal Orders and Service Clubs
d) Government Facilities and Services
e) Medical Clinic
f) Museum
g) Nursing Homes
h) Public and private schools, post-secondary education facilities

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required

a) Apartment Complex 3+ units
b) Auction hall, flea market
c) Automobile body repair, service, sales and supplies
d) Bait & tackle sales, sporting goods sales
e) Banks/credit unions
f) Bar/pub
g) Beauty shops
h) Bed & breakfast, motel/hotel/inns
i) Boat storage facilities, yard
j) Campground
k) Commercial fishing operations
l) Commercial & non-commercial vessel berthing
m) Craft/gift, tradesman shop, art gallery, antique shop
n) Fishing, diving, and sailing shop/instruction
o) Florist shop, greenhouse
p) Fuel sales – commercial & motor vehicle retail fuels
q) Funeral home
r) Grocery store, supermarket
s) Marina, marine office, harbor supply & services, chandlery
t) Marine vessel repair, service, sales & rental
u) Professional offices, office complex
v) Radio station

(Continued – next page)

COMMERCIAL (Continued) **Planning Board review required** w) Recreation facilities x) Recreation vehicles sales and service y) Redemption center z) Research & Development facilities aa) Restaurant bb) Retail establishments cc) Shipbuilding dd) Seafood distribution ee) Tugboat, fireboat, pilot boat & similar services ff) Veterinary clinic/hospital gg) Video rentals hh) Warehouse/storage facilities **INDUSTRIAL** **Planning Board review required** a) Light Manufacturing Assembly facilities up to 20,000 sq. ft. b) Wholesale business facilities up to 20,000 sq.ft **TRANSPORTATION AND UTILITIES** **Code Enforcement Officer review/permit required:** a) Land management roads and water crossings of standing waters and of minor and major flowing waters **Planning Board review required** a) Inter modal transportation facilities b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review **Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.**	**DIMENSIONAL REQUIREMENTS** Minimum Lot Size o 6,500 s.f. with public sewer/water o 20,000 s.f. without public sewer/water Minimum Lot Size per Principle Structure – o 6,500 s.f. with public sewer/water o 20,000 s.f. without public sewer/water Minimum Road Frontage o State maintained roads (including Route 1) subject to MDOT's Access Mgmt. Standards o Lots not on state-maintained roads – 25 ft. Setbacks from property line o Downtown* Front, Side and Rear – 0 ft. o Other locations Front, Side and Rear – 10 ft. Maximum building height at ridge line – 40' * For these purposes, the downtown area is defined as follows: On the south side of Route 1 from Elm Street to Mosman Street On the north side of Route 1 from Church Street to Goodell Street

COMMERCIAL 2 DISTRICT (C2): The Purpose of the Commercial 2 District is to encourage development of low impact commercial uses that will prevent overdevelopment and sprawl. The location of the Commercial 2 District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Commercial 2 District.

RESOURCE MANAGEMENT

Uses allowed without review/permit:

a) Forest and agricultural management activities
b) 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
c) Surveying and other resource analysis
d) Wildlife/fishery management practices

RESOURCE EXTRACTION

Uses allowed without review/permit:

a) Commercial timber harvesting.

Code Enforcement Officer review/permit required:

a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells
b) Production of commercial agricultural products.

RESIDENTIAL

Police Department review/permit:

c) Yard, porch, barn, garage sale
    (a) Each sale no more than 3 consecutive days
    (b) 3 sales per year to a residence
d) On-Site auction sale
    (a) Each sale no more than 2 consecutive days
    (b) 1 sale per year to a residence

Code Enforcement Officer review/permit required

a) Dwelling – single-family detached
b) Dwelling – multi-family: two unit or duplex.
c) Home occupations
d) In Law apartment

Planning Board review required

a) Boarding care
b) Dwelling unit: above or behind a commercial establishment
c) Dwelling - multi-family; 3 or more families, including apartments

INSTITUTIONAL

Planning Board review required

a) Cemeteries
b) Churches
c) Day care centers
d) Fraternal Orders and Service Clubs
e) Government Facilities and Services
f) Medical Clinic
g) Museum
h) Nursing Homes
i) Public and private schools, post-secondary education facilities

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required

a) Apartment Complex 3+ units
b) Auction hall, flea market
c) Automobile body repair, service, sales and supplies
d) Bait & tackle sales, sporting goods sales
e) Banks/credit unions
f) Bar/pub
g) Beauty shops
h) Bed & breakfast, motel/hotel/inns, maximum 10 rooms
i) Boat storage facilities, yard
j) Campground
k) Craft/gift, tradesman shop, art gallery, antique shop
l) Fireworks Store
m) Fishing, diving, and sailing shop/instruction
n) Florist shop, greenhouse
o) Fuel Sales
p) Funeral home
q) Grocery store
r) Marine construction & salvage
s) Marine office, harbor supply & services, chandlery
t) Professional offices, office complex
u) Radio station
v) Recreation facilities
w) Recreation vehicles sales and service
x) Redemption Center
y) Research & development facilities
z) Restaurant, take-out restaurant
aa) Retail establishments of less than or equal to10,000 square feet (Continued – next page)

COMMERCIAL 2 DISTRICT (C2) (Continued)

COMMERCIAL (Continued) **Planning Board review required** bb) Sales & Rentals of marine Vessels and Related Marine Equipment cc) Seafood distribution dd) Shipbuilding ee) Veterinary clinic/hospital ff) Video rentals gg) Warehouse/storage facilities **INDUSTRIAL** **Planning Board review required** a) Light Manufacturing Assembly facilities up to 20,000 sq. ft. b) Lumber Yard/Sawmill c) Wholesale business facilities up to 20,000 sq.ft **TRANSPORTATION AND UTILITIES** **Code Enforcement Officer review/permit required:** a) Land management roads and water crossings of standing waters and of minor and major flowing waters **Planning Board review required** a) Inter modal transportation facilities b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review **Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.**	**DIMENSIONAL REQUIREMENTS** Minimum Lot Size o 60,000 s.f. Minimum Lot Size per Dwelling Unit o 60,000 s.f. Minimum Road Frontage o Rte 1 subject to MDOT's Access Mgmt. Standards o Lots not on state-maintained roads – 100 ft. Setbacks from property line o Front – 30 ft. o Side and Rear – 10 ft. Maximum Building Height – 40 ft.

COMMERCIAL 3 DISTRICT (C3): The Purpose of the Commercial 3 District is to encourage development of low impact commercial uses that will prevent overdevelopment and sprawl. The location of the Commercial 3 District is illustrated on the Official District Boundary Map of the Town of Searsport

The following uses/activities are allowed in the Commercial 3 District.

RESOURCE MANAGEMENT

Uses allowed without review/permit:

a) Forest and agricultural management activities
b) 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
c) Surveying and other resource analysis
d) Wildlife/fishery management practices

RESOURCE EXTRACTION

Uses allowed without review/permit:

a) Commercial timber harvesting.

Code Enforcement Officer review/permit required:

a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells
b) Production of commercial agricultural products.

Planning Board review required

a) Mineral extraction operations for any purpose affecting an area 2 acres or greater in size

RESIDENTIAL

Police Department review/permit:

e) Yard, porch, barn, garage sale
   (a) Each sale no more than 3 consecutive days
   (b) 3 sales per year to a residence
f) On-Site auction sale
   (a) Each sale no more than 2 consecutive days
   (b) 1 sale per year to a residence

Code Enforcement Officer review/permit required:

a) Dwelling – single-family detached
b) Dwelling – multi-family: two unit or duplex.
c) Home occupations
d) In Law apartment

Planning Board review required:

a) Boarding care
b) Dwelling unit: above or behind a commercial establishment
c) Dwelling - multi-family; 3 or more families, including apartments
d) Mobile home park

INSTITUTIONAL

Planning Board review required:

a) Cemeteries
b) Churches
c) Day care centers
d) Fraternal Orders and Service Clubs
e) Government Facilities and Services
f) Medical Clinic
g) Museum
h) Nursing Homes
i) Public and private schools, post-secondary education facilities

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required:

a) Apartment Complex 3+ units
b) Auction hall
c) Automobile body repair, service, sales and supplies
d) Bait & tackle sales, sporting goods sales
e) Banks/credit unions
f) Bar/pub
g) Beauty shops
h) Bed & breakfast, motel/hotel/inns, maximum 10 rooms
i) Boat storage facilities, yard
j) Campground
k) Craft/gift/antique/tradesman shop, art gallery
l) Fireworks Store
m) Fishing & commercial vessel berthing
n) Fishing, diving, and sailing shop/instruction
o) Florist shop, greenhouse
p) Fuel Sales
q) Funeral home
r) Grocery store, supermarket
s) Marine office, harbor supply & services, chandlery
t) Marine transport & excursion services
u) Professional offices, office complex
v) Radio station
w) Recreation facilities
x) Recreation vehicles sales and service
y) Research & development facilities
z) Restaurant, take-out restaurant
aa) Retail establishments of less than or equal to 20,000 square feet

(Continued – next page)

COMMERCIAL 3 DISTRICT (C3) (Continued)

COMMERCIAL (Continued) **Planning Board review required:** bb) Sales & Rentals of marine Vessels and Related Marine Equipment cc) Seafood distribution dd) Shipbuilding ee) Sporting Cabins ff) Veterinary clinic/hospital gg) Video rentals hh) Warehouse/storage facilities **INDUSTRIAL** **Planning Board review required:** a) Light Manufacturing Assembly facilities up to 20,000 sq.ft. b) Wholesale business facilities up to 20,000 sq.ft **TRANSPORTATION AND UTILITIES** **Code Enforcement Officer review/permit required:** a) Land management roads and water crossings of standing waters and of minor and major flowing waters **Planning Board review required:** a) Inter modal transportation facilities b) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review **Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.**	**DIMENSIONAL REQUIREMENTS** Minimum Lot Size o 60,000 sq.ft Minimum Lot Size per Dwelling Unit – o 60,000 sq.ft Minimum Road Frontage o Rte 1 subject to MDOT's Access Mgmt. Standards o Lots not on state-maintained roads – 100 ft. Setbacks from property line Front – 30 ft. Side and Rear – 10 ft. Maximum Building Height – 40 ft.

INDUSTRIAL DISTRICT (I): The Purpose of the Industrial District is to accommodate industrial and large commercial development. The location of the Industrial District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Industrial District.

RESOURCE MANAGEMENT
Uses allowed without review/permit:
a) Forest and agricultural management activities
b) 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
c) Surveying and other resource analysis
d) Wildlife/fishery management practices

RESOURCE EXTRACTION
Uses allowed without review/permit:
a) Commercial timber harvesting

Code Enforcement Officer review/permit required: a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells
b) Production of commercial agricultural products.

Planning Board review required:
a) Mineral extraction operations for any purpose affecting an area 2 acres or greater in size

INSTITUTIONAL
Planning Board review required:
a) Day Care Centers
b) Government Facilities and Services
c) Medical Clinic
d) Museum

COMMERCIAL
Planning Board review required:
a) Auction Hall
b) Automobile body repair, service, sales and supplies
c) Bait & tackle sales
d) Banks/credit unions
(Continued)

COMMERCIAL (Continued)

Planning Board review required:
a) Bar/pub
b) Beauty shops
c) Boat storage facilities, yard
d) Cargo Handling Facilities
e) Commercial fishing operations
f) Fishing & commercial vessel berthing
g) Fishing, diving, and sailing shop/instruction
h) Fuel sales – commercial & motor vehicle retail fuels
i) Marina, marine office, harbor supply & services, chandlery
j) Marine construction & salvage, pollution control facilities
k) Marine vessel repair, service, sales & rental
l) Professional offices, office complex
m) Radio station
n) Research & development facilities
o) Seafood processing/packaging/distribution
p) Shipbuilding
q) Towers
r) Tradesman Shop
s) Tugboat, fireboat, pilot boat & similar services
t) Warehouse/storage facilities
u) Windmills

INDUSTRIAL
Planning Board review required:
a) Automotive graveyard/Automobile recycling business/Junkyard
b) Bulk Fuel Distribution facilities - Wholesale
c) Chemical Manufacturing and/or Distribution
d) Concrete Plant
e) Disposal of Hazardous/Leachable Materials
f) Disposal of Solid Waste other than agriculture
g) Manufacturing, Assembly facilities up to 60,000 sq. ft.
h) Lumber Yard/Sawmill
i) Pulp Mill
j) Sewage Treatment facilities
k) Storage/Transport of Leachable Materials

(Continued – next page)

INDUSTRIAL DISTRICT (I) (Continued) **Planning Board review required:** l) Transportation facilities and Terminal Yard m) Wholesale business facilities up to 20,000 sq. ft. **TRANSPORTATION AND UTILITIES** **Code Enforcement Officer review/permit required:** a) Land management roads and water crossings of standing waters and of minor and major flowing waters **Planning Board review required:** a) Inter modal transportation facilities b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review **Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.**	**DIMENSIONAL REQUIREMENTS** Minimum Lot Size o 3 acres Minimum Lot Size per Dwelling Unit o 3 acres Minimum Road Frontage o 200 ft Setbacks from property line o Front 60 ft. o Side and Rear 40 ft. Maximum Structure Height o 60 ft. for principal structures o 150 ft. Bulk Fuel Storage Tanks, Silos, Grain Elevators, and similar Structures. o 675 ft. Maximum Crane lift height

MARINE DISTRICT (M): The Purpose of the Marine District is to accommodate marine and commercial marine related activities. The location of the Marine District is illustrated on the Official District Boundary Map of the Town of Searsport

The following uses/activities are allowed in the Marine District.

RESOURCE MANAGEMENT

Uses allowed without review/permit:

a) Forest and agricultural management activities
b) 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
c) Surveying and other resource analysis.
d) Wildlife/fishery management practices

RESOURCE EXTRACTION

Code Enforcement Officer review/permit required:

a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells

INSTITUTIONAL

Planning Board review required:

a) Government Facilities and Services
b) Museum
c) Marine themed public and private schools, post-secondary education facilities, school dormitory

INDUSTRIAL

Planning Board review required:

a) Transportation facilities and Terminal Yard
b) Manufacturing, Assembly facilities up to 60,000 sq. ft.

COMMERCIAL

Planning Board review required:

a) Bait & tackle sales
b) Boat Storage Facilities, Boat yard
c) Campgrounds
d) Cargo Handling Facilities
e) Commercial Fishing Operations
f) Commercial & non-commercial vessel berthing
g) Conference/Education Center up to 150-person capacity
h) Craft, tradesman shop, art gallery, antique shop
i) Fishing, diving, and sailing shop/instruction
j) Marina, marine office, harbor supply & services, chandlery
k) Marine construction & salvage, pollution control facilities
l) Marine transport & excursion services
m) Marine vessel repair, service, sales & rental

COMMERCIAL (continued)

Planning Board review required:

a) Motel, hotel and inns
b) Recreation facilities
c) Research & development facilities
d) Restaurant, take-out restaurant establishments of
e) Retail less than or equal to 10,000 square feet
f) Seafood processing/packaging/distribution
g) Shipbuilding
h) Tugboat, fireboat, pilot boat & similar services
i) Warehouse/storage facilities
j) Windmills
k) Yacht Clubs

TRANSPORTATION AND UTILITIES

Code Enforcement Officer review/permit required:

a) Land management roads and water crossings of standing waters and of major flowing waters

Planning Board review required:

a) Intermodal transportation facilities
b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size
o 1 acre
Minimum Lot Size per Principal Structure
o 1-acre Minimum Road Frontage
o 100 ft.
Setbacks from property line
o Front 40 ft.
o Side and Rear 10 ft.
Maximum Building Height
o 40 ft.
o 675 ft. Maximum Crane lift height

MIXED RESIDENTIAL DISTRICT (MR): The purpose of the Mixed Residential District is to provide an additional area of the community for light industrial growth and expansion of residential and commercial development. The location of the Mixed Residential District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Mixed Residential District.

RESOURCE MANAGEMENT

Uses allowed without review/permit:

a) Forest and agricultural management activities
b) 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
c) Surveying and other resource analysis
d) Wildlife/fishery management practices

RESOURCE EXTRACTION

Uses allowed without review/permit:

Commercial timber harvesting

Code Enforcement Officer review/permit required:

a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells
b) Production of commercial agricultural products.

Planning Board review required:

Mineral extraction operations for any purpose affecting an area 2 acres or greater in size

RESIDENTIAL

Police Department review/permit:

a) Yard, porch, barn, garage sale
   (a) Each sale no more than 3 consecutive days
   (b) 4 sales per year to a residence
b) On-Site auction sale
   (a) Each sale no more than 2 consecutive days
   (b) 1 sale per year to a residence

Code Enforcement Officer review/permit required:

a) Single-family detached dwelling
b) Multi-family dwelling: two unit or duplex Planning Board review required:
c) Dwelling unit above or behind a commercial establishment
d) Multi-Family dwelling; 3 or more families, including apartments
e) Mobile home park
(continued)

RESIDENTIAL (continued)

f) Boarding care
g) Home occupations
h) In Law apartment

INSTITUTIONAL

Planning Board Review required:

a) Cemeteries
b) Churches
c) Day care centers
d) Fraternal Orders and Service Clubs
e) Nursing homes
f) Public and private schools, post-secondary education facilities

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required:

a) Adult entertainment
b) Apartment Complex 3+ units
c) Auction hall
d) Automobile body repair, service, sales and supplies
e) Bait & tackle sales, sporting goods sales
f) Banks/credit unions
g) Beauty shops
h) Bed & breakfast
i) Boat storage facilities, yard
j) Campground
k) Cargo Handling Facilities
l) Commercial fishing operations
m) Commercial & non-commercial vessel berthing n) Craft/gift, tradesman shop, art gallery, antique shop
o) Fishing, diving, and sailing shop/instruction
p) Florist shop, greenhouse
q) Fuel sales
r) Funeral home
s) Grocery store
t) Marine construction & salvage
u) Marine office, harbor supply & services, & chandlery
v) Marine vessel repair, service, sales & rental w) Professional offices
w) A single (1) medical marijuana dispensary
x) Recreation facilities

MIXED RESIDENTIAL DISTRICT (MR):
(Continued)
y) Recreation vehicles sales and service
z) Redemption Center
aa) Research & development facilities
bb) Restaurant, take-out restaurant
cc) Retail establishments of less than or equal to 10,000 square feet
dd) Sporting goods
ee) Towers up to and including 195 feet in height
ff) Veterinary clinic/hospital
gg) Video rentals
hh) Warehouse/storage facilities

INDUSTRIAL
Planning Board review required:
a) Automotive graveyard/Automobile recycling business/Junkyard
b) Bulk Fuel Distribution facilities - Wholesale
c) Concrete Plant
d) Disposal of Solid Waste other than agriculture
e) Light Manufacturing or Assembly facilities up to 20,000 sq. ft.
f) Lumber Yard/Sawmill
g) Storage/Transport of Leachable Materials
h) Transportation facilities and Terminal Yard
i) Wholesale business facilities up to 20,000 sq. ft.

TRANSPORTATION AND UTILITIES
Code Enforcement Officer review/permit required:
a) Land management roads and water crossings of standing waters and of minor and major flowing waters

Planning Board review required:
a) Inter modal transportation facilities
b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS
Minimum Lot Size

o 20,000 s.f.

Minimum Lot Size per Principle Structure
o 7,500 s.f. with public sewer/water
o 20,000 s.f. without public sewer/water

Minimum Road Frontage
o 100 ft.

Setbacks from property line
o Front 20 ft.
o Side and Rear 10 ft.

Maximum Building Height
o 40 ft.

RESIDENTIAL DISTRICT (R): The purpose of the Residential District is to encompass existing development and to provide areas for growth for future residential housing needs and small businesses. The location of the Residential District is illustrated on the Official District Boundary Map of the Town of Searsport

The following uses/activities are allowed in the Residential District.

RESOURCE MANAGEMENT & EXTRACTION

Uses allowed without review/permit:

a) Wildlife/fishery mgmt. practices
b) Surveying & other resource analysis
c) Forest and Agricultural mgmt. activities.
d) 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
e) Commercial timber harvesting

Code Enforcement Officer review/permit required:

a) Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells.

Planning Board review required:

a) Mineral extraction operations for any purpose, affecting an area 2 acres or greater in size.

RESIDENTIAL

Police Department review/permit:

a) Yard, porch, barn, garage sale
   Each sale no more than 3 consecutive days
   4 sales per year to a residence
b) On-Site auction sale
   a. Each sale no more than 2 consecutive days
   b. 1 sale per year to a residence

Code Enforcement Officer review/permit required:

a) Single-family detached dwelling
b) Multi-family dwelling: two unit or duplex
c) Home occupations
d) In law apartment

Planning Board review required:

a) Dwelling unit above or behind a commercial establishment
b) Multi-Family dwelling; 3 or more families, including apartments
c) Mobile home park
d) Boarding care

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

INSTITUTIONAL

Planning Board Review required:

a) Cemeteries
b) Churches
c) Day care centers
d) Nursing homes

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required:

a) Apartment complex 3+ units
b) Beauty shops
c) Bed & Breakfasts
d) Craft shop/art gallery, antique shop
e) Florist shop, greenhouse
f) Funeral home
g) Professional offices
h) Recreational facilities
i) Research & development facilities
j) Veterinary clinic/hospital

TRANSPORTATION & UTILITIES

Code Enforcement Officer review/permit required:

a) Land Management roads and water crossings of standing waters, minor and major flowing waters

Planning Board review required (already in effect):

a) Intermodal transportation facilities
b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

DIMENSIONAL REQUIREMENTS

Minimum Lot Size
o 10,000 s.f. with public sewer/water
o 20,000 s.f. without public sewer/water Minimum Lot Size per Principle Structure
o 7,500 s.f. with public sewer/water
o 20,000 s.f. without public sewer/water
Minimum Road Frontage
o Rte. 1 & other state-maintained roads subject to MDOT's Access Mgmt. Standards;
o Lots not on Rte. 1 – 100 ft.
Setbacks from property line
front 15'; side &rear 10' Maximum building height at ridge line – 40'

RESIDENTIAL 1 DISTRICT (R1): The purpose of the Residential 1 District is to encompass existing development and minimize the potential for commercial sprawl while maintaining the historical character of these portions of the community. The location of the Residential 1 District is illustrated on the Official District Boundary Map of the Town of Searsport

The following uses/activities are allowed in the Residential 1 District.

RESOURCE MANAGEMENT & EXTRACTION

Uses allowed without review/permit:

a) Wildlife/fishery mgmt. practices
b) Surveying & other resource analysis
c) Forest and Agricultural mgmt. activities.
d) 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
e) Commercial timber harvesting

Code Enforcement Officer review/permit required:

a) Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells.

Planning Board review required:

a) Mineral extraction operations for any purpose, affecting an area 2 acres or greater in size.

RESIDENTIAL

Police Department review/permit:

a) Yard, porch, barn, garage sale
   (a) Each sale no more than 3 consecutive days
   (b) 4 sales per year to a residence
b) On-Site auction sale
   (a) Each sale no more than 2 consecutive days
   (b) 1 sale per year to a residence

Code Enforcement Officer review/permit required:

a) Single-family detached dwelling
b) Multi-family dwelling: two unit or duplex
c) Home occupations
d) In law apartment

Planning Board review required:

a) Dwelling unit above or behind a commercial establishment
b) Multi-Family dwelling; 3 or more families, including apartments

(Continued)

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

RESIDENTIAL (continued)

Planning Board review required

c) Mobile home park
d) Boarding care

INSTITUTIONAL

Planning Board Review required:

a) Cemeteries
b) Churches
c) Day care centers
d) Nursing homes
e) Medical Clinic
f) Museum
g) Public and private schools, post-secondary education facilities, school dormitory

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required:

a) Bed & Breakfasts
b) Craft shop/art gallery, antique shop
c) Florist shop, greenhouse
d) Professional offices
e) Restaurants

TRANSPORTATION & UTILITIES

Code Enforcement Officer review/permit required:

a) Land Management roads and water crossings of standing waters, minor and major flowing waters

Planning Board review required:

a) Intermodal transportation facilities
b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

o 6,500 s.f. with public sewer/water
o 20,000 s.f. without public sewer/water Minimum

Lot Size per Principle Structure

o 6,500 s.f. with public sewer/water
o 20,000 s.f. without public sewer/water

Minimum Road Frontage

o Rt.1 & other state-maintained roads subject to MDOT's Access Mgmt. Standards;
o Lots not on state-maintained roads 50 ft.

Setbacks from property line

front, side, & rear 10'

Maximum building height at ridge line – 40'

RESIDENTIAL 2 DISTRICT (R2): The purpose of the Residential 2 District is to minimize the potential for sprawl and retain the unique character of these portions of the community. The location of the Residential 2 District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Residential 2 District.

RESOURCE MANAGEMENT & EXTRACTION

Uses allowed without review/permit:

a) Wildlife/fishery management practices
b) Surveying and other resource analysis
c) Forest and agricultural management activities
d) 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
e) Commercial timber harvesting

Code Enforcement Officer review/permit required:

a) Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells.

RESIDENTIAL

Police Department review/permit:

c) Yard, porch, barn, garage sale
   (a) Each sale no more than 3 consecutive days
   (b) 2 sales per year to a residence
d) On-Site auction sale
   (a) Each sale no more than 2 consecutive days
   (b) 1 sale per year to a residence

Code Enforcement Officer review/permit required:

a) Single-family detached dwelling
b) Multi-family dwelling: two unit or duplex
c) Home occupations
d) In Law apartment

Planning Board review required:

a) Dwelling unit above or behind a commercial establishment
b) Multi-Family dwelling; 3 or more families, including apartments
c) Boarding care

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required:

a) Bed & Breakfasts
b) Craft shop/art gallery, antique shop
c) Florist shop, greenhouse
d) Professional offices
e) Veterinary clinic/hospital

TRANSPORTATION & UTILITIES

Code Enforcement Officer review/permit required:

a) Land Management roads and water crossings of standing waters, minor and major flowing waters

Planning Board review required:

a) Intermodal transportation facilities
b) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size
o 60,000 s.f.

Minimum Lot Size per Dwelling Unit
o 60,000 s.f.

Minimum Road Frontage
o State maintained roads (including Route 1) subject to MDOT's Access Mgmt. Standards
o Lots not on state-maintained roads – 100 ft.

Setbacks from property line – front 30'; side &rear 10'

Maximum building height at ridge line – 40'

RESIDENTIAL 3 DISTRICT (R3): The purpose of the Residential 3 District is to maintain the unique historic character of this downtown residential neighborhood. The location of the Residential 3 District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Residential 3 District.

RESOURCE MANAGEMENT & EXTRACTION

Uses allowed without review/permit:

a) Surveying and other resource analysis
b) Forest and agricultural management activities
c) 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
d) Commercial timber harvesting

Code Enforcement Officer review/permit required:

a) Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells.

RESIDENTIAL

Police Department review/permit:

e) Yard, porch, barn, garage sale
   (a) Each sale no more than 3 consecutive days
   (b) 2 sales per year to a residence
f) On-Site auction sale
   (a) Each sale no more than 2 consecutive days
   (b) 1 sale per year to a residence

Code Enforcement Officer review/permit required:

a) Single-family detached dwelling
b) Home occupations
c) In law apartment

Planning Board review required:

a) Boarding care

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required:

a) Bed & Breakfasts
b) Commercial fishing operations
c) Fishing & commercial vessel berthing
d) Noncommercial Vessel Berthing

TRANSPORTATION & UTILITIES

Code Enforcement Officer review/permit required:

a) Land Management roads and water crossings of standing waters, minor and major flowing waters

Planning Board review required:

a) Intermodal transportation facilities
b) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size
o 10,000 s.f.

Minimum Lot Size per Principle Structure
o 7,500 s.f.

Minimum Road Frontage
o 100 ft.

Setbacks from property line o 10 ft.
front, side & rear

Maximum building height
40ft.

RESIDENTIAL 4 DISTRICT (R4): The purpose of the Residential 4 District is to provide a buffer district between the two Belfast Districts, Searsport Avenue Commercial and Searsport Avenue Waterfront Districts and the Searsport Residential 2 District. It will also encompass existing development and provide areas of growth for future residential housing needs and small businesses. The location of the Residential 4 District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Residential 4 District.

RESOURCE MANAGEMENT & EXTRACTION

Uses allowed without review/permit:

a) Wildlife/fishery mgmt. practices
b) Surveying & other resource analysis
c) Forest and Agricultural mgmt. activities.
d) 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

Code Enforcement Officer review/permit required:

a) Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells.

Planning Board review required:

a) Mineral extraction operations for any purpose, affecting an area 2 acres or greater in size.

RESIDENTIAL

Police Department review/permit:

a) Yard, porch, barn, garage sale
    (a) Each sale no more than 3 consecutive days
    (b) 4 sales per year to a residence
b) On-Site auction sale
    (a) Each sale no more than 2 consecutive days
    (b) 1 sale per year to a residence

Code Enforcement Officer review/permit required:

a) Single-family detached dwelling
b) Multi-family dwelling: two unit or duplex
c) Home occupations
d) In Law apartment

Planning Board review required:

a) Dwelling unit above or behind a commercial establishment
b) Multi-Family dwelling; 3 or more families, including apartments

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

INSTITUTIONAL

Planning Board Review required:

a) Cemeteries
b) Churches
c) Day care centers
d) Nursing homes

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required:

a) Apartment complex 4+ units
b) Beauty shops
c) Bed & Breakfasts
d) Craft shop/art gallery, antique shop
e) Event Center less than 5,000 Sq. Ft.
e) Florist shop, greenhouse
f) Professional offices
g) Recreational facilities
h) Research & development facilities
i) Restaurant
j) Retail less than 10,000 Sq. Ft.

TRANSPORTATION & UTILITIES

Code Enforcement Officer review/permit required:

a) Land Management roads and water crossings of standing waters, minor and major flowing waters

Planning Board review required:

a) Intermodal transportation facilities
b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

DIMENSIONAL REQUIREMENTS

Minimum Lot Size
o 60,000 Sq. Ft.
Minimum Lot Size per Principle Structure
o 60,000 Sq. Ft.
Minimum Road Frontage
o Rte. 1 & other state-maintained roads subject to MDOT's Access Mgmt. Standards;
o Lots not on Rte. 1 – 100 ft.
Setbacks from property line
front 30'; side &rear 10'

Maximum building height at ridge line – 40'

RURAL AGRICULTURAL RESIDENTIAL DISTRICT (RAR): The purpose of the Rural Agricultural Residential District is to maintain the rural character of the town, to protect agricultural and forestry uses, to provide open spaces and to provide for lower density residential dwellings. The location of the Rural Agricultural Residential District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Rural Agricultural District.

RESOURCE MANAGEMENT

Uses allowed without review/permit:

a) Forest and agricultural management activities

b) 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

c) Surveying and other resource analysis

d) Wildlife/fishery management practices

RESOURCE EXTRACTION

Uses allowed without review/permit:

a) Commercial timber harvesting

Code Enforcement Officer review/permit required:

a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells

b) Production of commercial agricultural products

Planning Board review required:

a) Mineral extraction operations for any purpose affecting an area 2 acres or greater in size

RESIDENTIAL

Police Department review/permit:

g) Yard, porch, barn, garage sale
   (a) Each sale no more than 3 consecutive days
   (b) 4 sales per year to a residence

h) On-Site auction sale
   (a) Each sale no more than 2 consecutive days
   (b) 1 sale per year to a residence

Code Enforcement Officer review/permit required:

a) Dwelling – single-family detached

b) Dwelling – multi-family: two unit or duplex

c) Home occupations

d) In Law apartment

Planning Board review required:

a) Boarding care

b) Dwelling unit: above or behind a commercial establishment

RESIDENTIAL (continued)

Planning Board review required:

c) Dwelling - multi-family; 3 or more families, including apartments

INSTITUTIONAL

Planning Board review required:

a) Cemeteries

b) Churches

c) Day Care Centers

d) Fraternal Orders and Service Clubs

e) Medical Clinic

f) Museum

g) Nursing Homes

h) Public and private schools, post-secondary education facilities

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required:

a) Auction hall, flea market

b) Bait & tackle sales

c) Beauty Shops

d) Bed and Breakfast

e) Boarding Kennels

f) Boat storage facilities

g) Campgrounds

h) Craft, tradesman shop, art gallery, antique shop i) Florist shop, greenhouse

j) Funeral home

k) Golf course

l) Grocery Store

m) Professional Offices

n) Recreation facilities

o) Research & development facilities

p) Sporting Cabins

q) Towers

r) Veterinary Clinic/Hospital

s) Windmills

(Continued on next page)

RURAL AGRICULTURAL RESIDENTIAL DISTRICT (RAR) (Continued)

INDUSTRIAL **Planning Board review required:** a) Lumber Yard/Sawmill **TRANSPORTATION AND UTILITIES** **Code Enforcement Officer review/permit required:** a) Land Management roads and water crossings of standing waters, minor and major flowing waters **Planning Board review required:** a) Inter modal transportation facilities b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review **Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.**	**DIMENSIONAL REQUIREMENTS** Minimum Lot Size o 3 acres Minimum Lot Size per Dwelling Unit o 1 acre (less if cluster housing provisions are met) Minimum Road Frontage o 200 ft. Setbacks from property line o Front 25 ft. o Side and Rear 10 ft. Maximum Building Height – 40 ft.

SECTION V: LAND USE STANDARDS

SECTION USERS GUIDE: This section contains general performance standards with which all new 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 protecting against adverse impacts on the environment, neighboring properties, and the public interest. This assurance is provided by separating the areas of the Town of Searsport 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".

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 PERFORMANCE STANDARDS

The following provisions shall apply to all permitted uses, and failure to comply with any of these standards shall be considered a violation of this Ordinance:

1. 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.

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

3. 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 as proscribed by the Wastewater Superintendent.

4. Noise – The level of sound, inherently and recurrently generated from industrial or commercial facilities shall not exceed 70 dBA between 7:00 a.m. and 7:00 p.m. (the "daytime hourly limit"), and 60 dBA between 7:00 p.m. and 7:00 a.m. (the 'nighttime hourly limit') at or within the boundaries of any lot used for a residential purpose, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices.

In addition to the sound level standards otherwise established, commercial or industrial facilities or operations shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones. Tonal sound is defined as a sound wave usually perceived as a Hum or which because its instantaneous sound pressure varies essentially as a simple sinusoidal function of

time. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one (1) second.

Determination of noise violation: A noise violation shall be considered to exist when the Code Enforcement Officer or their designee is able to confirm the complaint from the same residential lot within two (2) separate twenty-four-hour periods. The Code Enforcement Officer shall only respond to a complainant who confirms that the noise is detectable at the time of the actual complaint. In order to confirm a complaint, the Code Enforcement Officer or their designee shall first determine that a noise is detectable in the area of the complaint. The Code Enforcement Officer or their designee shall interview the complainant to verify that the detectable noise is in fact the noise that resulted in the complaint. If the complainant verifies the noise as the source of the complaint, then the Code Enforcement Officer shall notify the owner or operator of the alleged noise source either in person or by telephone within one (1) working day, with a written confirmation within seven (7) working days of the complaint. The Code Enforcement Officer shall work with the operator of the alleged noise source to identify the source of the noise and any means by which the noise may be reduced to an acceptable level. If such informal means do not remedy the violation, the Code Enforcement Officer may, in his or her discretion, issue a Notice of Violation in accordance with this Ordinance.

5. Lighting - All exterior lighting shall minimize adverse impact on neighboring properties. See **Section VIII.**

6. Odor Nuisance - Purpose. The Town finds that because most odorous pollutants have a complex chemical composition and may elicit a broad spectrum of responses by the receptors, special methods must be employed in their measurement and characterization. Although analytical data are more precise and may be useful in identifying a source, it is the human response or the sensory data that is most critical in determining the necessary degree of odor control. Analytical data may be used to specify permissible emission levels from a source, but sensory data must be employed to assess the impact in the surrounding community. The latter is the Town's primary concern.

a. Objectionable Odor Determination. An odor will be deemed objectionable and is a public nuisance when any of the following occurs:

   a) Creates a public nuisance at common law; or

   b) The erection, continuance or use of any building or place for the exercise of trade, employment or manufacture which, by noxious exhalations or offensive smells, become injurious and dangerous to the health, comfort or property of individuals or the public; or

   c) An officer from the Searsport Police Department shall assist the Code Enforcement Officer in investigating complaints and determine, through personal observation, that the odor at the property line of the source based on Town Tax Maps or elsewhere in the Town is objectionable, taking into account its nature, concentration, location, and duration and are able to identify the source.

d) Odor caused by use of other than best management practices applicable to said commercial activity for any commercial property.

b. Compliance. No odor source, land use, facility, or activity shall be exempt from complying with the odor management standards contained in this Ordinance. The odor standards apply to all existing and future odor sources, land uses, facilities and activities in the Town, except as otherwise provided herein.

c. Observation Procedures. Odor observation shall be undertaken to arrive at a determination that an objectionable odor exists shall be at or beyond the property line or at or near places where people live or work.

d. Enforcement. In the event that the Code Enforcement Officer or Searsport Police Department receives complaints that smells or odors are detectable beyond the property line, the following process shall be used to correct the odor problem:

a) Commercial property.

1) Within three (3) business days of receiving a complaint, the Code Enforcement Officer shall investigate the property to assess the situation and discuss odor compliance with the business operator, including but not limited to asking the business operator what is being done to mitigate odors. If the Code Enforcement Officer detects odor beyond the property lines, the Code Enforcement Department shall provide verbal notice of violation to the business operator and instructions to comply with odor management provisions of this Ordinance. The Code Enforcement Officer shall require the business operator to be in conformance of this Ordinance within five (5) business days.

2) If after five (5) business days the complaints persist and/or the Code Enforcement Officer continues to observe an odor issue, the Code Enforcement Officer shall request the assistance of a law enforcement officer to investigate the complaints. If the Code Enforcement Officer and the law enforcement officer observe odor issues as described above, the Code Enforcement Officer shall notify the business operator of the violation in writing and require notification of conformance within ten (10) business days.

3) If complaints persist and the Code Enforcement Officer or the Police Department continue to observe odor issues after the ten (10) business day period as described above, the Code Enforcement Officer shall provide a second written notice of violation and require the business operator to submit a written report from a mechanical engineer with recommendations for modification/improvement of the ventilation system within thirty (30) days and installation of recommendations and notice of compliance within forty-five (45) days.

4) If the business operator has not submitted the required report within thirty (30) days, or if the business operator has not submitted evidence of compliance within forty-five

(45) days as described above, the Code Enforcement Officer shall provide a third and final written notice of violation and turn the matter over to the Town Attorney.

5) If the business operator has not submitted the required report within thirty (30) days as described above or if the business operator has not submitted evidence of compliance within forty-five (45) days, the Select Board may temporarily suspend any license or permit after notice and a public hearing.

6) If the business operator has not submitted the required report and evidence of compliance within ninety (90) days, the Select Board may permanently revoke any municipal license or permit, after notice and a public hearing, and impose penalties pursuant to Section f. set forth herein.

b) Residential property.

1) Within three (3) business days of receiving a complaint, the Code Enforcement Officer shall investigate the property to assess the situation and discuss odor compliance with the residential property owner or renter. If the Code Enforcement Officer detects odor beyond the property lines, the Code Enforcement Department shall provide verbal notice of violation to the residential property owner or renter and instructions to comply with odor management provisions of this Ordinance. The Code Enforcement Officer shall require the residential property owner or renter to be in conformance of this Ordinance within five (5) business days.

2) If after five (5) business days the complaints persist and/or the Code Enforcement Officer continues to observe an odor issue, the Code Enforcement Officer shall request the assistance of a law enforcement officer to investigate the complaint. If the Code Enforcement Officer and the law enforcement officer observe odor issues as described above, the Code Enforcement Officer shall notify the residential property owner or renter of the violation in writing and require within ten (10) business days evidence, that affirmatively demonstrates, that the applicant has made adequate provision for the control of odors and is in conformance with this Ordinance.

3) If after ten (10) days the residential property owner or renter is not in conformance as described above the Select Board, after notice and a public hearing, may impose penalties pursuant to Section f set forth herein.

e. Exemptions.

a) Complaints related to outdoor burning will be directed to and enforced by the Searsport Fire Chief.

b) Smoke or odors originating from:

1) The recreational use of outdoor grills, fireplaces and camp fires, or

2) Wood, pellet or coal stoves when used as the primary or secondary source of heat for homes, commercial buildings or other structures.

3) Wood, pellet or coal furnaces when used as the primary or secondary source of heat for homes, commercial buildings or other structures.

4) Outdoor wood boilers when used as the primary or secondary source of heat for homes, commercial buildings or other structures.

f. Penalties.

a) Any person who violates Section VA6d(a)(6) of this Ordinance commits a civil violation for which a forfeiture not to exceed one thousand dollars ($1000.00) per day may be adjudged.

b) Any person who violates Section VA6d(b)(3) of this Ordinance commits a civil violation for which a forfeiture not to exceed fifty dollars ($50.00) per day may be adjudged.

B. SPECIFIC PERFORMANCE STANDARDS

No permit shall be approved unless the standards set forth below (if applicable to the type of use) are met.

1. ADULT ENTERTAINMENT

Refer to Adult Entertainment Ordinance

2. CLUSTER DEVELOPMENT

If 25% to 50% of the site is permanently preserved as open space a corresponding reduction in the minimum lot area per dwelling unit shall be allowed. This approach is an incentive to preserve open space. In no case shall lots served by subsurface sewage disposal systems be less than 20,000 square feet.

3. HOME OCCUPATIONS

The purpose of the Home Occupation provision is to permit the conduct of those activities that are otherwise allowed within the Districts in which they are located. Home occupations are limited to those uses which may be conducted within a residential dwelling, accessory structure or on the property without

substantially changing the appearance or condition of the residence or accessory structure, or materially injuring the usefulness of the residence or accessory structure for normal residential purposes. Home occupations initiated after the Effective Date of this Ordinance shall be approved by the Code Enforcement Officer in accordance with the general approval standards set forth in this Ordinance as well as the standards below.

Any home occupation or profession which is accessory to, subordinate to and compatible with a residential use may be permitted by the Code Enforcement Officer if it conforms to the following conditions. If any activities carried out on otherwise residential premises are not incidental or subordinate to the residential use, they shall be treated as an independent non-residential use and subject to the same permit requirements, review procedure and standards as would be applicable to the category of use if not connected with a residence.

a. The home occupation shall be principally carried on within the dwelling or accessory structure. Necessary parking areas or incidental storage of equipment shall be permitted.
b. The home occupation shall be conducted only by a person or persons residing in the dwelling unit, and/or not more than two employees;
c. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours, shall not be permitted;
d. 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, and
e. The home occupation may utilize for public access:
    i. Basement spaces;
    ii. One accessory structure;
    iii. Unfinished attic spaces to be used for storage only;
    iv. Home occupations which involve use or storage of hazardous or leachable materials in excess of normal residential use are not permitted, and
    v. In no case shall the home occupation be open to the public at times earlier than 7:00 A.M. nor later than 9:00 P.M.

Any home occupation which does not meet one or more of the above performance standards shall be considered in violation of this Ordinance and may be subject to prosecution or required to be permitted as a commercial use.

4. JUNKYARDS / AUTOMOBILE GRAVEYARDS / AUTOMOBILE RECYCLING BUSINESSES

Refer to the Maine State Statues Title 30, M.R.S.A. Section 3751 et. seq. to Regulate Junkyards, Automobile Graveyards and Automobile Recycling Businesses

5. MANUFACTURED HOUSING

All manufactured housing sited within the Town of Searsport after the adoption of this ordinance must meet the standards of the Manufactured Home & Construction Safety Standards of the Department of Housing & Urban Development adopted in 1976.

6. SIGNS

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

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

b. Off Premise Signs: No off-premise sign shall be erected or maintained in the Town of Searsport except in conformity with Title 23 MRSA, Section 1901-1925, and The Maine Traveler Information Services Law. Off premises official business directional signs may be located in the Town of Searsport in such a location and in such a manner as allowed under Title 23, Section 1901-1925 and under the rules and regulations of the Department of Transportation of the State of Maine.
c. Exempt Signs: Traffic control signs, signals, and/or devices regulating or enhancing public safety erected by a governmental body are exempt from the provisions of this section except as otherwise provided for herein:

d. Changeable Signs: Changeable signs shall not be permitted except in conformance with the Town of Searsport Changeable Signs Ordinance.

e. A Bed and Breakfast shall be limited to two signs, each not to exceed 9 square feet.

7. TOWERS – Refer to Searsport Wireless Facilities Ordinance

8. TRANSIENT ACCOMMODATIONS: "BED AND BREAKFAST" "Bed and Breakfast" accommodations shall be permitted in the private residence of the host family who live on the premises provided that:

a. The maximum number of guests at any time is sixteen (16) persons;
b. The maximum number of beds is eight (8);
c. Meals are only served to registered guests;
d. Two (2) signs, each not to exceed nine (9) square feet, are permitted on the premises.

9. WINDMILLS – Refer to Searsport Wind Energy Ordinance

10. WIRELESS FACILITIES – Refer to Searsport Personal Wireless Facilities Ordinance

11. ACTIVITIES REQUIRING SITE PLAN REVIEW

Any new commercial, retail, industrial, institutional use, or any residential use comprising three or more dwelling units, shall require approval pursuant to the Site Plan Review Ordinance. The specific types of uses subject to the Site Plan Review Ordinance shall be as provided therein.

12. AFFORDABLE HOUSING DENSITY

In any district in which a maximum density requirement is applicable, an affordable housing development may be allowed at least 2.5 times the base density otherwise permitted within the district in which it is located and may not be required to provide more than two off-street parking spaces for every three dwelling units. In calculating the allowances permitted under this Section, any fractional result shall be rounded down to the nearest whole number. These allowances shall be granted to any such affordable housing development that satisfies the following performance standards:

a. The affordable housing development is located within a designated growth area (H, R2, R3, MR, R, C, C2, C3, Mand I) or served by public water and sewer systems.

b. The affordable housing development is located on a property on which multiple family dwellings are permitted;

c. The affordable housing development is located on a property that complies with the minimum lo size requirements of 12 **M.R.S.A.** c. 423-A;

d. The owner or applicant must provide written verification, in accordance with 30- A M.R.S.A. § 4364-A(4) and any rules or regulations adopted pursuant thereto, that each dwelling unit is or will be connected to adequate water and wastewater services; and

e. As a condition of final approval and the issuance of a certificate of occupancy, the owner or applicant must execute and record in the Waldo County Registry of Deeds a restrictive covenant. in the fo of a deed or other recordable instrument, satisfying the following criteria:

a) The restrictive covenant must be enforceable by the Town or a party acceptable to the Town;

b) The restrictive covenant must remain in full force and effect for a period of at least 30 years; and

c) The restrict covenant must provide for the following restrictions on the use of the property: *(* 1) f dwelling units offered for rent, that all dwelling units designated as affordable shall be occupied by families whose aggregate income is equal to or less tha 80% of the local area median income at the time of initial occupancy; and (2) for dwelling units offered fo sale. that all dwelling units designated as affordable shall be occupied by families whose aggregate incom is equal to or less than 120% of the local area median income at the time of initial occupancy. If this definition is in conflict with 30-A **M.R.S.** § 4364(1). as it may be amended. the definition set forth in said statute shall control.

13. ADDITIONAL DWELLING ALLOWANCE

Notwithstanding any minimum lot size or density requirements, additional dwelling units may be permitted in any district in which residential uses are permitted as follows:

a. Up to four dwelling units may be constructed on any vacant property located in a designated growth ar (H. R2, R3. MR. R. C, C2. C3, Mand I);
b. Up to two dwelling units may be constructed on any vacant property outside of a designated growth area; and
c. Up to two additional dwelling units may be constructed on any property on which no more than one dwelling unit currently exists.

Additional dwelling units permitted in accordance with this section must satisfy the following standard

d. All additional dwelling units shall be subject to the same dimensional and setback requirements as single-family dwelling units; and
e. The owner or applicant must provide written verification. in accordance with 30- **A M.R.S.A.** § 4364-A(4) and any rules or regulations adopted pursuant thereto. that each additional dwelling unit is c will be connected to adequate water and wastewater services.

14. ACCESSORY DWELLING UNITS

Accessory dwellings shall be subject to Code Enforcement Officer review and shall be permitted subject t the following standards:

a. The accessory dwelling unit may be constructed in any district in which residential uses are permitted within an existing dwelling. attached to a single- family detached dwelling unit or as a separate accesso building.
b. The accessory dwelling unit shall be subject to the same permitting requirements as a dwelling unit. if located within or attached to an existing dwelling. or a single-family detached dwelling. if constructed a a separate building.
c. No more than one accessory dwelling unit may be located on any property on which a single-family detached dwelling is the principal building or principal use:

d. Density and lot size requirements otherwise applicable to the district in which the accessory dwelling is located shall not apply to the accessory dwelling unit;
e. The accessory dwelling unit is subject to the same setback requirements applicable to an accessory building;
f. No additional parking may be required for any accessory dwelling:
g. The accessory dwelling unit shall be at least 190 square feet in size and no more than 1000 square feet of 40% of the principal dwelling. Whichever is less.
h. OPTIONAL: The accessory dwelling unit shall not be rented for periods of less than 30 days.
i. If two or more accessory dwellings units have been constructed on a single lot in accordance with Section 13 or this Section, the property is ineligible for any further exceptions to density requirements imposed by this Ordinance.
j. No permit for an accessory dwelling unit may issue until the applicant has provided written verification that the accessory dwelling unit will have adequate connection to water and wastewater services, as required by 30-A M.R.S.A §4364-B(7). as amended.

SECTION VI: ADMINISTRATION OF THIS ORDINANCE 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. CREATION OF ADMINISTERING BODIES AND AGENTS

1. CODE ENFORCEMENT OFFICER

The Code Enforcement Officer shall approve, approve with conditions, or deny those applications over which he/she has jurisdiction 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 Planning Board of the Town of Searsport is hereby designated as the Planning Board heretofore, established in accordance with Article VIII, Pt.2, Section 1, of the Maine Constitution and Title 30-A MRSA, Section 3001. The Planning Board shall be appointed by the Select Board of the Town of Searsport. The Planning Board is empowered to approve, approve with conditions, or deny applications over which it has jurisdiction as provided in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.
3. BOARD OF APPEALS

The Board of Appeals for the Town of Searsport shall be established and governed in accordance with the Town's Board of Appeals Ordinance.

B. APPROVAL REQUIRED

After the effective date of this Ordinance, no person shall construct any building or structure or 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, and determine compliance with the submission requirements set forth herein. The Code Enforcement Officer or Planning Board may require the submission of additional information deemed necessary to determine conformance with the provisions of this Ordinance.

D. CODE ENFORCEMENT OFFICER PERMIT

In addition to any other permits or approvals required, a permit issued by the Code Enforcement Officer shall be required before beginning or undertaking any of the following activities:

1. ACTIVITIES REQUIRING PERMIT

a. FLOOD HAZARD AREAS: All construction or earth moving activities or other improvements within the 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. The permitting authority shall be as designated in Section V of this Ordinance. Site Plan Review may also be required – see the Site Plan Review Ordinance.

d. PLACEMENT OF SIGNS: Placement of signs except temporary signs, except where approved by the Planning Board as part of a site plan review.

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

f. DEMOLITION: No demolition of a building or structure or portion thereof, shall commence until after the issuance of a Demolition Permit by the Code enforcement Officer.

g. CHANGE OF USE: The change of use any premises. The Code Enforcement Officer shall determine whether a particular activity constitutes a Change of Use as defined in this Ordinance. If the change is to a type of use for which Site Plan Review is required, a Site Plan approval shall be obtained from the Planning Board.

h. SECTION IV: F. SCHEDULE OF USES. Any activity requiring a Land Use Permit issued by the Code Enforcement Officer, in accordance with the Land Use Ordinance Schedule of Uses.

E. APPLICATION AND REVIEW PROCEDURES

1. APPLICATION:

All applications for a permit required by this Ordinance shall be submitted, with fee if applicable, in writing to the Code Enforcement Officer on forms provided. The Planning Board and/or Code

Enforcement Officer may waive items not applicable to the development or may require information not specified below but which is pertinent to the development:

2. SUBMISSIONS:

All applications for a permit shall be accompanied by a sketch plan, accurately drawn to scale and showing actual dimensions or distances, and showing:

a. The actual shape and dimensions of the lot for which a permit is sought;

b. The location and size of all buildings, structures, and other significant features currently existing on the lot, as well as all water bodies and wetlands within two hundred fifty feet (250') of the property lines;

c. 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;

d. The existing and intended use of each building or structure;

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

f. Where Site Plan Review is required under the Site Plan Review Ordinance, the application shall include a site plan and other materials required by the Site Plan Review Ordinance.

g. Such other information as may be reasonably required by the Code Enforcement Officer or Planning Board to provide for the administration and enforcement of this Ordinance.

3. TO WHOM ISSUED:

A permit shall be issued to none other than the applicant or his authorized agent. Written proof of authorization shall be required from the owner of record, if not the applicant.

4. COMPLIANCE WITH LAND USE ORDINANCE:

All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable standards set forth in Section V of this Ordinance.

5. DEADLINE FOR ACTION:

The Code Enforcement Officer shall, within thirty (30) days of receipt of a complete application: (1) issue the permit, if the Code Enforcement Officer has jurisdiction over the application and all proposed construction and uses meet the provisions of the Ordinance; (2) refer the application to the Planning Board for its review; or (3) deny the application. All decisions of the Code Enforcement Officer shall be in writing. The Planning Board in its review of any application shall follow the procedures outlined in the Site Plan Review Ordinance.

6. COPIES:

One (1) copy of the application, with the permit or other written decision, 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.

7. 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.

8. COMMENCEMENT AND COMPLETION OF WORK:

Construction and alteration activities on projects for which a permit has been granted under this Section shall be completed within twenty-four (24) months of the date of issuance of that permit. Activities 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 and a substantial portion has been completed. If an application for extension is not submitted, then 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.

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 and licenses 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. Has received, or as a condition of approval, will receive all other permits or approvals required under other applicable Town of Searsport Ordinances related to the use of property, including but not limited to the Site Plan Review Ordinance, Shoreland Zoning Ordinance, Subdivision Ordinance, Halfmoon Pond Watershed Protection Ordinance and Floodplain Management Ordinance;
4. Will provide safe access and egress from existing or proposed public and private roads.

H. CERTIFICATE OF OCCUPANCY REQUIRED

A certificate of occupancy is required prior to occupying any structure or commencing any use granted approval under the provisions of this ordinance and shall be obtained from the CEO. A certificate of occupancy shall be granted if the CEO finds that the structure or use has received all applicable Town-issued permits, is in compliance with any conditions imposed by said permits, and conforms to provisions of the Land Use Ordinance, electrical code, plumbing code, Americans with Disabilities Act, Life Safety 101and NFPA 31 and may be safely used or occupied. Such a certificate shall be required for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

I. VIOLATIONS AND ENFORCEMENT

1. VIOLATION.

Any construction of buildings or structures, and any use of land, buildings or structures except in conformance with the provisions of this Ordinance shall be deemed a violation of this Ordinance and 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 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 Select Board, upon notice from the Code Enforcement Officer, are hereby authorized 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. PENALTIES.

Any person or persons who violate any provision(s) of this Ordinance or any permit issued under the provisions of this Ordinance, shall be subject to civil penalties in accordance with the provisions of Title 30-A MRSA § 4452.

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.

J. APPEALS

1. APPEALS.

The Board of Appeals shall hear appeals from final decisions of the Code Enforcement Officer and Planning Board on decisions to grant or deny permits or approvals pursuant to this Ordinance in accordance with the Town's Board of Appeals Ordinance. Appeals shall be filed within 30 days of the Code Enforcement Officer or Planning Board's official, written decision on the application.

2. VARIANCES.

The Board of Appeals shall authorize variances in accordance with the procedures set forth in the Town's Board of Appeals Ordinance. Variances may be granted only under the following conditions:

a. Variances may be granted only from the dimensional requirements including, but not limited to, lot size, structure height and setback requirements.
b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
c. The Board of Appeals shall not grant a variance unless it finds that:
   i. The proposed structure or use would meet the requirements of the Ordinance except for the specific provision from which relief is sought; and
   ii. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
      1. That the land in question cannot yield a reasonable return unless a variance is granted;
      2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
      3. That the granting of a variance will not alter the essential character of the locality; and
      4. That the hardship is not the result of actions taken by the applicant or a prior owner.
d. Notwithstanding Section J(2) 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.
e. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

K. FEE SCHEDULE. All application fees for permits shall be paid to the Town of Searsport in accordance with the fee schedule as promulgated by the municipal officers upon recommendation of the Planning Board. 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 HISTORIC PRESERVATION COMMISSION

The intent of Section VII of this Ordinance is to provide a legal framework within which the residents of the Town of Searsport can protect the historic, architectural and cultural heritage of significant areas, landmarks and sites in Searsport, while accepting as appropriate new construction that is compatible. The intent of the Section is to safeguard, in the face of intensified growth pressures, the structures and areas that give beauty and pleasure to residents, attract visitors and new residents, give the Town its distinctive character, and educate the community about its past. Once destroyed, historic architecture, areas, sites, and scenic resources cannot be replaced. To prevent such losses this

ordinance endeavors to: protect the outward appearance and architectural features of designated sites or landmarks and structures within designated districts and individual historic properties; prevent the demolition or removal of designated historic properties, sites, landmarks and significant historic structures within designated districts; preserve the essential character of designated districts and historic properties by protecting design and spatial relationships of groups of buildings and structures; accept new buildings and structures in designated districts that are designed and built in a manner, which is compatible with the character of the district.

A. Creation and Organization of Searsport Historic Preservation Commission

1. Membership:

The Historic Preservation Commission shall be established consisting of five (5) regular commissioners and two (2) alternate commissioners, who shall be residents of Searsport. An alternate commissioner shall become a voting commissioner only when so designated by the Commission Chairperson due to the absence of a regular commissioner. Members of the Commission shall have a demonstrated interest, knowledge, or training in historic preservation or closely related fields, the historical and architectural development of Searsport and shall be appointed with due regard to the proper representation of such fields as history, architectural history, architecture, landscape architecture, planning, engineering, archeology, law and building construction to the extent that such professionals are available in the community. In addition to regular and associate members the Select Board may appoint expert persons, not necessarily residents of the Town of Searsport, who shall serve in an advisory or consultant basis to assist members of the Historic Preservation Commission in the performance of their function. Advisory or consultant members shall participate in all hearings and discussions, but they shall not be voting members. They shall serve at the pleasure of the Historic Preservation Commission.

2. Terms of Office:

Commissioners shall be appointed by the Select Board for a term of three (3) years, except that the initial appointments shall be staggered so that subsequent appointments shall not recur at the same time. Two (2) members of the Historic Preservation Commission shall be initially appointed to serve terms of three (3) years; two (2) shall initially be appointed to serve terms of two (2) years, and the remaining member shall be appointed to serve a term of one (1) year. All appointments thereafter, shall be for a term of three (3) years; except in those instances in which the appointment is made to fill a vacancy in an unexpired term, in which case the appointment shall be made for the remainder of the unexpired term. A vacancy shall be created when a commissioner or alternate commissioner moves his/her residence from the town, resigns, death, or is removed by the Town Select Board. Should a vacancy occur, within sixty (60) days the Select Board will appoint a replacement to serve the unexpired term of that Commissioner, whether regular or alternate commissioner. In the event of an absence of a regular Commissioner from a meeting, the chairperson shall designate an alternate Commissioner, who shall have full authority to sit in the place of the absent member.

3. Election of Officers:

   Annually and normally at the first meeting after the annual town meeting or the first meeting after a vacancy, the Commission shall elect a Chairperson, Vice-Chairperson and Secretary by majority vote of its members. The Secretary shall: keep complete and accurate minutes and records of Historic Preservation Commission meetings; prepare agendas of regular and special meetings with the Chairman; provide notice of meetings to Historic Preservation Commission Members; arrange proper and legal notice of hearings; attend to all correspondence of the Historic Preservation Commission and to other duties normally carried out by a Secretary. The Secretary shall keep a complete and accurate record of all resolutions, transactions, correspondence, findings and determinations of the Historic Preservation Commission and shall maintain attendance records, resumes of Historic Preservation Commission Members, and appointments of Historic Preservation Commission Members. All records maintained and/or prepared by the secretary are public records and may be inspected during normal business hours at the town office. The Chairperson, Vice-Chairperson and Secretary shall serve until the next meeting directly after the next annual town meeting. All elections shall be held in a public meeting.

4. Training:

   All Commissioners are encouraged to maintain and develop their knowledge of historic preservation and are required to attend at least one informational or educational meeting per year, sponsored by the Maine Historic Preservation Commission, pertaining to the work and functions of the Searsport Historic Preservation Commission or to historic preservation.

5. Removal from Office:

   The Select Board may dismiss, prior to the expiration of his/her term, a regular or alternate commissioner for just cause, upon written charges and after notice and hearing.

6. Quorum:

   To conduct the business of the Commission, at least three (3) Commissioners (regular or alternate) must be present. Regardless of the number of Commissioners present and voting, a majority of at least three (3) affirmative votes is required to decide every question.

7. Meetings and Public Hearing Notice:

   All proceedings of the Commission shall be conducted in accordance with the provisions of the Freedom of Access Law, Title 1 M.R.S.A., § 401-410. Public notice and agenda shall be posted at the municipal office seven (7) days prior to the meeting. A notice of Public Hearings shall be posted in a newspaper of general circulation in the municipality at least seven (7) days prior to the Hearing. This notice shall include the date, time, and place of the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven (7) days prior to the hearing. A

copy of the notice shall be sent by First Class mail to abutting landowners and to the applicant, at least ten (10) days prior to the hearing.

8. Rules of Procedure:

   The Commission shall be governed by the most recent revision of Robert's Rules of Order.

9. Conflicts of Interest:

   In the event of a direct or indirect personal or financial interest in the subject of review, the Commission member will refrain from all deliberations and voting on the subject. The remaining members of the Commission shall decide by vote when a conflict is present.

B. Duties, Functions, and Powers of the Historic Preservation Commission

a. Assist, advise and educate residents, property owners, and officials of the various departments of the Town of Searsport concerning the physical and financial aspects of preservation, renovation rehabilitation and re-use of historic and/or archaeological sites, structures, buildings or landmarks.

2. Assist, advise and educate residents, property owners, and officials of the various departments of the Town of Searsport on the requirements of this Ordinance and the protection of local cultural resources.

3. Promote and conduct an educational and interpretive program on historic preservation and historic properties and sites in Searsport.

4. Review and process applications for Historic Preservation Certificates, Historic Preservation Certificates for Demolition, alterations, new construction, relocation and other actions affecting designated historic and prehistoric properties and/or districts in Searsport. Issue Certificates of Appropriateness.

5. Serve as an advisor to the Town regarding historical and cultural resources.

6. Recommend to the Select Board the establishment and/or revision of historic and archaeological sites, historic landmarks, historic buildings, local landmarks, and historic districts.

7. Review all proposed National Register nominations for properties within the Town of Searsport.

8. Conduct a continuing survey of local historic and cultural resources in accordance with the guidelines of the Maine Historic Preservation Commission.

9. Solicit grants, fees, appropriations and gifts of money and service dedicated to its functions, to hire clerical and technical assistance, publish educational materials, conduct surveys of properties or otherwise carry out its duties.

10. Request reports and recommendations from the Town departments and other organizations and sources that may have information or advice with respect to an application.

11. Submit an annual report of activities of the Commission to the Maine Historic Preservation Commission.

12. Establish and use written guidelines for the preservation of designated local landmarks and historic districts in decisions on requests for permits for new construction, alterations, demolition, relocation, additions to, or other actions affecting listed landmarks and buildings with in historic districts.

13. Act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation.

C. Historic Districts Qualifications:

The historic districts, historic landmarks, or historic sites established in accordance with this Section shall have one or more, or any combination of the following characteristics and qualifications, without limitations as to cultural or chronological period:

1. Structures or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social, or sociological history of the Town of Searsport and/or the nation, including sites and buildings at which visitors may gain insight or see examples either of particular items or of larger patterns in the North American heritage.

2. Structures or sites associated with historic personages, great ideas or ideals.

3. Structures or structural remains and sites embodying examples of architectural types or specimens valuable for study of a period, style, or method of building construction, of community organization and living, or of landscaping; or a notable structure or site representing the work of a master builder, designer, architect or landscape architect.

4. Structures contributing to the visual continuity of the historic district.

5. Those sites or areas on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.

D. Establishment of Historic Districts, Historic Sites, or Historic Landmarks

1. A proposal for the establishment or enlargement of an historic district, historic site, or historic landmark shall be initiated by, the Select Board, the Planning Board, the Searsport Historical Society, the Historic Preservation Commission itself, or by petition by one hundred (100) or more residents of the Town of Searsport. Historic Districts shall be established and enlarged by amendment to Section VIIE Any application/proposal for the establishment of an historic district shall be in writing, directed to the Chairman of the Historic Preservation Commission, and shall include the following:

    a. A statement on the remaining physical elements which make the proposed area an

historic district, and a description of building types, architectural styles, and the periods represented.

b. A statement of how the proposed historic district meets the qualifications in Section VIIC.

c. A map showing the proposed boundaries, and a written justification of the boundaries.

d. A map showing all structures within the proposed historic district with identification of structures contributing to the significance of the historic district, and identification of non-contributing structures within the proposed district.

2. Historic Landmarks and Historic Sites shall be established and enlarged by amendment to Section VIIE. Any application/proposal for the designation of an historic landmark or historic site, shall be in writing, directed to the Chairman of the Historic Preservation Commission, and shall include the following:

a. A description of the physical elements, qualities, architectural style, period and historical significance represented by the proposed landmark or site, including a consideration of scale, materials, workmanship and spatial qualities as relevant.

b. A statement of how the proposed landmark or site meets the qualifications in Section VIIC.

c. A map showing the proposed boundaries, and a written justification of the boundaries.

d. Photographs of the proposed landmark or site illustrating the significant detail(s) described in Section VIID2a.

3. Review of Application for the designation of Historic Districts, Historic Sites, or Historic Landmarks.

The Historic Preservation Commission shall review the applications/proposals for the designation of Historic Districts, historic sites, or historic landmarks. Before making the Historic Preservation Commission's recommendations to the Town, the Historic Preservation Commission shall conduct studies and research on the proposal. The Historic Preservation Commission may appoint individuals or organizations to assist in the studies. The Historic Preservation Commission shall forward a draft of the proposal/application to the Planning Board and the Maine Historic Preservation Commission for review and comment.

4. Public Hearing

A public hearing shall be held within sixty (60) days of receipt of the application/proposal. Written notice of the application/proposal shall be given by mail, seven (7) days prior to the hearing date, to the applicant(s), owners of all property to be included within the proposed district(s), and all other persons found by the Historic Preservation Commission to have special interest in the proposal, including the historical organizations in Town. Notice of the hearing shall be included in a newspaper of general circulation at least seven (7) days prior to

the hearing date. Failure of any property owner to accept or receive notice of the hearing shall not constitute grounds for objections by such petitioner, and shall not invalidate any recommendations made by the Historic Preservation Commission.

5. Final Report

Within sixty (60) days after the public hearing, the Historic Preservation Commission shall report its findings on the application/proposal including the views of affected and interested parties, and recommendations, to the Select Board. Amendments which include recommendations for Historic Districts, historic sites and historic landmarks shall be enacted by Town Meeting in accordance with State and Municipal laws.

E. Historic Overlay District, Historic Districts, Sites, and Landmarks Designated

The following described lands, buildings or structures or areas of the Town which are designated historic districts, historic sites or historic landmarks, as follows:

Historic Districts.

Penobscot Marine Museum Historic District
- Congregational Church Vestry
- Old Searsport Town Hall
- Captain Merithew House
- Nickel-Colcord, Duncan House
- Fowler-True-Ross House

Searsport Downtown Historic District
- Bank Building Map 12 Lot 36
- Sargent Block Map 12 Lot 35
- Nichols Block Map 12 Lot 34
- Ice Cream Parlor Map 12 Lot 32
- Richard Smart Building Map 12 Lot 31
- Marrithew Block Map 12 Lots 27 &26
- Methodist Church Map 12 Lot 23
- Smart Block Map 15 Lot 23
- Leach Block Map 15 Lot 44
- Pendelton Block Map 15 Lot 45 &47
- Whitcomb Block Map 15 Lot 47

East Main Street Historic District
- Captain John Nichols House
- Captain John McGilvery House
- Captain William McGilvery House
- Captain John P. Nichols
- Captain A.V. Nichols

Historic Landmark- Reserved

Historic Site
- Union Hall
- Mortland Family Home
- Union School, Mt. Ephraim Rd.
- Carver Memorial Library
- James G. Pendleton House, 81 West Main St.
- College Club Inn, 190 West Main St.

F. District Standards

Where any property included within the Historic Overlay District is the subject of a land use approval under this or any other Searsport ordinance, the application may be referred to the Historic Preservation Commission, which may make findings as to whether the following standards will be met by the development. On the recommendation of the Planning Board, the Historic Preservation Commission or the Code Enforcement Officer the Select Board may appoint expert persons to serve in an advisory position or on a consultant basis to assist the Planning Board, the Historic Preservation Commission or Code Enforcement Officer in the performance of their functions. Such person or persons need not be residents of the Town and may, by authorized prearrangement with the Planning Board, the Historic Preservation Commission or Code Enforcement Officer and Select Board, receive compensation. Such findings shall be advisory to the Code Enforcement Officer or Planning Board, which shall make final determinations and may place reasonable conditions related to these standards.

1. Every reasonable effort shall be made maintain the integrity of existing buildings, structures or grounds, giving due consideration to the economic feasibility of maintaining such buildings, structures or grounds.

2. The distinguishing original qualities of character of a building, structure or site shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided when reasonably possible.

3. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis should be avoided when reasonably possible.

4. Distinctively stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be retained wherever feasible.

5. Deteriorated architectural features shall be repaired rather than replaced, wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture, color, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

6. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall be avoided when possible.

G. Planning Board and Historic Preservation Commission Approval Needed

The following changes to buildings, structures and sites in the Historic Overlay District or listed on the National Register of Historic Places will require Planning Board and the Historic Preservation Commission approval. The Historic Preservation Commission will issue a Certificate of Appropriateness if the application is approved by the Commission.

1. Any change in the exterior appearance of an historic landmark, an historic site or any building in an historic district if such change requires a building or sign permit from the Code Enforcement Officer.

2. New construction of a principal or accessory building or structure visible from a public street where such building or structure will be located in an historic district.

3. Moving of an historic landmark or any building in an historic district.

4. Any change, except minor repair, in siding materials, roofing materials, door and window sash and integral decorative elements, such as, but not limited to, cornices, brackets, window architraves, doorway pediments, railing, balusters, columns, cupolas and cresting and roof decorations.

5. Other improvements or alterations to the site where a historic landmark, historic site or building in a historic district is located which require Planning Board approval.

H. Public Hearing

A hearing on the application will be conducted on the application as outlined in Section VII D4.

I. Standards of Evaluation

The standards and requirements contained in this section and the Secretary of the Interior's Standards for Rehabilitation (1990 Edition) and the Secretary of the Interior's Standards for the Treatment of Historic Properties (1995 Edition) shall be used in review of applications.

1. Construction of new buildings and structures in historic district. The construction of a new building or structure within an historic district shall be generally of such design, form, proportion, mass, configuration, building material, texture, color and location on a lot as will be compatible with other buildings in the historic district and with streets and open spaces to which it is visually related and in keeping with the area.

2. Visual compatibility factors for new construction and additions. Within historic districts, historic sites or historic landmarks, all new construction and all new additions shall be visually related generally in terms of the following factors:

   a. Height. The height of proposed buildings shall be compatible with adjacent buildings.

   b. Proportion of building's front facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings, structures and open spaces where it is visually related.

   c. Proportion of openings within the facade. The relationship of the width of the windows to the height of windows and doors in a building shall be visually compatible with that of windows and doors of buildings to which the building is visually related.

   d. Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with that of the buildings to which it is visually related.

   e. Rhythm of spacing of buildings on streets. The relationship of the building to the

open space between it and adjoining buildings shall be visually compatible with that prevailing in the area to which it is visually related.

f. Rhythm of entrance and/or porch projection. The relationship of entrances and porch projections to sidewalks of a building shall be visually compatible with that of buildings to which it is visually related.

g. Relationship of materials and textures. The relationship of the materials and textures of the facade of a building shall be visually compatible with that of the predominant materials used in the buildings to which it is visually related.

h. Roof shapes. The roof shape of a building shall be visually compatible with that of the buildings to which it is visually related.

i. Scale of building. The size of the building, the building mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with those characteristics of buildings and spaces to which it is visually related.

j. Directional expression of front elevation. A building shall be visually compatible with the building, squares and places to which it is visually related in its directional character, whether this shall be vertical character, horizontal character or nondirectional character.

3. Standards for renovations, alterations and repairs of existing buildings, structures and appurtenances thereof.

a. Within historic districts, historic sites and historic landmarks, the Board and Commission shall use the standards listed below in the evaluation of an application for all renovations, alterations and repairs of existing buildings, structures and appurtenances thereof:
    1) Every reasonable effort shall be made to provide a compatible use which will require minimum alteration to the structure and its environment.
    2) Rehabilitation work shall not destroy the distinguishing qualities nor character of the structure and its environment. The removal or alteration of any historic material or architectural features should be held to a minimum.
    3) Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on physical or pictorial evidence rather than on conjectural designs or the availability of different architectural features from other buildings.
    4) Distinctive stylistic features or examples of skilled craftsmanship which characterize historic structures and often predate the mass production of building materials shall be treated with sensitivity.
    5) Changes which may have taken place in the course of time are evidence of the history and development of the structure and its environment, and these changes shall be recognized and respected.
    6) All structures shall be recognized as products of their own time. Alterations to create an earlier appearance shall be discouraged.
    7) Contemporary design for additions to existing structures shall be

encouraged if such design is compatible with the size, scale, material and character of the neighborhood, structures or its environment.

8) Wherever possible, new additions or alterations to structures shall be done in such a manner that if they were to be removed in the future the essential form and integrity of the original structure would be unimpaired.

b. In determining compliance with these standards, the Board and Commission shall be guided, although not bound, by the Guidelines for Applying the Secretary of the Interior's Standards for Rehabilitation and the Secretary of the Interior's Standards for the Treatment of Historic Properties.

J. Exceptional Circumstances.

The Board and Commission may approve an application where the standards otherwise set forth in this section are not met but where the Board or Commission determines that failure to approve the application would result in undue hardship to the owner of the property. Before the Board or Commission may issue a Certificate of Appropriateness under this subsection, the records must show the following:

The property cannot yield a reasonable economic return or the owner cannot make any reasonable use of the property. Reasonable economic return shall not be construed to mean a maximum return, and any reasonable use shall not be construed to mean the highest and best use.

a. Ordinary maintenance permitted; public safety.

Ordinary maintenance permitted. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior feature in an historic district or of any historic landmark which does not involve a change in the design, material or outer appearance thereof.

b. Safety. Nothing in this section shall prevent the construction, reconstruction, alteration, restoration or demolition of any feature which the Code Enforcement Officer shall certify is required by the public safety because of an unsafe or dangerous condition.

K. Demolition Delay

Purpose: While the Demolition Delay cannot and does not prohibit anyone from demolishing or altering historically significant or sensitive homes, it does at least give the town and the Searsport Historic Preservation Commission (HPC) the chance to preserve the architectural and historical features as a record for the future. This section is presented in furtherance of the policy set forth in the Growth Management Act, the Maine State goal, to preserve the State's historic and archaeological resources, and the Searsport Comprehensive Plan.

No applications for the act of demolition as allowed by a building permit or demolition permit for a structure 50 years or older shall be approved by the Code Enforcement Officer (CEO) until the Historic Preservation Commission (HPC) makes a determination as to its historic or architectural significance, and has the opportunity to pursue alternatives to demolition that will preserve, rehabilitate, or restore it or properly record

it. Alternatives must be mutually agreeable to the Committee and the applicant. The Demolition Delay shall apply to all structures in the Town, not limited to those previously landmarked or included in a Historic District or on the National Register.

1. Upon receiving a request to demolish a structure 50 years old or older, the CEO shall date the application and promptly forward a copy of the application to the Chairman of the HPC.

2. The HPC will conduct a Public Hearing within 60 days of the HPC's receipt of the applicant's request to demolish, unless an extension is agreed to by both the Committee and the applicant. The purpose of the Public Hearing shall be to determine whether the structure is of sufficient historical or architectural significance for the HPC to pursue alternatives to demolition. Written notice of the public hearing shall be given by first class mail to the applicant and to owners of abutting properties of the applicant's lot at least 7 days prior to the hearing date. The CEO and any consultants or professional advisors of the HPC shall also be notified. The HPC shall post the meeting notice in the Town Hall and publish notice of the date, time, and place of the hearing in a newspaper of general circulation in Searsport at least 7 days prior to the Hearing.

3. Should the HPC make a determination of historical or architectural significance, they shall seek alternatives to demolition. The period for pursuing alternatives to demolition shall not be more than 60 days beyond the determination of significance, or a total of 120 days from the date of the HPC's receipt of request for demolition, unless an extension is agreed to by both the HPC and the applicant.

4. There shall be a notice posted of intent to demolish visible on the property throughout the period of HPC review in order to encourage public awareness and input into the review process.

5. Following the Public Hearing, and at the same meeting, the HPC shall determine if the building or structure, or the portion of the building or structure to be demolished is significant enough to warrant pursuit of alternatives to demolition. The following actions may be taken following the Public Hearing:

a. If it is determined to be not significant, the HPC shall transmit this decision to the CEO, who shall be authorized to issue the permit to demolish immediately.

b. If it is determined to be significant, the HPC shall transmit this decision to the CEO, who shall be prohibited from issuing the permit to demolish until the 120-day delay is fulfilled. Criteria for determining structure significance shall be based upon one or more of the following:

i. Structures or archaeological sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social, or sociological history of Searsport or nation.

ii. Structures or archaeological sites associated with Town historic personages, great ideas or ideals.

iii. Structures or archaeological sites on or eligible for listing on the National Register of Historic Places or in the Local Historic District.

iv. Structures or archaeological sites embodying examples of architectural types or specimens valuable for study of a period, style, or method of building construction.

c. Failure to make a determination of significance within 60 days shall also constitute HPC approval of the application for demolition.

6. Any alternative to structure demolition must be mutually agreed upon in writing by the applicant and the HPC.

7. The HPC shall be authorized to obtain photographic or professional documentation of a structure determined to be significant at no expense to the applicant.

8. In the event a structure is demolished before the review process is completed, no building permits shall be issued to the applicant, for construction on the lot the demolished building occupied for a period of 2 years. Any permits current for the applicant shall be revoked.

9. In the event a structure is deemed a danger to life or property by the CEO, the CEO may allow demolition before the review deadline.

10. Waivers. The HPC may, upon the applicant's request, waive any part of the 120-day delay period procedures. Such action shall be taken only upon:

a. A finding of the HPC that the strict application of the demolition delay provisions to the applicant and his property would cause undue hardship that could not be reasonably avoided. Undue hardship shall not include mere inconveniences or incidental financial loss;

b. The HPC finds that the goals and objectives of the demolition delay can be achieved in less than (120) days.

11. All demolition work shall be completed within thirty days of permit issuance. When circumstances beyond the permittee's control prevent completion of the work, the permittee may request an extension in writing to the CEO prior to expiration of the permit. Requests for extension must indicate why additional time is necessary to complete the work.

12. A demo delay decision by the HPC is not transferrable to a new owner of the property. If the property is sold during the demo delay period, then the demo delay will restart at the date of closing. Once a demo delay has expired, but before a demolition permit is issued by the CEO, and the property is sold to a new owner, the demo delay application process begins again.

13. Appeals. Any action of the Historic Preservation Commission may be appealed in writing directly to the Board of Appeals, by the affected party.

L. Solar Energy Systems

Solar energy system installations proposed for properties located within a historic district, historic site or historic landmark must receive a certificate of appropriateness ("COA") from

the Historic Preservation Commission. The HPC may issue a COA for a Solar Energy System installation that meets the criteria specified herein as permitted within the underlying zoning district.

1. Criteria for Certificate of Appropriateness --General:
    a. Solar Energy System should be sited so they will not substantially alter, obscure, or add to the exterior features of the historic resource or visually intrude on the overall historic character of the historic resource.
    b. Solar Energy System should, if possible, be installed on new additions or non-historic structures on the site.
    c. Multiple placement options and site locations should be considered for Solar Energy System installation(s) including using a ground-mounted system instead of a roof-mounted, building integrated or building-mounted system.
2. Criteria for Certificate of Appropriateness--Specific Types of Solar Energy
    a. For Ground-Mounted Solar Energy Systems: a. Solar Energy Systems shall be installed in a location that is not highly visible from public streets, and screening may be required to further limit visibility.
    b. Solar Energy Systems shall not detract from any character defining features of the site, which may include both natural and designed features.
3. For Building-Integrated Solar Energy Systems:
    a. Solar Energy Systems shall be unobtrusive and shall not impair the historic integrity of a building by removing, altering, or obscuring historically significant architectural features of the building or adding historically contrasting features to the building.
    b. Solar Energy Systems shall not be highly visible from a public street, or if visible, the system shall not be distinguishable from the building.
3. For building mounted photovoltaic and roof-mounted Solar Energy Systems:
    a. Solar Energy Systems shall be unobtrusive and shall not impair the historic integrity of the building by removing, altering, or obscuring historically significant architectural features of the building or adding historically contrasting features to the building.
    b. Roof-mounted Solar Energy Systems shall be placed on a non-character-defining roof plane or a non-primary elevation, shall not alter a roof plane or character defining feature such as a dormer or chimney, shall run parallel to the original roof plane, shall not extend more than nine inches above the roof plane, and shall not extend above the roof ridge line.
    c. Building mounted photovoltaic and roof-mounted Solar Energy Systems shall not contrast with the color of the roof or the building surface on which they are mounted.
    d. Character defining elements such as historic windows, walls, siding, or shutters which face public streets and contribute to the character of the building shall not be altered, removed, or obscured in connection with the installation of a Solar Energy System
4. The HPC has the discretion to waive any of the above criteria which, if strictly applied would significantly decrease the efficiency, specified performance, or conservation benefits of the proposed Solar Energy System.

M. Administration and Enforcement

1. An Historic Preservation Certificate issued under this Ordinance shall expire if the authorized activity does not commence within one (1) year of the date of issue and if the activity is not completed within two (2) years of said date. The Commission may extend the Certificate for up to one (1) year for good cause.
2. Section VII of this Ordinance shall be administered by the Commission and enforced by the Code Enforcement Officer (CEO).
3. The CEO shall investigate all complaints of alleged violations of this Section, and shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to Certificate approvals.
4. The CEO shall keep a complete record of all essential transactions, including applications submitted, Certificates granted or denied, variances granted or denied, revocation actions, violations investigated, violations found, and fees collected.
5. If the CEO finds that any provision of the Section is being violated, the CEO shall notify the person responsible for the violation in writing, indicating the nature of the violation and ordering the action necessary to correct it. A copy of the notice and order shall be submitted to the property owner, the Select Board and the Searsport Historic Preservation Commission. Any such notice is not a prerequisite to bringing any legal action, and the failure to give notice shall not in any way affect such legal action.
6. The Select Board, upon notice from the CEO, shall institute any and all actions, and proceedings, either legal or equitable, including seeking injunctions against violators and the imposition of fines that may be appropriate or necessary to enforce the provisions of this Section in the name of the Town of Searsport. The Select Board, or their authorized agent, is hereby authorized to enter into consent agreements for the purpose of eliminating violations of this Section and assessing fines without Court action. Such agreements should not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of verified erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith.
7. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Section shall be assessed a monetary penalty on a per-day basis in accordance with Title 30-A M.R.S.A., § 4452.

N. Historic Preservation Commission Appeals

The Board of Appeals shall hear appeals from final decisions of the Searsport Historic Preservation Commission to grant or deny permits or approvals pursuant to this Ordinance in accordance with the Town's Board of Appeals Ordinance. Appeals shall be filed within 30 days of the written decision of the Searsport Historic Preservation Commission. All appeals shall be reviewed as limited appellate reviews of decisions of the Searsport Historic Preservation Commission. The Board of Appeals shall restrict its review to the record developed by the Searsport Historic Preservation Commission and may only reverse or modify the decision or failure to act of the Searsport Historic Preservation Commission if that decision or failure to act, was clearly contrary to the specific provisions of the applicable ordinance or law, was based upon a misinterpretation of an ordinance or law, was based upon findings of fact unsupported by substantial evidence in the record or was based on an abuse of discretion.

SECTION VIII LIGHTING

A. STATEMENT OF NEED AND PURPOSE

1. The town of Searsport recognizes the following:

   a. Improperly located lighting can cause unsafe and unpleasant condition;

   b. Excessive lighting can cause unsafe, unhealthful and unpleasant conditions, waste electricity and threaten the natural environment;

   c. Obtrusive lighting can cause unsafe and unpleasant conditions;

   d. Proper lighting can enhance safety and enjoyment of the built environment;

   e. On balance, lighting with a higher color rendering index (CRI) provides more desirable lighting than lighting with a lower CRI; and.

   f. Illumination levels should be appropriate to the visual task.

2. This section is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

   a. Allow appropriate lighting levels to preserve safety, security, and the nighttime use and enjoyment of property;

   b. Reduce light pollution, light trespass, glare, and offensive lighting;

   c. Promote energy conservation;

   d. Allow people in residential areas to view the stars against a dark sky;

   e. Enhance the aesthetics of the built environment; and

   f. Protect the character of the natural environment and preserve ecological values.

B. APPLICABILTY

1. New construction/uses. The provisions of this section apply to parking lots, buildings, structures, and land uses requiring either Planning Board or Code Enforcement approval.

2. Expansion and redevelopment. The provisions of this section apply to the entire building/structure, parking area, or use, as appropriate, under the following conditions:

   a. when a building or structure is expanded in size by 25 percent or more;

   b. when the area of a parking area is expanded by 25 percent or more;

   c. when an outdoor use (e.g., outdoor storage, vehicle sales) is expanded by 25 percent or more; and

   d. any other activity subject to site plan or subdivision review.

3. Exemptions. The following are exempt:

a. lighting required by the Federal Aviation Administration (FAA) for aviation control/safety;

b. seasonal lighting displays using low-wattage lamps between November 15 through January 15 of the following year;

c. lights used by police, fire, and medical personnel during an emergency;

d. luminaires attached to a residential building which are less than 2,000 lumens and mounted below the eaves; and

e. lighting placed underwater to illuminate swimming pools or fountains, for lamp type and shield standards only.

C. PROHIBITED LIGHTING

The following types of outdoor lighting are specifically prohibited:

1. lighting that could be confused for a traffic control device;

2. lighting that is oriented upward, except as otherwise provided for in this ordinance;

3. searchlights, beacons, and laser source light fixtures;

4. lights that blink, flash, move, revolve, flicker, change intensity, or change color;

5. any lamp or bulb when not within a luminaire and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting; and

6. lighting inside of an awning when the awning material is translucent.

D. GENERAL STANDARDS

1. ILLUMINATION LEVEL AT PROPERTY BOUNRARY LINE

When a commercial or industrial use abuts a residential use, lighting must be designed so that the illumination at the property boundary line that is attributable to the subject property does not exceed 0.3 foot-candles. When a commercial or industrial use abuts a public right-of-way, or another commercial or industrial use, lighting must be designed so that the illumination at the property boundary line does not exceed 1.0 foot-candles;

2. POLE-MOUNTED LUMINAIRES

Luminaires must not be taller than 15 feet in residential and downtown districts or when placed within 50 feet of a residential zoning district. In all other zoning districts, luminaires must not be taller than 30 feet;

3. BUILDING-MOUNTED LUMINAIRES

In non-residential zoning districts, building-mounted luminaires must not be taller than 30 feet or the height of the principal building, whichever is less. The use of wall-mounted unshielded luminaires (e.g., "wall-pack") is discouraged;

4. OVERHEAD ELECTRICAL LINES PROHIBITED

For new installations, electrical lines for luminaires mounted on freestanding poles must be placed underground between poles.

5. MATERIALS FOR LIGHT POLES

Light poles must be anodized, painted or otherwise coated so as to minimize glare from the light source;

6. CONTINUED MAINTENANCE

Lighting installations must be maintained in good repair to meet the provisions of this ordinance on an on-going basis.

7. LIGHTING CURFEW

For parcels with non-residential uses, lighting in vehicle parking areas containing 20 parking spaces or more must be reduced to 50 percent of permitted levels one hour after the business closing to one hour before the business opens. If lighting levels are already below 50 percent of permitted levels, no curfew adjustment is required;

8. LUMINAIRE TYPES

Full-cutoff luminaires must be used in parking areas, along internal streets, and along pedestrian ways. The town may allow cutoff luminaires or semi-cutoff luminaires in these locations when the overall uplight would be less than for full-cutoff luminaries. To promote a unified development theme, post top luminaires (also referred to as period lighting) may be used as an alternate if they have built-in reflectors that effectively eliminate uplight. Except as provided in this ordinance, all other luminaires must be directed downward and the light source must be shielded so that it is not visible from any adjacent property;

9.MAXIMUM AVERAGE LIGHTING LEVELS

Average lighting levels must not exceed the standards provided for in Exhibit 1. For those areas not specified, the planning board must work with the applicant to set an appropriate level on a case-by-case basis in keeping with the intent of this ordinance;

10. MAXIMUM UNIFORMITY RATIO

In all parking areas and along sidewalks and other pedestrian walkways, an average to minimum uniformity ratio of 6:1 or better must be maintained;

Exhibit 1 Maximum average light levels	
Location	**Foot candles**
At entries for residential, commercial, And industrial buildings	**5.0**
At loading areas (berths) associated with A commercial or industrial use	**10.0**
In parking areas for multi-family uses	**3.0**
In parking areas for non-residential uses	**5.0**
Along sidewalks and other pedestrian walkways	**3.0**

Under service station canopies	**10.0**
In general storage areas for commercial And industrial uses	**8.0**
In vehicular display areas	**10.0**
Playgrounds	**5.0**
Sports grounds	**20.0**

11. MINIMUM COLOR RENDERING INDEX (CRI)

In all parking areas and along sidewalks and other pedestrian walkways, lighting must meet or exceed the minimum color rendering index as provided for in Exhibit 2.

Exhibit 2 Minimum color rendering index (CRI) for parking areas and pedestrian ways	
District	**Minimum CRI**
Residential zoning districts	**60**
Downtown area	**60**
Mixed Residential	**60**
Rural Agriculture residential	**60**
Commercial zoning districts Except downtown area	**20**
Industrial zoning district	**20**
Historic Overlay and Marine district	**80**

E. SPECIAL STANDARDS FOR SPECIFIC APPLICATIONS

These standards are in addition to the foot candle standards and CRI standards specified in Exhibits 1 and 2.

1. FLAG POLES, STATUES AND SIMILAR MONUMENTS

A flagpole bearing a state flag, a flag of the United States or a flag of a foreign nation may be illuminated, provide the following standards are met:

a. The luminaires must be fully shielded.

b. Upward aiming luminaires must be placed as close to the base as possible.

c. The luminaires must not collectively exceed 40,000 mean lumens.

Public statues, memorials or similar monuments may also be lighted upon approval by the planning board, provided the above standards are met.

2. BUILDING FAÇADE LIGHTING

The exterior of a building may be lighted provide the following standards are met:

a. The lighting is done to accentuate an architectural or aesthetic element of the building, not the entire building.

b. The light must only be directed onto the building façade and not spillover beyond the plane of the building.

c. Upward aimed lighting must not exceed 4,000 mean lumens per accent feature, must be fully shielded, and mounted as flush to the wall as possible.

d. Lighting exceeding 4,000 mean lumens per accent feature must be aimed downward, fully shielded, and mounted as flush to the wall as possible.

3. SIGN LIGHTING

Signs may be lighted consistent with the following standards:

a. Ground signs that are less than 6 feet in height may be internally lit, lighted from above provided the luminaire is no taller that the top of the sign, or lighted with ground mounted lights provided the lights are fully shielded and mounted as close to the sign as possible.

b. Ground signs 6 feet in height or taller may be internally lit or lighted from above provided the luminaire is no taller than the top of the sign.

c. Wall signs may be internally lit or lighted with ground mounted lights provided the lights are fully shielded and mounted as close to the wall as possible.

4. CANOPY LIGHTING

Lighting associated with a canopy used for a vehicular shelter must meet the following standards:

a. Luminaires beneath a canopy must be either a full-cutoff luminaire or mounted so the luminaire or lens, whichever is lower, does not project below the bottom of the canopy surface.

b. The sides or top of the canopy must not be illuminated, except as permitted by the sign lighting standards.

c. Lighting installed beneath a canopy must be pointed downward and substantially confined to the ground surface directly beneath the perimeter of the canopy.

d. Lighting beyond the perimeter of the canopy must be consistent with the lighting standards for parking areas.

5. TELECOMMUNICATIONS FACILITIES

Telecommunications facilities must be unlit, except for the following:

a. A manually-operated or motion-detector controlled light above the equipment shed door which must be kept off except when personnel are actually present at night.

b. The minimum tower lighting required by the Federal Aviation Administration or other state or federal requirement. Where tower lighting is required, it must be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby properties, particularly residences.

6. RECREATIONAL FACILITIES

Lighting for outdoor athletic fields, courts, or tracks must meet the following standards:

a. Lighting installations must be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

b. Light trespass and glare must be reduced to the greatest extent possible given the illumination constraints of the design. When an outdoor athletic field abuts a residential district, lighting as a goal should be designed so that the illumination at the property boundary line that is attributable to the subject property does not exceed 0.5 foot-candles.

c. Lighting used to illuminate the athletic surface must be turned off within one hour after the last event of the night.

d. Lighting must be designed by a registered engineer having experience with lighting installations.

SECTION IX: 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, or corporation, 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 permissive;
e. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied"; and The word "dwelling" includes the word "residence."

2. 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.
3. 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 property / Abutter: Any lot which is physically contiguous with the subject lot even if only at a point, and any lot which is located directly across a street or right of way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

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

Accessory Structure: 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".

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

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

Adult Entertainment: Any business in any use category which meets the definition of an "Adult Entertainment Business Establishment" as defined in the Town of Searsport Adult Entertainment Business Establishments Ordinance.

Adult Use Cultivation Facility: a facility licensed under this ordinance and Maine Title 28-B Chapter 1 to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to Adult Use Products Manufacturing Facilities, to Adult Use Marijuana Stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to Adult Use Marijuana Stores.

Adult Use Marijuana Store: a facility licensed under this ordinance to purchase adult use marijuana, immature marijuana plants and seedlings from an Adult Use Cultivation Facility, to purchase adult use marijuana and adult use marijuana products from an Adult Use Products Manufacturing Facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Adult Use Marijuana Testing Facility: a facility licensed under this ordinance to develop, research and test adult use marijuana, adult use marijuana products and other substances.

Adult Use Products Manufacturing Facility: a facility licensed under this ordinance to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Affordable: means (I) for dwelling units offered for rent, a dwelling unit for which a family whose aggregate income is less than 80% of the median income for the area would spend no more than 30% of its monthly income on housing costs; and {2) for dwelling units offered for sale or permanent ownership, a dwelling unit for which a family whose aggregate income does not exceed 120% of the median income for the area would spend no more than 30% of its monthly income on housing costs. For purposes of this definition, "median income for the area" is defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public

Law 75-412, 50 Stat. 888, Section 81 as amended. For purposes of this definition, "housing costs" include but are not limited to the cost of rent and utilities paid for rental dwelling units and the cost of mortgage principal and interest, real estate taxes and assessments. private mortgage insurance, and condominium and homeowners' association fees for dwelling units offered for sale.

Affordable housing development: One or more dwelling units on a single property that are offered for rent or sale, provided that at least 51% of such dwelling units are designated as affordable by the owner or developer.

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 ingress or egress; or an enlargement, whether by extending on a side or by increasing height; or in moving from one location or position to another.

Amusement Park: A commercially operated park with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, and the like.

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.

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.

Archaeological Site a place (or group of physical sites) in which evidence of past activity is preserved (either prehistoric or historic or contemporary), and which has been, or may be, investigated using the discipline of archaeology and represents a part of the archaeological record. These sites may include but are not limited to, those with few or no remains visible above ground, buildings and other structures still in use, artifacts, terrain features, graphics (paintings or drawings, etc.) and the evidence of plants or animals.

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 to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 101, subsection 42, or parts of the vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations.

A. "Automobile graveyard" does not include:

(1) An area used for temporary storage of vehicles or vehicle parts by an establishment or place of business that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable. In order for a vehicle's storage to be considered temporary, it must be removed from the site within 180 calendar days of its receipt;

(2) An area used by an automobile hobbyist to store, organize, restore or display antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles, street rods or parts of these vehicles as these vehicles are defined in Title 29-A, section 101 as long as the hobbyist's activities comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this subsection regarding the storage of vehicles or vehicle parts that are collected by a hobbyist, except that a municipal ordinance may require areas used by an automobile hobbyist to comply with the screening requirements in section 3754-A, subsection 1, paragraph A and the standards in section 3754-A, subsection 5, paragraph A, paragraph B, subparagraph (1) and paragraph C. For the purposes of this subparagraph, an automobile hobbyist is a person who is not primarily engaged in the business of selling any of those vehicles or parts from those vehicles;

(3) An area used for the parking or storage of vehicles, vehicle parts or equipment intended for use by a municipality, quasi-municipal entity or state or federal agency;

(4) An area used for the storage of operational farm tractors and related farm equipment, log skidders, logging tractors or other vehicles exempted from registration under Title 29-A, chapter 5;

(5) An area used for the parking or storage of vehicles or equipment being offered for sale by a dealer, equipment dealer, trailer dealer or vehicle auction business as defined in Title 29-A, section 851;

(6) An area used for the storage of vehicles by an establishment or place of business that is primarily engaged in business as a new vehicle dealer as defined in Title 29-A, section 851;

(7) An area used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business; or

(8) An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in Title 29-A, section 101 that is temporarily out of service but is expected to be used by the vehicle or equipment owner or by an operator designated by the owner. This subsection does not exempt an area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area.

Automobile recycling business: The business premises of a dealer or a recycler licensed under Title 29-A, sections 851 to 1112 who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, as long as 80% of the business premises specified in the site plan in section 3755-A, subsection 1, paragraph C is used for automobile recycling operations.

A. "Automobile recycling business" does not include:

(1) Financial institutions as defined in Title 9-B, section 131, subsections 17 and 17-A;

(2) Insurance companies licensed to do business in the State;

(3) New vehicle dealers, as defined in Title 29-A, section 851, licensed to do business in the State; or

(4) That portion of the business premises that is used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business.

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 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.

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 residence of the host family, consisting of a maximum of eight guest beds and 16 guests at any one time. Meals may be served only to overnight guests.

Boarding Care/House: A facility for the care of individuals where meals are provided.

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: Any structure having a roof or partial roof, supported by columns or walls, used for the shelter or enclosure of persons, animals, goods or property of any kind. Where independent units with separate entrances are divided by walls, each unit is a building.

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.

Building Height: The height measured to roof ridge or peak, excluding accessories such as cupolas, steeples, etc.

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.

Campground: Any land area specifically designed and developed, containing two 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.

Caregiver Retail Store: means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public

and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

Change of Use: The change in the type or intensity of business use. For example, a gift shop to a restaurant is a change of use. One gift shop to another gift shop is not a change of use, provided the intensity of use is unchanged. Intensity of use is an assessment by the reviewing authority of conditions such as, but not limited to, operating hours, noise, exterior lighting, amount of customer traffic, or signage. If the Code Enforcement Officer finds as a preliminary matter that the overall intensity of use will be increased by 25% or more, the activity shall be reviewed as a change of use.

Cluster Development: The development, according to an approved plan, of a large tract of land where three (3) or more residential 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 Select Board to administer and enforce this Ordinance.

Color rendering index (CRI): means a scale used to describe the visual effect of light on colored surfaces. Natural daylight is assigned a color rendering index of 100. The scale is shown in the table below. These are times, such as in historic districts, where good color rendering is important. However, the lights that produce the best color rendering may also be the least energy efficient.

Color Rendering Index Values for Light Sources	
LIGHT SOURCE	**CRI**
Clear Mercury	**17**
White Deluxe Mercury	**45**
Warm White Fluorescent Tube	**55**
Cool White Fluorescent Tube	**65**
Deluxe Warm White Fluorescent	**73**
Daylight Fluorescent	**79**
Metal Halide 4200K	**85**
Deluxe Cool White Fluorescent	**86**
Metal Halide 5400K	**93**
Low Pressure Sodium	**0-18**
High Pressure Sodium	**25**
100-Watt Incandescent	**100**
Source: Illuminating Engineering Society of North America	

Commercial: The buying or selling of goods or services or the provision of facilities for a fee.

Condominium: Portions of real estate which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, or an amendment to a declaration and duly recorded. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Any real estate development consisting exclusively of clustered, detached, single family residences is not a condominium, unless so designated in the declaration.

Conference Center: A building constructed for the purpose of educational and/or recreational meetings, seminars or performances.

Cultivation or Cultivate means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing or marijuana extraction.

Cultivation Facility: A cultivation facility is a facility licensed to grow, prepare, and package marijuana. 28-B M.R.S. § 102(13). Cultivation licensees are authorized to sell the marijuana they grow and package to other establishments licensed under the Adult Use Marijuana Act, but they may not sell marijuana to registered caregivers or dispensaries distributing marijuana pursuant to Maine's medical marijuana laws. They also cannot sell marijuana to consumers unless they have a separate marijuana store license. 28-B M.R.S. § 501(8). A cultivation licensee may fall within one of 4 tiers of cultivation facility licenses, depending on the plant canopy square footage. 28-B M.R.S. § 301.

There is also a subset of the cultivation license called a "nursery cultivation facility" license. Nurseries may not cultivate more than 1,000 square feet of plant canopy. However, in addition to growing marijuana and selling to other licensed adult use marijuana establishments, nurseries can also sell immature plants, seedlings and seeds directly to consumers without obtaining a separate store license. A nursery cultivation licensee that wishes to sell to consumers must section off a portion of the licensed facility dedicated to that purpose, and that portion must comply with all applicable rules related to the operation of marijuana stores.

Cutoff Luminaire: means a luminaire where less than 2.5 percent of the lamp lumens occur at or above the horizontal plane and no more than 10 percent of the lamp lumens occur above 80 degrees.

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 3 or more children under the age of 16 unrelated to the operator, not 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 13 or more children on a regular basis; and Day Care Home: A Day Care Facility as defined in State statutes for 3 to 12 children on a regular basis.

Demolition: The destruction, removal, or relocation of a structure not classified as an incidental structure, or the permanent or temporary removal of more than fifty percent or more of the roof area as measured in the plan view; or fifty percent or more of the perimeter walls of a building as measured contiguously around the building or any exterior wall facing a public street. Incidental structures are accessory buildings such as sheds, fences, play structures, and so forth.

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

Dwelling: A building or portion thereof, used exclusively for residential occupancy.

Dwelling, Accessory: A self-contained dwelling unit, featuring living, cooking and bathroom facilities. designed for and occupied by not more than one (1) family and located within. attached to or detached fro a single-family dwelling.

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 containing two (2) Dwelling Units.

Dwelling, Multiple Family: A building or structure containing three (3) or more Dwelling Units.

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.

Educational Facility: Any building consisting primarily of classroom space which is used for offering courses, lectures, training seminars or other similar use, including, but not limited to, private nursery, kindergarten, elementary, middle, secondary and post-secondary schools.
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.

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.

Flea Market: An outdoor market selling antiques, used household goods, curios, and the like, at a frequency of four or more days in any six-month period.

Foot-candle: means a measure of light falling on a given surface. One foot candle is equal to one lumen per square foot.

Full-cutoff Luminaire: means a luminaire where no light occurs above the horizontal plane and no more than 10 percent of the lamp lumens occur above 80 degrees.

Glare: means an extreme contrast between bright and dark areas in the field of view. It is particularly problematic for road safety, as badly shielded lights along roads may partially blind drivers or pedestrians unexpectedly, and can obscure night vision for up to an hour after exposure.

Golf Course: An outdoor area laid out for the purpose of playing the game of golf, including golf-related and appurtenant structures and uses. This definition excludes miniature golf courses and golf driving ranges (see "Recreation Facility").

Grocery Store: An establishment retailing food and related commodities.

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.

Harvested Marijuana: the plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested marijuana" includes marijuana concentrate and marijuana products.

Highway: Any public way.

Historic District: A geographically definable area possessing a significant concentration or linkage of sites, structures or objects united by past events or aesthetically by plan or physical development and designated in accordance with the requirements of this Ordinance as appropriate for historic preservation. Such historic districts may also comprise individual elements separated geographically, but linked by historical association.

Historic Integrity: The authenticity of a property's historic identity as evidenced by the survival of physical characteristics (location, design, setting, materials, workmanship and association) that existed during the property's prehistoric or historic period.

Historic Landmark: Any site feature or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which is associated with historic personages or important events in local, state or national history which has been designated in accordance with this Ordinance.

Historic Overlay District: A geographically definable area possessing a significant concentration or linkage of sites, structures or objects united by past events or aesthetically by plan or physical development and designated in accordance with the requirements of this Ordinance as appropriate for historic preservation. Such historic districts may also comprise individual elements separated geographically, but linked by historical association.

Historic Site: A parcel of land of special significance in the history or prehistory of the Town and its inhabitants, or upon which an historic event has occurred, or an historic site by virtue of usage and which has been designated as such in accordance with this Ordinance. The term "historic site" shall also include any improved parcel or part of it on which is situated an historic landmark, and any abutting parcel or part of it used as and constituting part of the premises on which the historic landmark is situated as may be designated in accordance with this Ordinance.

Home Occupation:
Any occupation or profession which is accessory to a dwelling unit or residence, and:

1. Is customarily carried on wholly within a dwelling unit or wholly within a structure accessory to a dwelling unit; and
2. Is carried on exclusively by a member or members of the family residing in the dwelling unit, except, however, two additional employees, not residents of the dwelling unit nor members of the family, shall be permitted; and
3. Is clearly incidental and secondary to the use of the dwelling for residential purposes.

Home occupations shall include, without limitation, such uses as antique and/or gift shops, art studios, beauty shops, dressmaking, teaching, television repair, woodworking, studios, or the office of a broker, physician, dentist, attorney, surveyor, engineer, architect, accountant or insurance agent, but only if the specific type of use is otherwise allowed in the district in which it is located.

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.

Illuminance/Illumination: means the amount of light falling on a surface. Illuminance may be measured in lux or in foot-candles.

Illuminating Engineering Society of North America (IESNA): means a professional organization that was created to advance knowledge and disseminate information for the improvement of the lighted environment to the benefit of society. Its membership includes engineers, architects, designers, manufactures, contractors, distributors, utility personnel, educators, students, and scientists.

Immature Marijuana Plant: a marijuana plant that is not a mature marijuana plant or a seedling.

Individual Historic Property: A property that is worthy of preservation because it possesses historic integrity and local, regional, state, or national significance. Important properties may include structures, sites, and objects significant in American history, archaeology, architecture, engineering, or culture, which have been designated as such in accordance with this Ordinance.

Industry/Industrial: Use of premises for assembling, fabricating, finishing, manufacturing, distilling, packaging, or processing. These include but are not limited to assembly facilities, laboratories, power plants, pumping stations, repair shops and the extraction of minerals.

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 relatives or caretakers of the people residing in the principal dwelling.

Inn: An establishment for lodging and entertaining of travelers.

Institutional: A building or use devoted to some public, governmental, educational, charitable medical or similar use.

Intermodal: The shipment of cargo involving more than one mode of transportation.

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 all scrap iron, steel and other scrap ferrous or nonferrous 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.

Kennel, Non-Commercial: An accessory building to a residence designed or used for the accommodation of dogs or cats owned by the occupants of the residence.

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 level/Lighting level: see "Illuminance/Illumination"

Light meter: means a device that measures the amount of light energy falling on a given surface.

Light trespass: means light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited.

Light fixture: See Luminaire.

Light Manufacturing (Light Industry): 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. A light industrial business where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building and does not involve the use or production of flammable, explosive, or other hazardous materials. May include an ancillary retail use through which goods produced on site are sold or served to the public on-site or distributed wholesale to off-site users or resellers. Light manufacturing does not include the refining or other initial processing of basic raw materials such as metal ore, lumber or rubber.

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, 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.

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 recorded lot that at the time of its recordation complied with all applicable laws, ordinances, and regulations.

Lumen: means a measure of light energy generated by a light source. Manufacturers list ratings for all their lamps. Average lumen ratings are slightly lower than initial lumen ratings.

Luminaire: means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Lumberyard/Sawmill: A permanent facility having regular business hours, sawlog specifications and price list; sells lumber wholesale and/or retail at the site.

Manufacturing: (Heavy Industry) denotes the fabrication or assembly of components into finished products on a fairly large scale. Among the most important manufacturing industries are those that produce aircraft, automobiles, heavy machinery, refined petroleum products and ships.

Manufacture or Manufacturing Marijuana: the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

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 placed on an independent chassis, to a building site. For the purposes of this Ordinance, three (3) types of manufactured housing will be referred to:

1. **NEWER MOBILE HOME:** Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards and complies with the Manufactured Housing Construction and Safety Standards Act of 1974, et. seq., which in the traveling mode are 14 body feet or more in width and are 750 or more square feet and are constructed on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation;

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 State's manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which 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 herein.

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-premises restaurant.

Marine Railways: A parallel set of rails running from a marine related facility to the water for the purposes of launching, repairing, and retrieving boats and vessels onto land to which said set of rails is connected.

Marijuana: means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not.

Marijuana Business: Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Testing Facility, Registered Dispensary, Registered Caregiver Retail Store, Adult Use Marijuana Cultivation Facility, Adult Use Marijuana Products Manufacturing Facility, Adult Use Testing Facility, or Adult Use Marijuana Store licensed under this Ordinance.

Marijuana Plant Canopy: the total surface area within the licensed premises of an Adult Use Marijuana Cultivation Facility that is authorized for use at any time by the cultivation facility licensee to cultivate mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of non-contiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants.

Marijuana Products Manufacturing Facility: A products manufacturing facility is authorized to blend, infuse, or extract components of the marijuana plant to make marijuana products such as ointments, tinctures, or edibles, for sale to marijuana stores or other marijuana products manufacturing facilities. 28-B M.R.S. §§ 102(26), (33), (43). Products manufacturing sometimes requires extraction of marijuana concentrate using hazardous solvents such as butane or methyl alcohol. A products manufacturing facility that is going to perform this type of extraction must obtain certification from a professional engineer that the proposed extraction method is safe. 28-B M.R.S. § 502(7)(B).

Marijuana Store: A marijuana store is a facility authorized to sell marijuana and marijuana products directly to consumers. 28-B M.R.S. § 102(34). Marijuana stores are also authorized to sell marijuana paraphernalia, and other non-consumable products (like clothing), as well as consumable products that do not contain marijuana, (like soda or candy). Marijuana stores may not sell tobacco or alcohol products that do not also contain marijuana. Adult use marijuana sales with the use of vending machines, drive-through windows, internet-based platforms, and deliveries, are prohibited. The co-location of adult use and medical marijuana retail stores is also prohibited. 28-B M.R.S. § 504.

Marijuana Testing or test: the research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency.

Marijuana Testing Facility: The purpose of a testing facility is to conduct research, analysis and testing of marijuana and marijuana products for contamination, potency, and safety. 28-B M.R.S. § 102(53), (54). As the quality assurance arm of the industry, testing facility licensees are strictly prohibited from engaging in other aspects of the adult use or medical marijuana industry. Testing facility licensees may not be registered caregivers, or have any interest in a medical marijuana dispensary or any other adult use marijuana establishment. Testing facilities must be certified by the Department of Health and Human

Services and Maine Center for Disease Control, and must be accredited under standards developed by the International Organization for Standardization. 28-B M.R.S. § 503.

Medical Clinic: An office building used by members of the medical profession for the diagnosis and outpatient treatment of human ailments.
Medical Marijuana Dispensary: a state registered dispensary as described, authorized and regulated by the Maine Medical Use of marijuana Act, 22 M.R.S. § 2241 et seq. (2009).

Medical Marijuana Cultivation Facility: a facility licensed under this ordinance to cultivate, prepare and package medical marijuana at a location that is not the residence of the Registered Caregiver or Qualifying Patient.

Medical Marijuana Manufacturing Facility: a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 22 M.R.S. §2423-F.

Medical Marijuana Testing Facility: a public or private laboratory that:

A. Is authorized in accordance with 22 M.R.S. §2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and

B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the State of Maine.

Medical Marijuana Use: the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification.

Medical Marijuana Use Qualifying Patient: a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana in accordance with section 2423-B.

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 Searsport 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 and not operated exclusively on tracks.

Motor Vehicle, Unserviceable: Any motor vehicle which is wrecked, dismantled, cannot be operated legally on any public highway, or which is not being used for the purposes for which it was manufactured.

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

Nadir: means the angle pointing directly downward from the luminaire, or 0
National Register of Historic Places: A register assigned by The National Historic Preservation Act of 1966 as amended that recognizes buildings, sites, districts, structures, and objects significant in American history, archaeology, architecture, engineering, or culture, and identifies them as worthy of preservation.
National Register-Eligible Property: An historic property that is eligible for inclusion in the Register because it meets the National Register criteria, which are specified in the Department of the Interior regulations at 36 CFR 60.4.

National Register-Listed Property: An historic property that has been formally listed in the National Register of Historic Places and accepted by the Secretary of the Interior, who is represented for purposes of the decision by the Keeper of the National Register.

Non-conforming Lot: A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming Structure: A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming Use: Use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-cutoff luminaire: means a luminaire where a considerable amount of light occurs above the horizontal plane.

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 in size or capacity.

Nuisance: A person, structure or act that causes harm, annoyance or inconvenience; any violation of this Ordinance.

Nursing Home: A facility where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

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

Outdoor Recreation: Outdoor recreation activities that are operated by an entity other than a unit of government and which are available for use for a fee, including but not limited to standard golf courses, ice skating, tennis courts, cross-country ski trails, and alpine ski trails and the rental of non-motorized sports equipment, but excluding games and activities common to amusement parks. Private outdoor recreation facilities serving exclusively a residential use shall be considered accessory to the residential use.

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 subject to division or development; may include more than one Lot.

Parking Facility: An area used for the parking of motor vehicles where that use is a primary use or where a separate fee is charged for the privilege of parking. The term "facility" shall also include a commercial parking lot but shall not include a commercial parking garage.

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: An enclosed or unenclosed area, 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.

Party: The applicant(s), his or her authorized agent, all abutting property owners, and such other individuals or organizations as the Planning Board, at its discretion, finds to have a reasonable and identifiable interest in the proposed project.

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 Searsport.

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

Person: Any person, firm, association, partnership, corporation, municipal or other local government entity, quasi-municipal entity, educational or charitable organization or institution or legal entity.

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

Private Road: A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.

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.

Public Road: A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.

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.

Recreation Facility: A place designed and equipped for the conduct of sports and/or leisure time activities including regulation size miniature golf courses and driving ranges, water slides, outdoor amusement centers, spectator sports facilities, race tracks or other similar facilities.

Registered caregiver: a person or an assistant of that person that provides care for a qualifying patient and who is registered by the State of Maine pursuant to 22 M.R.S. § 2425-A.

Registered Caregiver Retail Store: a facility licensed to sell harvested marijuana to qualifying patients for the patients' medical use 22 M.R.S. § 2422(1-F).

Registered Dispensary: an entity registered under 22 M.R.S. § 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

Restaurant: An establishment whose principal business is the sale of food and/or beverages to consumers in a ready-to-consume state

Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption and not for trade.

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. Includes a Private or Public Road.

Sawmill: See Lumberyard/Sawmill

Security lighting: means outdoor lighting used for, but not limited to, illumination for walkways, roadways, and equipment.

Semi-cutoff luminaire: means a luminaire where less than 5 percent of the lamp lumens occur above the horizontal.

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

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

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

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Subdivision – see "Subdivision Ordinance for the Town of Searsport, Maine."

Tradesman's Shop: The shop of a self-employed craftsman or person in a skilled trade.

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.

Uniformity ratio: means the ratio of average illumination to minimum illumination within a given area.

Uplight: means light emitted upward by a luminaire.

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.

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. Refer to the Board of Appeals Ordinance for criteria.

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

Windmill: a mill powered by the wind usually acting on oblique vanes or sails that radiate from a horizontal shaft.

Windmills, Commercial: Wind Energy Systems that produce energy for sale, not personal use or credit.

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.

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 nearest part of any building 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 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 on the lot, extending from the front yard to the rear yard.

TOWN OF SEARSPORT LAND USE ORDINANCE

Revised 3/8/08, 3/7/09, 3/5/10, 3/10/12, 3/7/2015

Amended at the Town Meeting on March 11, 2017
Amended at the Town Meeting on March 10, 2018
Amended at the Town Meeting on March 7, 2020
Amended at the Town Meeting on March 5, 2022
Amended at the Town Meeting on March 11, 2023
Amended at the Town Meeting on March 6, 2024

This is a true and Attested copy by: Sandra J Hayes Sandra J Hayes
, Town Clerk

