Zoning Ordinance
of the Town of

Carrabassett Valley, Maine



As adopted by the Town Meeting
June 30, 1992

As Amended Through
March 12, 2025

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ARTICLE I
TITLE AND PURPOSE

Section 1. Title

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Carrabassett Valley, Maine," and will be referred to herein as the Ordinance.

Section 2. Purpose

This Ordinance, adopted in accordance with Maine Revised Statutes, is designed to encourage the most appropriate use of the land throughout the Town; to promote the Town's Comprehensive Plan; to protect existing village and neighborhood areas and encourage the formation of new residential areas, neighborhoods, and associated centers; to provide for healthy business, recreation, and resort areas; to promote traffic safety; to provide for safety from fire; to provide for adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to conserve natural resources, wildlife habitat, and scenic beauty; and to provide for adequate public services.

Section 3. Applicability

All use of land, buildings, or structures, and all construction of buildings or structures including the erection, relocation, modification, alteration, or expansion shall be carried out in conformance with this Ordinance.

Section 4. Shoreland Zoning Ordinance

In addition to the requirements of this Ordinance, all activities within the Shoreland Zone shall comply with the requirements of the Shoreland Zoning Ordinance. Where the requirements of the Shoreland Zoning Ordinance are more restrictive than the provisions of this Ordinance, those more restrictive requirements shall apply.

ARTICLE II
DEFINITIONS

Section 1. Meaning of Words

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural. The word "lot" shall include "parcel" and "plot." The word "shall" is used to indicate the mandatory and the word "may" is used to indicate the permissive. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Section 2. Definitions

ABUTTING PROPERTY: any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located directly across a public or private street or way from the lot in question.

ACCESSORY STRUCTURE OR USE: a use or structure which is incidental and subordinate to the principal use or structure, allowed in the district in which it is located, and located on the same lot with such principal building or use. An accessory building or structure is a structure detached from the principal building and containing the accessory use. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure. Accessory uses when aggregated shall not subordinate the principal use of the lot.

ADULT USE MARIJUANA: marijuana cultivated, manufactured, distributed or sold by a marijuana establishment.

ADULT USE MARIJUANA PRODUCT: a marijuana product that is manufactured, distributed or sold by a marijuana establishment.

AFFORDABLE HOUSING DEVELOPMENT:

(a) For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as 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 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and

(b) For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as 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 8, as amended, can afford a

majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

(c) For purposes of this definition, "majority" means more than half.

(d) For purposes of this definition, "housing costs" means:

(i) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and

(ii) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

AGRICULTURE: the production, keeping, or maintenance, for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, fruits and vegetables, and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

AMUSEMENT PARK: a commercially operated park with a predominance of outdoor games and activities for entertainment such as motorized rides, water slides, miniature golf, batting cages, and the like.

AREA MEDIAN INCOME: The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

ATTACHED: Connected by a shared wall to the principal structure.

BASE DENSITY: The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in this Zoning Ordinance or the Town's Shoreland Zoning Ordinance, as applicable.

BEDROOM: any room within a dwelling unit that serves primarily as sleeping quarters that is a private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

BUILDING: any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel. Each portion of a building, separated from other portions by a fire wall, shall be considered a separate building.

BUSINESS SERVICE: a service exemplified by the types of services listed under U.S. Standard Industrial Classification Code 73, including but not limited to: advertising, credit reporting and collection, mailing and reproduction services, services to buildings, personnel supply services, computer and data processing services, management and public relations, and the business offices of corporations or firms.

CENTRALLY MANAGED WATER SYSTEM: A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This water system may be privately owned.

CLUSTERED RESIDENTIAL DEVELOPMENT: a form of housing development which allows the developer flexibility in subdivision and housing design, including use of single-family attached dwellings, in return for setting aside a portion of the tract of land as permanent open space, in accordance with Article IX of this Ordinance. All clustered residential developments shall be subject to subdivision regulations and approvals.

CODE ENFORCEMENT OFFICER: the official responsible for enforcement of this Ordinance and for other duties set forth by state statute and other ordinances. The Code Enforcement Officer also shall have the duties of a Building Inspector.

COMMERCIAL RECREATION: recreational activity in an enclosed facility operated by an entity other than the Town and available for use for a fee. Examples of commercial recreation include, but are not limited to, indoor ice arenas, indoor tennis courts, racquetball courts, ski touring centers, health clubs, bowling alleys, and equestrian centers.

CONDITIONAL USE: a use which would not be appropriate without restriction but is acceptable if controlled as to number, area, location, relation to the neighborhood and similar criteria.

CONTRACT ZONING: contract zoning is the process whereby the municipal legislative body amends zoning of a property or a portion thereof with approval of a zoning contract to allow its use subject to conditions and restrictions with the property owner not generally applicable to other properties with similar zoning. This process can be used so that the town's objectives/goals as outlined in their Comprehensive Plan can be more easily accomplished. This flexibility is meant to allow for a better project outcome for both the town and property owner. Contract zoning is enabled by State of Maine statute 30-A M.R.S.A. 4352 (8).

CULTURAL FACILITIES: not-for-profit facilities dedicated to recognized public or philanthropic purpose and intellectual endeavor, such as a library, museum, auditorium or performing or visual arts center.

DAY CARE CENTER (OR NURSERY SCHOOL): a facility organized pursuant to the laws of the State of Maine for the care or instruction of more than three pre-school children, exclusive of children who may be living in the home which is serving as the day care or nursery school facility.

DENSITY REQUIREMENT: The maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

DESIGNATED GROWTH AREA: Any area that is designated in the Town's Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any

combination of those types of development, and into which most development projected over ten (10) years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent.

DIMENSIONAL REQUIREMENTS: Numerical standards relating to spatial relationships including, but not limited to, setback, lot area, shore frontage, road frontage, lot depth and height.

DWELLING: any building or structure or portion thereof designed and used for residential purposes.

(a) Single-family detached dwelling: a structure containing only one dwelling unit for occupation by not more than one family. The term shall include multi-sectional modular homes, but shall not be deemed to include manufactured housing units or older mobile homes.

(b) Single-family attached dwelling: a building containing single family dwelling units each with two or more fire separation walls, or one fire separation wall in the case of a dwelling unit at the end of a group of attached units; which have no dwelling units above or below them; and which have no common hallways. Single family attached dwellings are permitted as part of clustered residential developments or in any district which allows multifamily dwellings.

(c) Multifamily dwelling: a building containing two or more dwelling units, such buildings being designed for residential use and occupancy by two or more families living independently of one another, with the number of families not exceeding the number of dwelling units. The term also includes apartments located in commercial structures containing commercial space as the principal use.

(d) Accessory dwelling unit: A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, as may be amended, adopts a different minimum standard; if so, that standard applies. An accessory dwelling unit can be no greater than 1200 square feet of habitable space or 75% of the principal structure, whichever is greater.

(e) Existing dwelling unit: A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot.

DWELLING UNIT: a room or group of rooms, containing at least 600 square feet of living area, through sale or lease, designed and equipped exclusively for use as living quarters for one family, including provisions for living, sleeping, cooking, and eating. The term shall not include motor homes or recreational vehicles, nor shall it include hotel or motel rooms or suites, rooming house rooms, or similar accommodations, but includes single-family and multi-family housing units, condominiums, and apartments.

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

ESSENTIAL SERVICES: the construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power, or water transmission or distribution lines, towers, and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services. See the definition of utility structures.

FAMILY: one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, or other transient visitor quarters. Such unit shall not exceed five persons not related by blood or marriage.

FINANCIAL SERVICE: a service exemplified by the types of services listed under U.S. Standard Industrial Classification Codes 60 through 67, inclusive, and including banking, other credit agencies, security and commodity brokers and services, and insurance, real estate, and investment offices.

FOREST MANAGEMENT: timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, insect and disease control, pruning, timber stand improvement, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

FRONTAGE: the linear distance between the sidelines of a lot, measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of this Ordinance, the following ways shall constitute legal access to a lot along which frontage may be measured:

(1) a way accepted by or established as belonging to the Town of Carrabassett Valley, Franklin County, or the State of Maine, provided access is not specifically prohibited;

(2) a way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;

(3) a private or public way which has not been approved by a governmental subdivision but which has been established in a deed or on a plan recorded in a registry of deeds.

In the case of a lot situated on a curve of a way or on a corner of two ways, the measurement of frontage may include the entire length of the property line along such way or ways.

HEIGHT OF BUILDING: vertical measurement from a point on the ground at the mean original grade adjoining the foundation as calculated by averaging the highest and lowest original points around the building or structure, to the highest point of the building or structure, excluding incidental protrusions such as chimneys and antennae.

HOME CULTIVATION OF MARIJUANA: indoor marijuana cultivation for personal adult use by a person 21 years of age or older, which is limited to cultivation of three (3) mature marijuana plants, twelve (12) immature marijuana plants, and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land.

HOME OCCUPATIONS: occupations or professions which are customarily carried on in a dwelling unit or structure accessory to the dwelling including, but not limited to, professional offices and services, business offices and services, financial and real estate services, registered caregivers authorized under state law to cultivate medical marijuana for qualifying patients, and personal services; carried on by a member of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes; and that conform to the performance standards of Article IX.

HOTEL OR MOTEL: a commercial building or group of buildings built primarily to accommodate for a fee travelers and other transient guests, who are staying for a limited duration, with sleeping and associated rooms. A hotel or motel may include suites or rooms, cooking and similar facilities within the rooms to accommodate guests, restaurant facilities where food is prepared and meals served to its guests and other customers, and associated facilities for the convenience and servicing of guests. A hotel or motel room or suite of rooms, as distinguished from a dwelling unit, each shall contain less than a total of 600 square feet of living area, provided that the area may be larger if, in the sole opinion of the Planning Board, the facility will function or is functioning as a hotel or motel and not as a residential dwelling unit. For purposes of this Ordinance, bed-and-breakfast establishments shall be considered as home occupations if they provide no more than two rooms for overnight travelers, and as hotels or motels if they provide more than two rooms for overnight travelers.

HOUSING: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, time-share units, and apartments. For purposes of this Ordinance, this does not include dormitories, boarding houses or other similar types of housing units. This also does not include transient housing or short-term rentals, unless these uses are otherwise allowed in local ordinance.

LAND MANAGEMENT ROADS: a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing material constructed or maintained for or created by the repeated passage of vehicles and used primarily for agricultural, recreational or forest management activities, including associated log yards, but not including skid trails, skid roads, and winter haul roads (see "timber harvesting").

LIGHT INDUSTRIAL USES: industrial activity involving the manufacturing, packaging, assembly, or distribution of finished products from previously prepared material, including, by way of example only, the following: bakeries, bottling, printing and publishing, pharmaceuticals, machine shops, precision instruments, watchmakers, musical instruments, toys

and sporting goods, pottery and ceramics using only previously pulverized clay, wood products, jewelry, assembly of electrical components, canteen services, tool and die shops, and the packaging of foods. Light industrial uses do not include the processing of raw materials or salvaging operations.

LOT: a contiguous parcel of land in single or joint ownership described on a deed, plot plan, or similar legal document and having frontage, as defined in this Article.

LOT OR GROUND COVERAGE: the percentage of lot area covered or occupied by principal and accessory structures.

MANUFACTURED HOUSING UNIT: a mobile home manufactured after June 15, 1976, or a single-wide modular home, each of which shall comply with the residential space and bulk standards of the district in which it is located and the following additional requirements:

(a) the minimum horizontal dimension as installed on the site shall be 14 feet;

(b) the roof shall have a minimum pitch of 3 inches vertical rise for each 12 inches of horizontal run;

(c) the exterior wall surfaces shall be covered with materials similar to conventional construction, such as cedar shakes, wood, vinyl, or metal clapboards, board and batten siding, etc. They shall not be covered with flat, ridged, or corrugated metal or plastic panels.

(d) the unit shall be placed on a permanent foundation, including a concrete pad over gravel base with skirting around the bottom of the structure, or a concrete frost wall, or a full basement.

MARIJUANA CULTIVATION: 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.

MARIJUANA CULTIVATION FACILITY: a facility licensed under state law to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to 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 marijuana stores.

MARIJUANA ESTABLISHMENT: a marijuana cultivation facility, products manufacturing facility, testing facility or a marijuana store licensed under state law.

MARIJUANA MANUFACTURING OR MANUFACTURE: means the production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

MARIJUANA PRODUCT: a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

MARIJUANA PRODUCTS MANUFACTURING FACILITY: a facility licensed under state law 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.

MARIJUANA STORE: a facility, which occupies less than 4,000 square feet of total floor space, and is licensed under state law to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility, and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

MARIJUANA TESTING FACILITY: a facility licensed under state law to develop, research and test marijuana, marijuana products and other substances.

MEDICAL MARIJUANA ESTABLISHMENT: a registered caregiver retail store, registered dispensary, medical marijuana testing facility, or medical marijuana manufacturing facility.

MEDICAL MARIJUANA TESTING FACILITY: a public or private laboratory authorized under state law to test medical marijuana for contamination, potency or cannabinoid profile.

MEDICAL MARIJUANA MANUFACTURING FACILITY: a manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.

MINERAL EXTRACTION: any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location, and to transport the product removed, away from the extraction site.

MIXED-USE DEVELOPMENT: a development that includes both residential and non-residential uses; is developed under unified management; is planned as a whole; is reviewed and approved as a subdivision by the Planning Board; and in addition is subject to the requirements of Article IX, Section 8 and Article X of this Ordinance.

MOBILE HOMES: factory-fabricated structures which are built on permanent chassis and are designed to be used as dwelling units with permanent foundations when connected to the required utilities, but which do not meet the standards of a manufactured housing unit as defined herein. Mobile homes built before June 15, 1976, are considered to be older mobile homes and are prohibited.

MODULAR HOMES: factory-built dwellings which are constructed with floor joists and not upon a permanent chassis. For the purposes of this Ordinance, multi-sectional modular homes are considered to be single family dwellings, and single-wide modular homes are considered to be manufactured housing.

NEIGHBORHOOD STORE: a retail store that occupies less than 4,000 square feet of total floor space and within which no alcoholic beverages are consumed.

NET LOT AREA: the total acreage of a lot less the area required for access and less the area which is not suitable for development because of sustained slopes in excess of 25 percent, water bodies, 100-year flood plains, and wetlands. "Access" as used herein includes all land within street right-of-way boundaries, but does not include land used for individual driveways or for parking areas.

NONCONFORMING LOT: a single lot of record which, at the effective date of this Ordinance, does not meet the minimum lot area, minimum lot area per dwelling unit, or minimum frontage requirements of the district in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

NONCONFORMING STRUCTURE: a structure that does not meet one or more of the following dimensional requirements: the minimum setback, maximum lot coverage, or maximum height standards of the district in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

NONCONFORMING USE: a 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 amendment took effect.

NONINTENSIVE RECREATION: outdoor recreational uses that involve minimal structural development or regrading of the terrain but which, if properly designed, neither cause nor are subject to serious damage from flooding or soil erosion. Examples of nonintensive recreational uses include, but are not limited to, golf courses, tennis courts, alpine ski trails, playing fields, ice skating rinks, and boat docks.

NORMAL HIGH WATER MARK OR LINE: that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, not the edge of the open water.

NURSING OR CONVALESCENT HOME: a facility in which nursing care and medical services are performed under the general direction of persons licensed to practice medicine in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care, but who do require, on a 24-hour basis, nursing care and related medical services.

PERSONAL SERVICE: a service exemplified by the types of services listed under U.S. Standard Industrial Classification Code 72, including but not limited to laundry and cleaning services, photography studios, shoe repair shops, funeral homes, and similar services to the general public.

PLANNED UNIT DEVELOPMENT: a residential or mixed-use land development which is developed under unified management; is planned as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, open space and preserved natural features, recreational facilities, and design principles for proposed buildings; is reviewed and approved as a subdivision by the Planning Board and in addition is subject to the requirements of Article IX, Section 9, of this Ordinance; may be developed in clearly identified stages; and provides for the operation and maintenance of common facilities.

POTABLE: Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table.

PREMISES: one or more parcels of land which are in the same ownership and contiguous.

PRIMITIVE RECREATION: recreational uses that do not require buildings or structures, or significant alteration of the terrain, such as hunting, fishing, hiking, primitive camping, snowmobiling, cross-country ski trails, and parks of primarily undeveloped, natural character.

PRINCIPAL STRUCTURE: A building or structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

REGISTERED CAREGIVER RETAIL STORE: a registered caregiver authorized under state law to cultivate medical marijuana for qualifying patients that operates a retail store to sell medical marijuana to qualifying patients.

REGISTERED DISPENSARY: a dispensary authorized under state law to cultivate and dispense medical marijuana to qualifying patients and caregivers.

RESTRICTIVE COVENANT: A provision in a deed, or other covenant conveying real property, restricting the use of the land, and may be originating either by municipal rule, or by private creation.

SETBACK, BACK YARD: the distance between the rear line of the lot, extending the full width of the lot, and the nearest part of any principal or accessory structure. Back and rear yard are synonymous terms.

SETBACK, FRONT YARD: the distance between the street right-of-way or easement line extending the width of the frontage, and the nearest part of any principal or accessory structure; provided, however, that signs erected in accordance with the sign standards of this Ordinance may be placed in the front yard area.

SETBACK, NORMAL HIGH WATER MARK OR LINE: the nearest horizontal distance from the normal high water mark or line to the nearest part of a structure, road, parking space, or other regulated object or area.

SETBACK, SIDE YARD: the distance between the side property line and the nearest part of any principal or accessory structure. Any lot line not a back lot line or a front lot line shall be deemed a side lot line.

SEWERED or WITH SEWER or COMPARABLE SEWER SYSTEM: refers to the discharge of wastewater to (a) a sewer system licensed by the Maine Department of Environmental Protection under MRSA Title 38, section 413, or (b) a municipal or quasi-municipal sewer system. It may also refer to the discharge of wastewater to a so-called cluster subsurface waste disposal system, provided that such a system provides centralized waste disposal for a development that is located on at least 3 acres of land, there is a clearly designated entity responsible for maintenance of the system, and the terms of the State Plumbing Code and the State Minimum Lot Size law are met.

SHORE FRONTAGE: the length of a lot's shoreline as measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high water elevation.

SHORELAND ZONE: the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of designated ponds or rivers, or the upland edge of a freshwater wetland or within seventy-five (75) feet of the normal high-water line of a stream or other areas designated by the Town of Carrabassett Valley Shoreland Zone Ordinance.

SIGN: Structure, device, letter, banner, symbol, or other representation which is used as or is in the nature of an advertisement, announcement, or direction; which is erected, assembled, affixed, or painted out of doors; and which is visible from a public way. For purposes of this Ordinance, "visible from a public way" means capable of being seen without visual aid by a person of normal visual acuity, from a way designated for vehicular use and maintained with public funds.

SIGN AREA: the area of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders, but not including structural supports of the sign. A sign's area is the sum of the areas of each of its sides. A wall sign's area includes such background as is not the same color as the building.

SIGN, GROUND: an outdoor sign that is directly and permanently supported and is physically separated from any other structure.

SIGN, PROJECTING: an outdoor sign which is attached to a wall and extends more than 18 inches at a 90 degree angle from the wall and clears the ground by at least eight feet.

SIGN, ROOF: an outdoor sign that is displayed above the eaves of a building.

SIGN, WALL: an outdoor sign that is attached flat to or pinned away from the wall of a structure and does not project more than 18 inches from the wall.

STRUCTURE: Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground as defined in 38 M.R.S. § 436-A(12). The term includes structures temporarily or permanently located, such as decks, steps, landings, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in 30-A M.R.S. § 4201(5); geothermal heat exchange wells as defined in 32 M.R.S. § 4700-E(3-C); or wells or water wells as defined in 32 M.R.S. § 4700-E(8).

STRUCTURES ACCESSORY OR ESSENTIAL TO ALLOWED RECREATIONAL USES: structures incidental to, and/or necessary for, the operation of an allowed primitive or nonintensive recreational use, such as ski lifts and warming huts.

SUBSTANTIAL COMMENCEMENT OF CONSTRUCTION: begins from the point of having an official building permit in hand, and beginning actual demolition or excavation for the project, and continuing on a daily or regular basis until completion.

TIMBER HARVESTING: the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery, but not including the construction or creation of roads (see "land management roads"). Timber harvesting does not include the clearing of land for approved construction.

TRADESMAN'S SHOP: the shop of a self-employed craftsman or person in a skilled trade.

UTILITY STRUCTURES: buildings which house or service utility services, including structures such as radio towers, transmitting stations, and satellite dishes serving more than a residential use on a single lot. Satellite dishes serving a residential use on a single lot shall be considered accessory to such use.

VARIANCE: a grant of permission by the Zoning Board of Appeals to relax the space and bulk standards or performance standards of this Ordinance. Any such grant shall strictly comply with the standards and procedures of Article VI of this Ordinance. A variance is not authorized for establishment or expansion of a use otherwise prohibited.

WETLAND: freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and

2. inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

For the purposes of this ordinance the upland edge (the shoreline) of a freshwater wetland is defined as the boundary line at which the hydrological and biological characteristics in Item 2 above no longer occur or where the wetland becomes a forested wetland.

ARTICLE III
ESTABLISHMENT OF DISTRICTS

Section 1. Zoning Map

A map entitled "Town of Carrabassett Valley Zoning Map" is hereby adopted as part of this Ordinance and shall be referred to as the Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Selectmen and attested by the signature of the Town Clerk. The Official Zoning Map shall be located in the office of the Town Clerk, and together with the Official Shoreland Zoning Map shall be the final authority as to the current status of the zoning of the land and water areas, buildings, and other structures in the Town.

Section 2. Zoning Districts

The Town is divided into the following districts, as shown by the district boundary lines on the Official Zoning Map:

Natural Resource Protection (RP) District

Conservation (C) District

Rural Residential (R-1) District

Medium Density Residential (R-2) District

Planned Development (PD) District

Valley Center (VC) District

Light Industrial (I) District

Recreation Park (REC) District

In addition, the Shoreland Zone, as defined herein, is divided into the following districts, as shown by the Official Shoreland Zoning Map:

Resource Protection District

Limited Residential District

General Development District

Stream Protection District

Section 3. District Boundaries

(1) Uncertainty of boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Map, the following rules shall apply.

(a) Boundaries indicated as approximately following the center lines of streets, highways, or rights-of-way shall be construed to follow such center lines;

(b) Boundaries indicated as approximately following well established lot lines shall be construed as following such lot lines;

(c) Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;

(d) Boundaries indicated as following shorelines shall be construed to follow the normal high water line, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline;

(e) Boundaries indicated as approximately following the center line of streams or other water bodies shall be construed to follow such center lines;

(f) Boundaries indicated as following contour lines and ridge lines shall be construed to follow such lines as indicated by U.S.G.S. topographic maps, which may, however, be superseded by field surveys sealed by registered land surveyors.

(g) Boundaries indicated as being parallel to or extensions of features indicated in paragraphs (a) through (f) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. Any conflict between the Official Zoning Map and a description by metes and bounds in a deed shall be resolved in favor of the description by metes and bounds;

(h) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in circumstances where the items covered by paragraphs (a) through (f) above are not clear, the Board of Appeals shall interpret the district boundaries.

(2) Division of lots by district boundaries

Where a zoning district boundary line divides a lot or parcel of land in the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended into the more restricted portion of the lot by not more than 20 feet, provided that the more restricted portion is not a Natural Resource Protection District, and

provided, further, that minimum side yard and back yard requirements for a nonresidential use abutting a residential use shall be observed.

(3) Coordination with Shoreland Zone Boundaries

Within the area shown as the Shoreland Zone on the Official Shoreland Zoning Map, the district designations and standards set forth in the Shoreland Zoning Ordinance shall apply notwithstanding the boundaries as shown on the Official Zoning Map.

ARTICLE IV
ADMINISTRATION AND ENFORCEMENT

Section 1. Administrative Official

Unless otherwise specifically stated, the Code Enforcement Officer shall administer and enforce this Ordinance.

Section 2. Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Code Enforcement Officer. No change of use or resumption of a nonconforming use may occur without a permit issued by the Code Enforcement Officer. No other activity which may be referenced elsewhere in this Ordinance as requiring a permit shall commence without a permit issued by the Code Enforcement Officer. No permit shall be issued except in conformity with the provisions of this Ordinance and the provisions of other applicable state and local codes, and after the necessary approvals have been secured from local officials. Within the Shoreland Zone, shoreland permits may be required in accordance with the Shoreland Zoning Ordinance.

Section 3. Permit Applications

Applications for permits shall be made on forms provided by the Code Enforcement Officer. Each application for a building permit shall be accompanied by a plumbing permit in compliance with the Maine State Plumbing Code and by a site plan drawn to scale, showing the measurements of the lot and of all buildings, setbacks, disposal fields, the location of abutting streets or ways, existing and proposed parking spaces. The application shall include a clear statement as to the intended use of the property. The Code Enforcement Officer may request additional information, which, in his opinion, is necessary for a complete understanding of the application. Permit applications shall be accompanied by such fees as may be set by the Town. No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a permit for such facilities has been secured by the applicant or his authorized agent, according to the requirements of this Ordinance. Permits may be made subject to reasonable conditions to insure conformity with the purposes and provisions of this Ordinance.

Section 4. Action on Permit Applications

The Code Enforcement Officer shall issue a written notice of his decision on an application for a permit within five working days from the date a complete application is filed. If the activity is in conformance with this Ordinance and other applicable codes and regulations, the Code Enforcement Officer shall issue a written permit. If the Code Enforcement Officer denies a permit, they shall issue the denial in writing, with the reason(s) therefore.

Section 5. Time Limit

The work authorized by a permit must commence within six months of the date of issuance and must be completed, including finish grading and proper drainage, within twenty-four months. A permit may be renewed by the Code Enforcement Officer for an additional twenty-four months if reasonable need can be shown.

Section 6. Certificate of Occupancy

No building hereafter erected, moved, added to, or structurally altered shall be occupied or permitted to be occupied until the Code Enforcement Officer has issued a certificate of occupancy, certifying that the completed building and its use are in conformance with the terms of this Ordinance. A temporary certificate of occupancy may be issued for a period of not more than six months, provided there is a schedule for timely completion of the work and the Code Enforcement Officer determines that there are no hazards to the occupants or the public.

Section 7. Enforcement

(1) Nuisances

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

(2) Code Enforcement Officer

a. 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, they or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

b. The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

(3) Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall 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 erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

(4) Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

ARTICLE V
NONCONFORMANCE

Section 1. Purpose

The purpose of this Article is to regulate nonconforming lots, uses, and structures, as defined in this Ordinance, such that they can be reasonably developed, maintained, or repaired, or changed to other less nonconforming or to conforming uses.

Section 2. Definitions - Refer to Article II

Section 3. Nonconforming Lots

(1) Vacant Lots

A nonconforming lot may be built upon provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and road frontage can be met. If two or more vacant, contiguous lots or parcels are in the same ownership of record at the time of adoption or amendment of this Ordinance, and if these lots do not individually meet the minimum lot size, minimum lot area per dwelling unit, or minimum road frontage standards, the lots shall be combined to the extent necessary to meet these standards.

(2) Lots with Structures

(a) A structure built on a lot prior to enactment of this Ordinance, which lot does not conform to lot size, lot area per dwelling unit, or frontage requirements, may be repaired, maintained, or improved. Such a structure may be enlarged by no more than 25 percent of its ground floor area existing as of the effective date of this Ordinance in conformity with the applicable space, bulk, and performance standards other than minimum lot size or minimum frontage. Structures shall not be enlarged in a manner that violates or worsens the standard relative to minimum lot area per dwelling unit.

(b) If two or more contiguous lots or parcels are in the same ownership of record at the time of adoption or amendment of this Ordinance, if all or part of the lots do not meet the minimum lot or minimum frontage requirements, and if a principal use exists on each lot, or if the lots were legally created as part of a recorded subdivision after the effective date of the Maine Subdivision Act (September 22, 1971), the nonconforming lots may be conveyed separately or together, providing all other State law and local ordinance requirements are met.

(3) Exceptions

(a) A lot which has legally existed as of the enactment date of this Ordinance and does not meet the minimum lot size for the District it is located in, but does meet the State Minimum lot size of 20,000 sf of land area, the lot is considered to be

conforming for minimum land area to allow the existing structures to be maintained, enlarged, or replaced without restriction of the footprint limitation noted in 3.2(a) above so long as it is done so in conformity with the applicable space, bulk, and performance standards other than minimum lot size or minimum frontage.

(b) A lot which has been or may be created as part of a municipally approved subdivision plan and which are sewered are not considered nonconforming lots. They may be further improved in conformity with the applicable space, bulk, and performance standards other than minimum lot size or minimum frontage.

Section 4. Nonconforming Uses

(1) Continuance

Except as provided in paragraph 3 below, the use of land, building, or structure, lawful at the time of adoption or subsequent amendment of this Ordinance, may continue, although such use does not conform to the provisions of this Ordinance.

(2) Resumption

Whenever a nonconforming use of land and/or a structure is superseded by a permitted use, such structure and/or land shall thereafter conform to the provisions of this Ordinance and the nonconforming use may not be resumed.

(3) Discontinuance

A nonconforming use which is discontinued for a period of two years may not be resumed. The uses of the land, building, or structure shall thereafter conform to the provisions of this Ordinance. No such nonconforming use may be enlarged after it has been discontinued for a period of 12 calendar months or more without a permit from the Planning Board in accordance with the provisions of Article VII – Conditional Uses.

(4) Expansion of Use

A nonconforming use, including a nonconforming outdoor use of land, shall not be extended or expanded in area or function.

Section 5. Nonconforming Structures

(1) Maintenance and Enlargement

A structure in existence as of the effective date of this Ordinance that does not meet the minimum setback, maximum lot coverage, or maximum height requirements of the district in which it is located, including shoreland and scenic corridor area standards, may

be repaired, maintained, and improved. It may be enlarged and/or accessory structures may be added to the site without a variance, provided that:

(a) No such nonconforming structure may be enlarged (replaced) (renewed) after it has been discontinued for a period of 12 calendar months or more without a permit from the Planning Board in accordance with the provisions of Article VII – Conditional Uses; and

(b) the enlargement or accessory structure does not itself exceed the prescribed height standard; and

(c) the enlargement in combination with the existing structure does not exceed, or worsen the existing violation of, the prescribed maximum lot coverage; and

(d) the enlargement or accessory structure itself meets the prescribed setback requirements; or, if located within the same yard as the nonconforming part of the existing structure, is no closer to the front, side, or rear lot line than the nonconforming structure and contains no more than 25 percent of the ground floor area of the nonconforming structure existing as of the effective date of this Ordinance.

(e) Notwithstanding the limitations of paragraph (d), a structure that is nonconforming due to an insufficient front, side, or rear setback may place within such yard and closer to the lot line unenclosed stairs that serve specifically as an entrance to the structure.

(f) Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided; that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in subsection 3. Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.

(2) Reconstruction or Replacement

(a) Any nonconforming building or structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or his agent, may be restored or reconstructed and used as before within 12 months of the date of said damage or destruction; provided, however, that such reconstruction and use shall not be more nonconforming than the prior nonconforming building, structure, or use. No such nonconforming use or structure may be enlarged, replaced, or renewed after it has been discontinued, vacated or abandoned for a period of 12 calendar months or more without receiving a permit from the Planning Board in accordance with the provisions of Article VII – Conditional Uses.

(b) Any nonconforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the code enforcement officer.

(c) Any nonconforming structure which is sought to be willfully demolished/removed and replaced may do so with equal or less non-conformance after first seeking and being granted a conditional use permit by the Planning Board. The Applicant shall apply for a Conditional Use Permit as described in Article VII of this Ordinance to allow the Planning Board to find that such reconstruction or replacement will be in compliance to the greatest practical extent with the purposes and standards of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board shall consider in addition to the criteria for relocation of a structure, the physical condition and type of foundation present, if any.

(3) Relocation

A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board in accordance with Article VII – Conditional Uses and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

Section 6. Transfer of Ownership

Ownership of nonconforming lots, structures, or uses as defined in this Ordinance may be transferred without loss of their lawful but nonconforming status.

Section 7. Changes in Nonconforming Lots, Structures, and Uses

Upon approval of the Zoning Board of Appeals, a nonconforming aspect of a lot, structure, or use may be changed upon a finding by the Board of Appeals that such a change will bring the lot, structure, or use into closer conformance with the provisions of this Ordinance, or will make the

nonconforming aspect no worse. A lot or structure will be deemed to have been brought into closer conformance with the provisions of this Ordinance, or have been made no worse, if its dimensions are unchanged or more closely meet the prescribed standards. A use will be deemed to have been brought into closer conformance with the provisions of this Ordinance, or have been made no worse, if it is less or no more intense than the previous nonconforming use, as measured by volume and type of traffic expected to be generated, size of building or structure housing the use, number of potential customers, number of bedrooms, and similar measures of intensity of use.

For uses located within the Shoreland Zone, the Zoning Board of Appeals shall also find that the change will result in no greater adverse impact on the water body or wetland. In determining that no greater adverse impact will occur, the Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and functionally water-dependent uses.

ARTICLE VI
ZONING BOARD OF APPEALS

Section 1. Appointment and Composition

(1) There shall be a Board of Appeals in accordance with the provisions of 30 M.R.S.A. Section 2411, as the same may be amended from time to time.

(2) The Board shall consist of five members serving staggered terms of five years, appointed by the Board of Selectmen. The Board of Selectmen may appoint two associate members to serve in the absence of regular members. The Chairman of the Board of Appeals shall designate which associate member shall serve in the stead of the absent member.

(3) The Board of Appeals shall elect annually a chairman and secretary from its membership.

Section 2. Procedure

(1) The Board of Appeals shall conduct its meetings in accordance with the provisions of 30 M.R.S.A., Section 2411, as the same may be amended from time to time.

(2) The presence of three members of the Board of Appeals shall constitute a quorum. An appeal may be granted or a decision of the Codes Enforcement Officer may be overruled only upon an affirmative vote of at least three members of the Board of Appeals.

(3) No member of the Board of Appeals shall vote on a matter in which they have a financial interest. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority vote of the members present, excluding the member about whom the possibility of a conflict of interest is being decided.

(4) Before rendering a decision on any appeal, the Board of Appeals shall conduct a public hearing, which shall be advertised at least seven days in advance in a local newspaper and posted in other places usually used for public notices, at the expense of the applicant. The notice shall contain a clear and concise statement of the appeal to be addressed. The Board, or the Town Clerk on behalf of the Board, shall notify by mail the owners of properties lying within 500 feet of the property for which the appeal or application in being made. The owners of properties shall be considered to be those persons against whom taxes are assessed.

(5) The Code Enforcement Officer, unless prevented by illness or other good cause, shall attend all hearings of the Board.

(6) The Board of Appeals shall not continue hearings to a future date except for good cause.

(7) Written notice of the decision of the Board shall be sent to the appellant and the Code Enforcement Officer within seven days of its decision.

(8) An appeal may be taken from any decision of the Board of Appeals to the Superior Court within thirty days after the decision, as provided by 30 M.R.S.A., Section 2411, as the same may be amended from time to time.

(9) The Board of Appeals shall keep records of its proceedings, and such records shall be kept public.

Section 3. Powers and Duties

The Board of Appeals shall have the following powers and duties:

(1) Administrative Appeals

To affirm, modify, or set aside the action of the Code Enforcement Officer in issuing or denying building or other permits, when it is alleged that there is an error in any order, requirement, decision, or determination in the enforcement of this Ordinance. An administrative appeal shall be taken within thirty days of the date of the decision or action of the Code Enforcement Officer, or within 60 days of the date of application, if no action has been taken by the Code Enforcement Officer. The appeal shall be filed at the office of the Town Clerk, who shall notify the Chairman of the Board of Appeals and the Code Enforcement Officer.

(2) Variances

To approve, approve with conditions, or disapprove appeals for variances from the strict enforcement of the provisions of this Ordinance only as they relate to the space and bulk standards of the district regulations and the performance standards of this Ordinance, according to the terms of Section 4 of this Article. A variance shall not be granted to allow a use or an expansion of a use in a district in which the use is prohibited.

(3) Changes in Nonconforming Lots, Structures, and Uses

To approve, approve with conditions, or disapprove requests to change a nonconforming aspect of a lot, structure, or use such that it is less nonconforming or no more nonconforming than the existing situation, as authorized in Article V, Section 7, of this Ordinance.

Section 4. Variances

(1) Application for Variance

Application for a variance shall be made to the Code Enforcement Officer on forms provided for that purpose, accompanied by a fee as may be established by the Town for such applications. The application shall clearly state the location of the property, the relief sought, and the reason(s) for requesting the variance. The application shall include a scale drawing showing the proposed location of the building or structure and its relationship to the lot's property lines and any adjacent road or right-of-way.

(2) Standards

Prior to voting to grant a variance, the Board of Appeals shall review the application and find that the following standards have been met:

(a) That a literal interpretation of the requirements of this Ordinance will impose an undue hardship on the property owner. The term "undue hardship" shall mean specifically that:

(i) the land in question cannot yield a reasonable return unless a variance is granted; and

(ii) the need for the variance is due to unique circumstances of the property and not to the general conditions of the neighborhood; and

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

(iv) that the granting of the variance will not alter the essential character of the locality.

(b) Any variance granted by the Board of Appeals shall be the minimum variance from the terms of the Ordinance as will relieve the hardship pleaded.

(c) A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

(3) Variances in Shoreland Areas

Prior to voting to grant a variance within the mandated shoreland area, the Zoning Board of Appeals shall, in addition, find that the proposed variance:

(a) will not result in unsafe or unhealthful conditions;

(b) will not result in unreasonable erosion or sedimentation;

(c) will not result in water pollution;

(d) will not result in unreasonable damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;

(e) will reasonably conserve shoreland vegetation;

(f) will reasonably conserve visual points of access to waters as viewed from public facilities;

(g) will conserve actual points of public access to waters;

(h) will reasonably conserve natural beauty; and

(i) will reasonably avoid problems associated with flood plain development and use.

(4) Reapplication

If the Board of Appeals shall deny a variance, a second request of a similar nature shall not be brought before the Board within two years from the date of the first request, unless in the opinion of the majority of the Board, substantial new evidence can be brought forward, or unless the Board finds that an error of law or misunderstanding of facts has been made, or unless amendment has been made to this Ordinance which changes the status, circumstances, or conditions of the matter which was appealed.

(5) Duration of Variances

Provided all conditions and standards of approval are met, a variance shall be a permanent grant of permission and shall "run with the land."

ARTICLE VII
CONDITIONAL USES

Section 1. Conditional Use Permit

A building, structure, or parcel of land may be employed for a conditional use if the use is specifically listed in the regulations governing the zoning district in which the use is proposed, and if a conditional use permit is approved by the Planning Board.

Section 2. Application for Conditional Use

Application for a conditional use permit shall be made to the Code Enforcement Officer on forms provided for the purpose, accompanied by such fee as may be established by the Town for such applications. The applicant shall:

(1) Clearly specify the location of the proposed use, including Assessor's tax map and lot number and a location map.

(2) Describe the exact nature of the proposed use.

(3) Present a scale drawing of the lot with the locations of any existing or proposed buildings, structures, natural features, driveways, and parking areas.

(4) Submit such other materials as will enable the Planning Board to determine that the standards for approval of a conditional use have been met. The burden for providing the information upon which the Planning Board bases its findings and decision shall be the applicant's.

Section 3. Standards for a Conditional Use Permit

A conditional use may be granted by the Planning Board only in the event that the applicant has established to the satisfaction of the Planning Board that:

(1) Neither the proposed use nor the proposed site upon which the use will be located is of such a character that the use will have significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from such a use in the zoning district. In reaching a determination on this standard, the Planning Board shall consider:

   (a) the size of the proposed use compared with surrounding uses;

   (b) the intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;

   (c) the potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances;

(d) unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties;

(e) the degree to which landscaping, fencing, and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.

(f) the accessibility of the site and development to fire and emergency vehicles and equipment.

(2) Municipal or other facilities serving the proposed use will not be overburdened or hazards created because of inadequate facilities. In reaching a determination on this standard, the Board shall consider:

(a) the ability of traffic to safely move into and out of the site at the proposed location;

(b) the presence of facilities to assure the safety of pedestrians passing by or through the site;

(c) the capacity of the street network to accommodate the proposed use;

(d) the capacity of sewerage and water supply systems to accommodate the proposed use;

(e) the capacity of the storm drainage system to accommodate the proposed use.

(f) the ability of the fire department to provide necessary protection services to the site and development.

(3) The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and flood plains, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties.

Section 4. Additional Standards in Shoreland Areas

For conditional use permit applications in shoreland areas, the Planning Board shall additionally find that the proposed use:

(1) will not result in unreasonable damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;

(2) will reasonably conserve shoreland vegetation;

(3) will reasonably conserve visual points of access to waters as viewed from public facilities;

(4) will conserve actual points of public access to waters;

(5) will reasonably conserve natural beauty

(6) will reasonably avoid problems associated with flood plain development or use.

(7) will not result in unsafe or unhealthful conditions, will not result in erosion or sedimentation, will not result in water pollution, is in compliance with the provisions of Article IX, Section 2.

Section 5. Conditions of Approval

The Planning Board may attach conditions to its approval of a conditional use permit. These conditions may include, but are not limited to, such requirements as:

(1) street improvements;

(2) access restrictions;

(3) hours of use;

(4) buffering and screening;

(5) utility improvements;

(6) disturbance of land;

(7) performance guarantees for required off-site improvements.

Section 6. Reapplication

If the Planning Board shall deny a conditional use application, a second request of a similar nature shall not be brought before the Planning Board within two years from the date of the first request, unless in the opinion of the majority of the Planning Board, substantial new evidence can be brought forward, or unless the Planning Board finds that an error of law or misunderstanding of facts has been made, or unless amendment has been made to this Ordinance which changes the status, circumstances, or conditions of the matter which was brought before the Planning Board.

Section 7. Duration of Conditional Use Permit

Provided all conditions and standards of approval are met, a conditional use permit shall be a permanent grant of permission and shall "run with the land."

ARTICLE VIII
DISTRICT REGULATIONS

This Article sets forth the permitted, conditional and prohibited uses and standards for each of the districts established in Article III. The regulations for the districts located in the Shoreland Zone are found in the Shoreland Zoning Ordinance.

Section 1. Natural Resource Protection District (RP)

A. Purpose

The purpose of the natural resource protection district is to protect fragile ecological systems, which, if intensively developed or substantially altered, would damage water quality, wildlife and aquatic habitat and biotic systems, and ecological relationships. To accomplish this purpose, uses are permitted which avoid disruption of the natural environment, while allowing productive use to be made of the land.

B. Permitted Uses

The following uses are permitted in the natural resource protection district:

(1) Primitive recreation
(2) Forest management
(3) Wildlife management
(4) Mineral exploration
(5) Emergency and fire protection activities
(6) Harvesting of wild crops

C. Conditional Uses

The following uses may be permitted only upon approval as conditional uses in accordance with the appropriate provisions of this Ordinance:

(1) Timber harvesting
(2) Land management roads and water crossings
(3) Agriculture
(4) Public nonresidential facilities related to education in or research of natural sciences
(5) Structures accessory or essential to allowed uses
(6) Essential services

D. Prohibited Uses

Uses not allowed as permitted or conditional uses are prohibited within this district.

E. Standards

(1) The general standards of performance of Article IX shall be observed.

(2) All uses in shoreland areas shall comply with the standards set forth in Article IX, Section 2, of this Ordinance pertaining to shoreland areas.

Section 2. Conservation District (C)

A. Purpose

The purpose of the conservation district is to protect important natural features of Carrabassett Valley, which, while not unique or as fragile as land in the natural resource protection district, are vulnerable to serious soil erosion, loss of natural flood controls, loss of important wildlife habitat, and loss of exceptional natural areas and vistas if intensively developed. These lands include significant shorelands and wetlands, lands identified by the Department of Inland Fisheries and Wildlife as being especially significant for the maintenance of fish and wildlife, lands above 2,700 feet (msl), steep slopes in sensitive areas, and primitive recreational areas. Uses are limited to nonintensive activities which protect these lands while allowing productive use of property.

B. Permitted Uses

The following uses are permitted in the conservation district:

(1) Any permitted use in the natural resource protection district
(2) Any conditional use in the natural resource protection district
(3) Nonintensive recreation and structures accessory or essential to allowed uses

C. Conditional Uses

The following uses may be permitted only upon approval as conditional uses in accordance with the appropriate provisions of this Ordinance:

(1) Municipal uses
(2) Sewage treatment facilities
(3) Mineral extraction
(4) Utility structures

D. Prohibited Uses

Uses not allowed as permitted or conditional uses are prohibited within this district.

E. Standards

(1) The general standards of performance of Article IX shall be observed.

(2) All uses in shoreland areas shall comply with the standards set forth in Article IX, Section 2, of this Ordinance pertaining to shoreland areas.

Section 3. Rural Residential District (R-1)

A. Purpose

The purpose of the rural residential district is to conserve the quality of Carrabassett Valley's rural areas that are distant from town centers and services, while allowing single family residential development at a density consistent with the ability of the soils and town services to support the development.

B. Permitted Uses

The following uses are permitted in the rural residential district:

(1) Any permitted use in the natural resource protection district
(2) Any conditional use in the natural resource protection district
(3) Nonintensive recreation
(4) Single family dwellings
(5) Manufactured housing units and mobile homes built after June 15, 1976
(6) Home occupations
(7) Accessory uses
(8) Home Cultivation of Marijuana *(2020)*

C. Conditional Uses

The following uses may be permitted only upon approval as conditional uses in accordance with the appropriate provisions of this Ordinance.

(1) Municipal uses
(2) Sewage treatment facilities
(3) Utility structures
(4) Tradesman's shops
(5) Commercial wood processing and sales
(6) Campgrounds
(7) Mineral extraction

D. Prohibited Uses

Uses not allowed as permitted uses or conditional uses are prohibited within the district.

E. Standards

(1) The general standards of performance of Article IX shall be observed.

(2) The following space and bulk standards shall apply:

Minimum lot area	200,000 sq. ft.
Minimum net lot area per dwelling unit	200,000 sq. ft.
Minimum road frontage	250' with a maximum ratio of 5' of depth to each foot of road frontage.
Minimum setbacks	
Front yard	25 feet
Side yard	25 feet
Back yard	25 feet
From normal high water mark	75 feet
Side and back yard of nonresidential use abutting a residential use	50 feet
Maximum height	35 feet

(3) All uses in shoreland areas shall comply with the standards of Article IX, Section 2, of this Ordinance pertaining to shoreland areas.

(4) All uses in the Route 27 scenic corridor shall comply with the standards of Article IX, Section 6, of this Ordinance.

(5) Any use in this district involving new construction of more than 1000 square feet of floor area or clearing or grading or other earth moving activity affecting more than 10,000 square feet shall first be subject to Site Plan Review under Article X of this Ordinance; provided, however, that single family detached or attached homes, forestry activity including timber harvesting, and agriculture shall not be subject to this requirement.

Section 4. Medium Density Residential District (R-2)

A. Purpose

The purpose of the medium density residential district is to encourage a variety of housing opportunities and the development of neighborhoods in areas which rely principally on on-site sewerage and water supply, but which are accessible to town services and have soils and slope conditions that allow a medium density of development.

B. Permitted Uses

The following uses are permitted in the medium density residential district:

(1) Any permitted use in the natural resource protection district
(2) Any conditional use in the natural resource protection district
(3) Nonintensive recreation
(4) Single family dwellings
(5) Clustered residential developments, in accordance with Article IX, Section 8 of this Ordinance
(6) Manufactured housing units
(7) Home occupations
(8) Schools
(9) Nursery schools and day care centers
(10) Places of worship
(11) Accessory uses
(12) Home Cultivation of Marijuana *(2020)*
(13) Multifamily dwellings

C. Conditional Uses

The following uses may be permitted only upon approval as conditional uses in accordance with the appropriate provisions of this Ordinance.

(1) Municipal uses
(2) Sewage treatment facilities
(3) Utility structures
(5) Rooming houses
(6) Nursing homes
(7) Medical clinics
(8) Cultural facilities

D. Prohibited Uses

Uses not allowed as permitted uses or conditional uses are prohibited within this district.

E. Standards

(1) The general standards of performance of Article IX shall be observed.

(2) The following space and bulk standards shall apply:

Minimum lot area	40,000 sq. ft.
Minimum net lot area per dwelling unit	
Single family	40,000 sq. ft.

Multifamily	30,000 sq. ft.
Minimum road frontage	150 feet
Minimum setbacks	
Front yard	25 feet
Side yard	25 feet
Back yard	25 feet
From normal high water mark	75 feet
Side and back yard of nonresidential use abutting a residential use	50 feet
Maximum lot coverage	20%
Maximum height	35 feet

(3) All uses in shoreland areas shall comply with the standards of Article IX, Section 2, of this Ordinance pertaining to shoreland areas.

(4) All uses in the Route 27 scenic corridor shall comply with the standards of Article IX, Section 6, of this Ordinance.

(5) Any use in this district involving new construction of more than 1000 square feet of floor area or clearing or grading or other earth moving activity affecting more than 10000 square feet shall first be subject to Site Plan Review under Article X of this Ordinance; provided, however, that single family detached or attached homes, forestry activity including timber harvesting, and agriculture shall not be subject to this requirement.

Section 5. Planned Development District (PD)

A. Purpose

The purpose of the planned development district is to provide for carefully planned development that integrates high density residential, recreational, commercial, municipal and institutional uses to create a mixed use, on-mountain, recreational community. The district is intended to encompass lands that are served by central sewerage and water supply and are central to the variety of activities and services near Sugarloaf Mountain.

B. Permitted Uses

The following uses are permitted in the planned development district:

(1) Any permitted use in the natural resource protection district
(2) Any conditional use in the natural resource protection district
(3) Nonintensive recreation

(4) Single family dwellings
(5) Clustered residential developments, in accordance with Article IX, Section 8, of this Ordinance
(6) Multifamily dwellings
(7) Rooming houses
(8) Planned unit developments, in accordance with Article IX, Section 9, of this Ordinance
(9) Home occupations
(10) Hospitals and medical clinics
(11) Cultural facilities
(12) Nursing homes
(13) Schools
(14) Nursery schools and day care centers
(15) Places of worship
(16) Retail sales
(17) Personal services
(18) Commercial recreation
(19) Movie theaters
(20) Hotels and motels
(21) Eating and drinking places
(22) Professional, financial, real estate, business service, and other business offices
(23) Accessory uses
(24) Mixed Use Development
(25) Home Cultivation of Marijuana *(2020)*

C. Conditional Uses

The following uses may be permitted only upon approval as conditional uses in accordance with the appropriate provisions of this Ordinance.

(1) Municipal uses
(2) Sewage treatment facilities
(3) Utility structures
(4) Gasoline stations
(5) Warehousing and distribution facilities

D. Prohibited Uses

Uses not allowed as permitted uses or conditional uses are prohibited within this district.

E. Standards

(1) The general standards of performance of Article IX shall be observed.

(2) The following space and bulk standards shall apply:

	Sewered	Unsewered
Minimum lot size	20,000 sq. ft.	40,000 sq. ft.
Minimum net lot area per dwelling unit		
Single family	20,000 sq. ft.	40,000 sq. ft.
Multifamily	15,000 sq. ft.	30,000 sq. ft.
Minimum road frontage	75 feet	150 feet
Minimum setbacks		
Front yard	20 feet	25 feet
Side yard	15 feet	25 feet
Back yard	15 feet	25 feet
From normal high water mark	25 feet	75 feet
Side and back yards of nonresidential use abutting a residential use	50 feet	50 feet
Maximum lot coverage	30%	30%
Maximum height	45 feet	45 feet

(3) Notwithstanding the space and bulk standards in paragraph (2) above, any allowable use contained in and approved as part of a planned unit development, pursuant to Article IX, Section 9, of this Ordinance, shall instead comply with the terms of that approval.

(4) All uses in shoreland areas shall comply with the standards of Article IX, Section 2, of this Ordinance pertaining to shoreland areas.

(5) All uses in the Route 27 scenic corridor shall comply with the standards of Article IX, Section 6, of this Ordinance.

(6) Any use in this district involving new construction of more than 1000 square feet of floor area or clearing or grading or other earth moving activity affecting more than 10000 square feet shall first be subject to Site Plan Review under Article X of this Ordinance; provided, however, that single family detached or attached homes, forestry activity including timber harvesting, agriculture, and uses previously approved as part of a planned unit development shall not be subject to this requirement.

Section 6. Valley Center District (VC)

A. Purpose

The purpose of the valley center district is to provide for neighborhood and compatible small scale commercial development in the vicinity of Carrabassett Valley's established valley center.

B. Permitted Uses

The following uses are permitted in the valley center district:

(1) Any permitted use in the natural resource protection district
(2) Any conditional use in the natural resource protection district
(3) Nonintensive recreation
(4) Single family dwellings
(5) Clustered residential developments, in accordance with Article IX, Section 8, of this Ordinance
(6) Home occupations
(7) Medical clinics
(8) Cultural facilities
(9) Schools
(10) Nursery schools and day care centers
(11) Places of worship
(12) Neighborhood stores
(13) Personal services
(14) Professional, financial, real estate, business service, and other business offices
(15) Tradesman's shops
(16) Hotels and motels
(17) Eating and drinking places
(18) Accessory uses
(19) Mixed Use Development
(20) Home Cultivation of Marijuana *(2020)*
(21) Multifamily dwellings

C. Conditional Uses

The following uses may be permitted only upon approval as conditional uses in accordance with the appropriate provisions of this Ordinance

(1) Municipal uses
(2) Sewage treatment facilities
(3) Utility structures
(5) Rooming houses
(6) Nursing homes
(7) Gasoline stations

(8) Repair garages
(9) Warehousing, storage & distribution *(1995)*
(10) Commercial Recreation *(2014)*\
(11) Marijuana Stores *(2020)*
(12) Registered Caregiver Retail Stores *(2020)*

D. Prohibited Uses

Uses not allowed as permitted uses or conditional uses are prohibited within this district.

E. Standards

(1) The general standards of performance of Article IX shall be observed.

(2) The following space and bulk standards shall apply:

	Sewered	Unsewered
Minimum lot size	20,000 sq. ft.	40,000 sq. ft.
Minimum net lot area per dwelling unit		
Single family	20,000 sq. ft.	40,000 sq. ft.
Multifamily	15,000 sq. ft.	30,000 sq. ft.
Minimum road frontage	75 feet	150 feet
Minimum setbacks		
Front yard	20 feet	25 feet
Side yard	15 feet	25 feet
Back yard	15 feet	25 feet
From normal high water mark	25 feet	75 feet
Side and back yards of nonresidential use abutting a residential use	50 feet	50 feet
Maximum lot coverage	20%	20%
Maximum height	45 feet	45 feet

(3) All uses in shoreland areas shall comply with the standards of Article IX, Section 2, of this Ordinance pertaining to shoreland areas.

(4) All uses in the Route 27 scenic corridor shall comply with the standards of Article IX, Section 6, of this Ordinance.

(5) Any use in this district involving new construction of more than 1000 square feet of floor area or clearing or grading or other earth moving activity affecting more than 10000 square feet shall first be subject to Site Plan Review under Article IX of this Ordinance; provided, however, that single family detached or attached

homes, forestry activity including timber harvesting, and agriculture shall not be subject to this requirement.

(6) Notwithstanding the space and bulk standards in paragraph (2) above, a mixed-use development approved pursuant to Article IX, Section 8 of this Ordinance may instead comply with the terms of that section.

Section 7. Light Industrial District (I)

A. Purpose

The purpose of the light industrial district is to provide an area for nonpolluting manufacturing, warehousing and distribution activities and supporting services.

B. Permitted Uses

The following uses are permitted in the light industrial district:

(1) Any permitted use in the natural resource protection district
(2) Any conditional use in the natural resource protection district
(3) Nonintensive recreation
(4) Single family detached dwellings
(5) Professional, financial, real estate, business service and other business offices
(6) Tradesman's shops
(7) Repair garages
(8) Warehousing, storage, and distribution
(9) Light industrial uses, as defined in this Ordinance
(10) Commercial wood processing and sales
(11) Air field
(12) Accessory uses
(13) Home Cultivation of Marijuana *(2020)*

C. Conditional Uses

The following uses may be permitted only upon approval as conditional uses in accordance with the appropriate provisions of this Ordinance.

(1) Municipal uses
(2) Sewage treatment facilities
(3) Utility structures
(4) Gasoline stations
(5) Commercial Recreation *(2015)*

D. Prohibited Uses

Uses not allowed as permitted uses or conditional uses are prohibited within the district.

E. Standards

(1) The general standards of performance of Article IX shall be observed.

(2) The following space and bulk standards shall apply:

Minimum lot size	40,000 square feet
Minimum net lot area per dwelling unit	Not applicable
Minimum road frontage	150 feet
Minimum setbacks	
Front yard	40 feet
Side yard	25 feet
Back yard	25 feet
From normal high water mark	75 feet
Side and rear setbacks of uses abutting another district	50 feet
Maximum lot coverage	33%
Maximum height	45 feet

(3) All uses in shoreland areas shall comply with the standards of Article IX, Section 2, of this Ordinance pertaining to shoreland areas.

(4) All uses in the Route 27 scenic corridor shall comply with the standards of Article 9, Section 6, of this Ordinance.

(5) Any use in this district involving new construction of more than 1000 square feet of floor area or clearing or grading or other earth moving activity affecting more than 10000 square feet shall first be subject to Site Plan Review under Article X of this Ordinance; provided, however, that single family detached or attached homes, forestry activity including timber harvesting, and agriculture shall not be subject to this requirement.

Section 8. Recreation Park District (REC)

A. Purpose

The purpose of the recreation park district is to provide an area specifically dedicated to destination as well as community recreational facilities in a carefully planned setting. The objective is to supplement and enhance Carrabassett Valley's economic role as a destination resort community.

B. Permitted Uses

The following uses are permitted in the recreation park district:

(1) Any permitted use in the natural resource protection district
(2) Any conditional use in the natural resource protection district
(3) Nonintensive recreation
(4) Cultural facilities
(5) Retail sales clearly accessory to other permitted uses
(6) Commercial recreation
(7) Accessory uses

C. Conditional Uses

The following uses may be permitted only upon approval as conditional uses in accordance with the appropriate provisions of this Ordinance.

(1) Municipal uses
(2) Sewage treatment facilities
(3) Utility structures
(4) Campgrounds

D. Prohibited Uses

Uses not allowed as permitted uses or conditional uses are prohibited within the district.

E. Standards

(1) The general standards of performance of Article IX shall be observed.

(2) All uses in shoreland areas shall comply with the standards set forth in Article IX, Section 2, of this Ordinance pertaining to shoreland areas.

(3) All uses in the Route 27 scenic corridor shall comply with the standards of Article IX, Section 6, of this Ordinance.

(4) Any use in this district involving new construction of more than 1000 square feet of floor area or clearing or grading or other earth moving activity affecting more than 10000 square feet shall first be subject to Site Plan Review under Article X of this Ordinance; provided, however, that single family detached or attached homes, forestry activity including timber harvesting, and agriculture shall not be subject to this requirement.

ARTICLE IX
PERFORMANCE STANDARDS

Section 1. Applicability

Section 2. Shoreland Area Standards

Section 3. Timber Harvesting

Section 4. Campgrounds

Section 5. Mineral Extraction

Section 6. Scenic Corridor

Section 7. Off-Street Parking

Section 8. Mixed Use Development Standards *(formerly Clustered Residential Development)*

Section 9. Planned Unit Development

Section 10. Signs

Section 11. Airport Zone

Section 12. Home Occupation

Section 13. Adult Use and Medical Marijuana Standards

Section 14. Residential Density

Section 15. Accessory Dwelling Units

Section 16. Affordable Housing Developments

Section 1. Applicability

The performance standards contained in this article shall apply to all uses and activities in the Town, unless otherwise specified, whether or not specific approval or a permit is required.

Section 2. Shoreland Zone Standards

The Shoreland Zoning Ordinance establishes standards for activities within the Shoreland Zone as herein defined. All use of land within this zone shall conform to those standards.

Section 3. Timber Harvesting Standards

(1) In Shoreland Zone

Timber harvesting in the Shoreland Zone shall conform to the standards set forth in the Shoreland Zoning Ordinance.

(2) In Natural Resource Protection (RP), Conservation (C), and Recreation Park (REC) Districts

Except for approved construction and landscaping projects, harvesting shall not remove, in any ten-year period, more than 40 percent of the volume on each acre involved of trees 6 inches in diameter and larger, measured at 4-1/2 feet above ground level. Removal of trees less than 6 inches in diameter, measured as above, is permitted if otherwise in conformance with the standards of this section. For the purpose of these standards, volume may be determined as being equivalent to basal area. A stand means a contiguous group of trees, sufficiently uniform in species, arrangement of classes and condition to be identified as a homogeneous and distinguishable unit.

(3) Within or Contiguous to Medium Density Residential (R-2), Planned Development (PD), Valley Center (VC), and Light Industrial (LI) Districts

Except for approved construction and landscaping projects, timber harvesting operations for commercial purposes shall maintain a continuous natural buffer of at least 25 feet from all property lines, except for roads required to gain access to the land to be harvested.

(4) Timber Harvesting Not in Conformance with Standards

Proposals to harvest timber in a manner that is not in conformance with the standards of this section, or in compliance with approved construction and landscaping projects, may be allowed by the Planning Board upon approval of a permit granted in conformance with the provisions and standards of site plan review, as found in Article X, and upon a showing that an exception is necessary for proper timber management.

(5) Permit Requirement

No person may conduct any timber harvesting without first obtaining a permit from the Planning Board. The Planning Board shall grant such permit if the Board finds that the applicant's forest management plan complies with State rules and municipal ordinances.

(6) Limitation of Clear-cutting Areas

Notwithstanding the provisions of rules promulgated by the Maine Department of Conservation relating to Forest Regeneration and Clear-cutting Standards (MFS Rules Ch. 20), no person may cause or permit the clear-cutting of an area greater than fifty (50) acres.

Section 4. Campgrounds

Campgrounds located in the Shoreland Zone as herein defined shall conform to the standards set forth in the Shoreland Zoning Ordinance. All other campgrounds shall conform to the minimum standards imposed under State licensing and the following:

(1) Camping areas located outside shoreland areas shall contain a minimum of 2,500 square feet of suitable land, not including roads and driveways, for each site.

(2) The area intended for placement of recreational vehicles, tents, or shelter and utility and service buildings, shall be set back a minimum of 75 feet from the normal high water mark of any pond or stream.

Section 5. Mineral Extraction

(1) Any exploration for or extraction of minerals within the Shoreland Zone as defined herein shall be covered by the regulations contained in the Shoreland Zoning Ordinance.

(2) No portion of any ground area disturbed by extraction activity shall be closer to the normal high water mark of a body of water than is indicated by the following table:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water High Mark (Percent)	Width of Strip Between Exposed Mineral Soil & Normal High Water Mark (Ft. Along Surface of the Ground)
50	250
60	290
70	330

(3) No portion on any ground area disturbed by the extraction activity conducted under this Ordinance shall be closer than 250 feet from any public roadway, or 250 feet from any property line in the absence of the prior written agreement of the owner of such adjoining property.

Section 6. Scenic Corridor Standards

(1) Applicability

This section applies to all land area within 200 feet, horizontal distance, of the right-of-way lines of Route 27.

(2) Access Limitations

(a) Any residential lot created after the effective date of this Ordinance, whether or not a part of a subdivision, shall have its required road frontage on a way other than Route 27, unless the Planning Board determines that conditions particular to a parcel justify a waiver from this requirement. A waiver shall be granted only if there will be no further subdivision of the parcel and one of the following conditions is met:

(i) There is too little road frontage to reasonably allow for the creation of a new way.

(ii) The shape or physical condition of the parcel does not permit access to or creation of a way.

(b) No more than one curb cut or access point on Route 27 shall be allowed for any one lot in residential use, and the curb cut or access point shall not exceed 24 feet in width at the property line.

(c) No more than one curb cut or access point on Route 27 shall be allowed for any one lot in nonresidential use, provided, however, that the Planning Board may approve a second curb cut or access point as part of site plan review, pursuant to Article X of this Ordinance, and provided, further, that the Planning Board finds that a second curb cut would not violate the purposes of the Comprehensive Plan to preserve Route 27 as a scenic corridor. No curb cut or access point serving a lot in nonresidential use shall exceed 40 feet in width at the property line. Curb cuts serving the same lot shall be separated by at least 100 feet at their closest points.

(3) Setback from Route 27

(a) Notwithstanding district regulations to the contrary, structures in the scenic corridor erected after the effective date of this Ordinance shall be set back 50 feet or more from the Route 27 right-of-way line; provided, however, that structures more than 28 feet in height up to 35 feet in height, or more than 5,000 square feet in total floor area up to 7,500 square feet in total floor area, shall be set back 75 feet or more from the Route 27 right-of-way line; and provided, further, that structures more than 35 feet in height or more than 7,500 square feet in total floor area shall be set back 100 feet or more from the Route 27 right-of-way line.

(b) There shall be no clearing of trees within 50 feet of the Route 27 right-of-way line such that, on residential lots, an opening of more than 30 feet in width for every 100 feet of frontage on Route 27 is created; or, on nonresidential lots, an opening of more than 60 feet for every 100 feet of frontage on Route 27 is created. However:

(i) Where frontage on Route 27 is less than 100 feet, residential lots in a wooded condition shall be entitled to an opening of up to 30 feet in width, and nonresidential lots shall be entitled to an opening of up to 40 feet in width.

(ii) Where frontage on Route 27 is more than 100 feet and the lot is in a wooded condition, allowable openings shall be calculated based on a ratio of 30 feet of width per 100 feet of frontage, but in no case shall a single opening on a lot in residential use exceed 40 feet in width, or a single opening on a lot in nonresidential use exceed 60 feet in width, and in all cases multiple openings serving one lot shall be separated by treed areas of at least 20 feet along Route 27.

(iii) The restrictions contained in this paragraph (b) shall not prohibit selective cutting of trees less than 4 inches in diameter as measured four feet above ground level, or pruning, or otherwise maintaining wooded areas in a maintained and aesthetic condition.

(c) The area within 50 feet of the Route 27 right-of-way line shall be maintained in a vegetative condition and shall not be used for parking, provided, however, that a single sign, erected in conformance with the Carrabassett Valley Sign Ordinance, may be placed within this area. The restriction on parking shall not apply to single family detached homes.

Section 7. Off-Street Parking Standards

(1) Applicability

In all new construction, expansions, and changes of use there shall be provided off-street parking adequate for their use.

(2) Requirements

Off-street parking shall be considered an accessory use when required or provided to serve conforming uses located in any district. An off-street parking space shall be a minimum of 9 feet wide by 18 feet long. The following minimum number of spaces shall be provided and maintained:

Dwellings	2 spaces per dwelling unit with three or less bedrooms plus one spaces for each additional bedroom above three, provided that the Planning Board may modify this number during site plan or subdivision review based on number of bedrooms and other indicators of parking demand.
Motels, hotels, inns	4 spaces plus 1 space per sleeping room
Bed and breakfasts, tourist homes, rooming houses	2 spaces for each dwelling unit plus 1 space per room offered for rent
Retail and personal service	1 space per 200 square feet of gross establishments floor area
Eating and drinking places	1 space per 3 seats
Offices, including medical	1 space per 250 square feet of gross floor area
Theaters, auditoria, churches	1 space per 3 seats where fixed seating is provided, and 1 space per 100 sq. ft. of area otherwise available for assembly
Indoor recreation	1 space per 200 square feet of gross establishments floor area
Day care centers, nursery schools	1 space per four children
Industrial, manufacturing, distribution	1 space per 500 sq. ft. of gross floor area, exclusive of storage
Mixed uses	The sum of requirements for the individual uses
Uses not specifically listed or able to be placed into one of the above categories	Sufficient number of parking spaces, as determined by the Planning Board during site plan review, or by the Codes Enforcement Officer if there is no site plan review, to eliminate the necessity of on-street parking

(3) Where the development will abut an existing or potential parking area provisions shall be made for internal vehicular connections that allow vehicles to move between parking areas/lots without having to enter the road.

(4) Required off-street parking for all land uses shall be located on the same lot as the principal building or use. The Planning Board may allow the required or provided off-street parking to be located within 300 feet measured along lines of public access. Such off-lot parking areas shall be held in fee simple by the owner of the use served or in such other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if tenure is other than ownership in fee simple, the form of tenure shall be approved by the Selectmen before the request is considered by the Board. Evidence of fee simple ownership or approved tenure shall be required.

(5) The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

(6) For public restaurants operated in conjunction with a lodging facility, a percent reduction in required parking spaces equal to the percent of restaurant patrons attributable to "in-house" lodging guests may be granted. Such reduction shall not exceed 50% of the total required for the restaurant. The burden of verification of the percent of "in-house" patrons is with the applicant.

Section 8. Mixed-Use Development Standards

A. Definition

A mixed-use development that includes both residential and non-residential uses; is developed under unified management; is planned as a whole; is reviewed and approved as a subdivision by the Planning Board; and in addition is subject to the requirements of Article IX, Section 8 and Article X of this Ordinance.

B. Purpose

The provisions for mixed-use developments are intended to allow for well-planned developments that incorporate both residential and non-residential uses at higher densities than would otherwise be allowed in the Districts where allowed. These developments may include new development or the reuse/redevelopment of existing facilities. The purpose of this Section is to encourage development that will result in:

(1) the protection of open space and natural resources;

(2) the creation of an expanded variety of housing;

(3) a pattern of development that is in harmony with the natural features of the land; and

(4) the efficient use of the limited amount of developable land in the Valley Center to allow the area to continue to evolve as a center.

C. Procedure

Proposed mixed-use developments shall be considered subdivisions and shall be reviewed by, and final decisions shall be made by, the Planning Board in the same manner as subdivisions. In addition, projects are subject to site plan approval. The applicant must demonstrate right, title, or interest in the land which is the subject of the application.

D. Standards

In addition to the zoning requirements of the District and the standards for subdivisions and site plan review, a proposal for a mixed-use development must conform to the following:

(1) The parcel of land on which the development will be located must contain a minimum of three (3) acres of gross area and shall have a minimum of 150 feet of road frontage.

(2) In the Valley Center District the development will be served by centralized sewerage and water supply facilities.

(3) In the Planned Unit Development District the development will be served by an off site sewerage disposal.

(4) The development will conform to the applicable performance standards of Articles IX and X including, but not limited to, the shoreland area standards, scenic corridor standards, off-street parking requirements, and sign provisions.

(5) The development will conform to the space and bulk standards of the District in which it located except as specifically provided for in this section.

(6) Notwithstanding the minimum net lot area per dwelling unit requirement of the space and bulk standards of the Valley Center District, a mixed-use development may be developed at a maximum density of:

- 5,000 sq. ft. of net lot area for each dwelling unit with less than three bedrooms

- 7,500 sq. ft. of net lot area for each dwelling unit with three or more bedrooms

- 10,000 sq. ft. of net lot area for each nonresidential use

(7) No building or structure that contains a nonresidential use shall be located within fifty (50) feet of the parcel's perimeter boundary line except for the reuse of an existing building as part of the mixed-use development.

(8) The minimum distance between principal structures on the lot shall be equivalent to the height of the taller building.

(9) Where possible, buildings shall be oriented with consideration for scenic vistas, natural landscape features, topography, and potential solar access.

(10) The subdivision and site plans shall demonstrate how the natural resources on the site will be protected and open space preserved.

(11) All utilities shall be installed underground, unless specifically waived by the Planning Board.

(12) Development proposals shall include a landscape program to illustrate the proposed treatment of roads, paths, service and parking areas, and buffers from surrounding uses, and the way in which important natural features are to be preserved.

(13) Adequate provision shall be made for erosion control and management of stormwater runoff, with particular concern for the effects of effluent draining from the site. Drainage facilities shall be designed to accommodate the 25-year, 2-hour storm.

Section 9. Planned Unit Development Standards

(1) Definition

A planned unit development is a residential or mixed-use land development which is developed under unified management; is planned as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, open space and preserved natural features, recreational facilities, and design principles for proposed buildings; is reviewed and approved as a subdivision by the Planning Board and in addition is subject to the requirements of this Section; may be developed in clearly identified stages; and provides for the operation and maintenance of common facilities.

(2) Purpose

The purpose of this section is to allow, within the Planned Development District, for large-scale, well planned developments that:

(a) are in accordance with the Town's Comprehensive Plan;

(b) are reasonably self-sufficient in the provision of necessary services, such as sewerage, water supply, off-street parking, recreational amenities, and long-term management of common facilities;

(c) integrate a variety of residential, commercial, and/or recreational uses;
(d) preserve open space;

(e) incorporate a pattern of development that is in harmony with the natural features of the land; and

(f) provide for efficient use of the land, minimizing the required networks of streets and utilities.

(3) Procedure

(a) Proposed planned unit developments shall be reviewed as subdivisions under the Ordinance and shall be reviewed by, and final decisions shall be made by, the Planning Board. The tract or parcel of land proposed for planned unit development must be in single ownership or the subject of an application filed jointly by the owners of all the property included. The applicant must demonstrate right, title, or interest in the land that is the subject of the application. The planned unit development review procedure shall consist of the following steps:

(i) a preapplication conference;

(ii) preliminary development plan;

(iii) final development plan and subdivision approval.

(b) The preapplication conference shall serve the purpose of informally acquainting the Planning Board with the overall scope and intentions of the proposed planned unit development and of acquainting the developer with the requirements of this Section. At the preapplication conference, the developer shall submit to the Planning Board a sketch plan of the proposed planned unit development, which generally shows the bounds of the total development and the mix of land uses proposed and their general locations. No action shall be required on the sketch plan, which is presented for informational purposes only.

(c) The preliminary development plan shall constitute a formal submission of a subdivision application to the Planning Board. The following items are required to be submitted as part of any preliminary development plan:

(i) a legal description of the total planned unit development boundaries and of any divisions of the land, existing or proposed, within these boundaries.

(ii) a statement of present and proposed ownership of all lands within the proposed planned unit development.

(iii) a reasonably complete development schedule that indicates when the project and stages thereof will begin and be completed.

(iv) a statement sufficient to satisfy the Planning Board that the project can be realistically financed and completed.

(v) a statement on the proposed method of collecting and disposing of wastewater and of solid wastes, and proposed method and source of water supply.

(vi) a location map, which may be a USGS topographic map or a drawing to scale of one inch equals one thousand feet, that indicates the area of the proposed planned unit development.

(vii) a plan showing existing site conditions within the proposed planned unit development, including: property lines, contours at 5-foot intervals, water courses, ponds, forest cover, swamps and wetlands, other prominent environmental features, easements, roads, and rights-of-way, existing buildings, existing parking areas, existing sewer, water, and utility facilities, and other prominent man-made features.

(viii) a soils map of at least medium intensity that covers those portions of the site where any development is proposed.

(ix) a subdivision and site plan drawn to an appropriate scale that shows, in addition to the important existing site conditions previously mapped, approximate proposed lot lines, proposed easements, roads, and rights-of-way, proposed sewage disposal area, proposed water supply sources, proposed open spaces, proposed recreational facilities, proposed pedestrian facilities, paths, and trails, proposed parking, loading, and service areas, and a landscaping plan.

(x) the subdivision and site plan shall include clear notations as to which facilities are proposed to be in public, private, or common ownership.

(xi) a utilities and grading plan that shows type, size, and location of sewage collection and disposal facilities, water supply sources and distribution facilities, storm water control and drainage facilities, cut-and-fill operations, telephone and electric lines, and lighting of outdoor spaces.

(xii) proposed water supply and sewage disposal facilities shall include statements from the appropriate regulatory agencies that the facilities are feasible and meet all applicable requirements.

(d) Where the preliminary development plan involves a staged development, and the applicant cannot reasonably make available the required maps and plans for the entire planned unit development, they shall submit such maps and plans covering only the initial development stage or stages, together with sketch plans covering the other stages. Such sketch plans shall describe the proposed land uses, densities, circulation patterns, and building locations in sufficient detail to permit

the Planning Board to make a finding that the site can potentially support the entire development program. Approval of the preliminary development plan for the initial development stage or stages shall not constitute preliminary development approval of subsequent stages for which only sketch plans have been reviewed.

(e) The Planning Board may, as part of its review of the preliminary development plan, conduct a public hearing on the planned unit development, in which case it shall provide public notice in a newspaper of general circulation at least seven days prior to the date of the public hearing.

(f) The final development plan shall constitute a formal submission of a final subdivision application to the Planning Board, but only of such part of the planned unit development that has received approval of a preliminary development plan. The following items are required to be submitted as part of any final development plan:

(i) drawings that include all the information required on the subdivision and site plan under the preliminary development plan.

(ii) drawings that detail all roads, parking, service, and traffic circulation areas, including dimensions of proposed curve radii, grades, cross-sections, and number of parking spaces.

(iii) an erosion control plan that details surface water runoff and storm drainage systems, soil stabilization procedures, and vegetation schedules.

(iv) copies of restrictive covenants or deed restrictions relating to the development.

(v) evidence of the formation and incorporation by the developer of any homeowner's association that may be proposed to manage and maintain common spaces and facilities.

(vi) a subdivision plat suitable for recording, in conformance with subdivision law.

(g) For any planned unit development within the Planned Development District already lawfully existing or in progress as of the effective date of this Ordinance, the Planning Board, upon application by the developer for expansion of or additional development within the planned unit development, may at its sole discretion waive the requirement of a preapplication conference and such portions of the required preliminary development plan submissions as it believes have been satisfied or are unnecessary to make a reasoned decision on the proposed expansion or addition.

(4) Standards

(a) For the purpose of establishing space and bulk standards applicable to planned unit developments, the Planned Development (PD) District shall be divided into Subdistricts A and B. Notwithstanding district regulations to the contrary, the space and bulk standards for planned unit developments in Subdistricts A and B shall be as follows:

(i) a planned unit development shall contain at least ten acres of buildable land area in single ownership if a mix of residential and nonresidential uses are included in the development. If the planned unit development includes only residential, recreational, open space and similar uses and does not include nonresidential uses, it shall contain at least three acres but not more than twenty acres of buildable land area in single ownership. The acreage shall be contiguous, unless the Planning Board finds that noncontiguous acres are part of a common, overall scheme of development. Land contained in planned unit developments in progress as of the effective date of this Ordinance may be included within the minimum 10-acre requirement. Allowable uses shall be those listed as permitted or conditional uses in the Planned Development District, including single family attached dwelling units.

(ii) the planned unit development shall be served by centralized sewerage and water supply facilities.

(iii) lots which may be created for nonresidential uses shall include sufficient land area to support any proposed structures, the required off-street parking for the uses, whether or not the parking actually is located on the lots, and safe pedestrian circulation.

(iv) net lot area per dwelling unit in Subdistrict A shall be not less than an average of 4,356 square feet. No building or structure shall be located closer than 25 feet to the perimeter boundary line of the planned unit development. Land within the shoreland zone shall conform to the standards of the Shoreland Zoning Ordinance. Principal structures shall be separated by a distance equal to at least one-half the height of the taller structure. Maximum lot coverage in Subdistrict A shall be 30%. Other space and bulk dimensions for planned unit developments in Subdistrict A shall be as shown and approved by the Planning Board on the final development plan.

(v) net lot area per dwelling unit in Subdistrict B shall be as shown and approved by the Planning Board on the final development plan. No building or structure shall be located closer than 25 feet to the perimeter boundary lines of the planned unit development. Land within the shoreland zone shall conform to the standards of the Shoreland Zoning Ordinance. Principal structures shall be separated by a distance equal to at

least one-half the height of the taller structure. Maximum lot coverage in Subdistrict B shall be 40%. Other space and bulk dimensions for planned unit developments in Subdistrict B shall be as shown and approved by the Planning Board on the final development plan.

(b) Where possible, buildings shall be oriented with consideration for scenic vistas, natural landscape features, topography, and potential solar access.

(c) All utilities shall be installed underground, unless specifically waived by the Planning Board.

(d) Adequate provision shall be made for erosion control and management of stormwater runoff, with particular concern for the effects of effluent draining from the site. Drainage facilities shall be designed to accommodate the 25-year storm.

(e) Planned unit developments shall conform to the standards of subdivision approval.

Section 10. Signs

(1) Purpose

The purpose of this Section is to permit reasonable advertising and informational signs, while preserving the natural and scenic beauty of the Town and preventing a proliferation of signs that would despoil this beauty and create hazards to traffic. This Section applies only to signs which are visible from a public way.

(2) Permit Required

(a) No person, firm, or corporation shall erect a sign or sign structure of any kind without a permit issued by the Codes Enforcement Officer, upon payment of a permit fee as may be established by the Selectmen.

(b) Application for a permit shall include the name and address of the sign owner, the proposed location relative to lot lines and building(s) on the lot, a scale drawing indicating colors to be used and the design, dimensions, and position of the sign, and such other information as the Codes Enforcement Officer may require to insure compliance with this Section.

(c) A sign permit shall become null and void if the work for which the permit was issued has not been completed within three months from the date of the permit, provided, however, that the Codes Enforcement Officer may, upon a showing in writing by the applicant of extenuating circumstances, issue extensions covering a period not to exceed six months from the date of issue of the original permit.

(3) Excepted Signs

The following signs are excepted from the provisions of this Ordinance:

(a) Any sign which was lawfully in existence prior to the effective date of this Ordinance, provided, however, any change in lettering, size, construction, location, or lighting of said sign shall constitute a new sign, and such change shall be governed by the terms of this Section. Nonconforming signs may receive normal maintenance and repairs.

(b) Customary holiday decorations.

(c) House addresses, family name signs, and no trespassing signs.

(d) Traffic control signs.

(4) Temporary Signs

Temporary signs, as exemplified by for sale signs, charitable signs, fundraising signs, and garage sale signs, shall comply with the provisions of this Ordinance, provided, however, that applicants using multiple signs of the same design, or the same sign repeatedly, may obtain a single permit covering all such signs or uses.

(5) General Restrictions

(a) No sign shall be attached to any tree, fence, or utility pole or be painted upon or otherwise directly affixed to any rock, ledge or other natural feature.

(b) No sign shall be erected:

(i) at any location where, by reason of position, shape, wording or color, it interferes with or obstructs the view of pedestrian or vehicular traffic; or

(ii) which may be confused with any authorized traffic sign, signal, or device.

(c) All signs and their supporting structures shall be properly maintained to prevent rust, rot, peeling, or similar deterioration.

(d) Any outdoor sign which advertises, identifies or pertains to an activity no longer in existence shall be removed by its owner or person otherwise responsible within 30 days from the time the activity ceases. This provision does not apply to seasonal activities during the regular periods in which they are closed. Signs associated with political campaigns shall be removed within 30 days of the end of the campaign.

(e) No sign shall:

(i) be internally lighted;

(ii) consist of pennants, ribbons, streamers, sheets, spinners, other moving devices, strings of light bulbs or similar devices;

(iii) have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color;

(iv) be illuminated by other than a stationary white or off-white steady light;

(v) be mechanically operated by wind;

(vi) be painted directly on a wall or the exterior of a window, or any other structural part of a building, or be placed directly upon a roof;

(vii) be movable or portable.

(f) No sign shall be closer than (i) 20 feet to a side lot line, or (ii) closer than the stricter of 50 feet to the centerline of any public way which has a right-of-way less than 66 feet in width, or 35 feet to the outside edge of the paved portion of any public way with a total paved portion of more than 24 feet in width, provided that in no case shall any sign be located within or project over the right-of-way, as determined by a legal authority.

(g) No outdoor sign shall be erected on any premise other than the premise where the activity to which the sign pertains is located. Persons who claim this prohibition creates an undue hardship as defined in Article VI, Section 4, of this Ordinance may apply to the Zoning Board of Appeals for a variance of this standard. Upon a finding of undue hardship, the Board may grant a permit to erect a business directional sign in accordance with the standards of the Maine Department of Transportation.

(h) No sign shall be erected unless it is so constructed as to have parallel sides.

(i) Signs for Adult Use and Medical Marijuana Establishments shall be minimal and discreet in content and language. No marijuana symbols or pictures may be included on the sign. The Planning Board shall pre-approve any proposed sign, which must otherwise comply with all other provisions of this Section.

(6) General Standards

The following designate the maximum allowable specifications of signs on any premise covered by this Ordinance. The size and number of signs permitted within the Shoreland Zone are regulated by the Shoreland Zoning Ordinance.

(a) In RP, C, R-1, and R-2 districts: one on-premise sign pertaining to a permitted use conducted on the premises, of maximum area of 8 square feet if a ground sign or projecting sign, or 4 square feet if a wall sign, with the longest dimension not more than 2 feet.

(b) In VC, PD, REC, and I districts:

(i) The number of outdoor signs shall not exceed 2.

(ii) No sign serving a single freestanding business on its own lot shall contain more than 100 square feet of sign area or have a height greater than 20 feet from the ground level upon which is located to the top of the sign.

(iii) Signs serving a multi-business complex shall not contain a total of more than 200 square feet of sign area according to the following schedule:

(a) a maximum of 100 square feet of sign area for the main sign describing or advertising the business complex,

(b) a maximum of 100 additional square feet of sign area for the businesses within the complex with a two-business complex allowed up to 40 of the additional square feet, a three-business complex allowed up to 60 of the additional square feet, a four-business complex allowed up to 80 of the additional square feet, and a complex with five or more businesses allowed up to the maximum 100 additional square feet of sign area. The actual division of the allowable sign area among individual businesses shall be at the discretion of the property and/or business owners.

(iv) Outdoor signs may be displayed as ground signs, wall signs, projecting signs, or a combination of these.

(v) Ground signs are limited to a maximum sign area of 50 square feet.

(vi) Wall signs shall occupy no more than 40 percent of the wall to which they are attached or affixed, and in any case, shall not contain more than 50 square feet of sign area. The wall is the facade of a building up to the roof line, excluding windows, doors, and major architectural features.

(vii) The Town encourages the use of wooden frames, such as 4" x 4"'s on all four sides of a sign.

(7) Repeal

This section shall be enacted and be in full force and effect upon enactment of this Zoning Ordinance, in which it is contained, and any other sign ordinance of the Town in effect prior to the date of enactment is hereby repealed.

Section 11. Airport Zone

(1) Definitions

(a) Airport Clear Zone

The airport clear zone is the primary surface and all area below the approach surface extending from each end of the primary surface to the shore of the Carrabassett River.

(b) Airport Imaginary Surfaces

The airport imaginary surfaces (14 CRF 77.25) are as follows:

(i) Primary Surface

A surface longitudinally centered on the airport runway centerline with a width of 250 feet and extending in length 200 feet beyond each end of the airport runway.

(ii) Approach Surface

A surface longitudinally centered on the airport runway centerline and extending outward from each end of the primary surface. The inner edge of each approach surface at the end of the primary surface is 250 feet. Each approach surface expands uniformly to a width of 1,250 feet and extends for a horizontal distance of 5,000 feet at a slope of 20 to 1.

(iii) Horizontal Surface

A horizontal plane 150 feet above the established airport elevation (880 feet above sea level), the perimeter of which is constructed by swinging arcs with a 5,000 foot radius from the center of each end of the primary surface and connecting the arcs by lines tangent to those areas.

(iv) Conical Surface

A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

(v) Transitional Surface

These surfaces extend outward and upward at right angles to the airport runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces.

(c) Airport Reference Point

The airport reference point is a point in the center of the airport runway at Latitude 45E05'09", Longitude 70E12'58".

(d) Airport Runway

The airport runway is the 75 X 2800 ft. paved surface of the existing runway at the Sugarloaf Regional Airport, the centerline of which runs through the airport reference point at a true heading of N29E55'00"W.

(e) FAA

The FAA is the Federal Aviation Administration, an agency of the U.S. Department of Transportation.

(2) General Prohibitions

(a) No structure or object may be erected or placed within the airport clear zone.

(b) No structure, object or tree that exceeds the height of the airport imaginary surfaces may be erected, placed or allowed within any zone.

(c) No public or private road that is not more than 15 feet below an airport imaginary surface may be created or constructed in any zone.

(d) No structure or object that is more than 200 feet above the established airport elevation (880 feet above sea level) and within three nautical miles of the airport reference point may be erected or placed in any zone.

(e) No structure or object that is more than 500 feet above ground level at the site of the structure may be erected or placed in any zone.

(3) FAA Review

(a) Notwithstanding any other provision of this Ordinance, no permit shall be issued for construction, alteration or other use to any person who is required to give notice to the FAA pursuant to federal law, (including 14 CFR 77.11 and 77.13 (a)) until after the municipal officers have received a copy of the written acknowledgement of the FAA of such notice. A permit shall not be issued for construction or alteration that is presumed to create, or will create, a hazard to air navigation as determined by the FAA under its regulations.

(b) No variance of the dimensional requirements in this Section may be made by the Board of Appeals, unless in addition to all other standards under Section 4 of this Ordinance and 6 MRSA 242, the applicant provides the Board with a written

statement from the FAA that the proposed construction or use is in compliance with applicable FAA regulations and is not a hazard to air navigation.

(4) Standards

(a) Within the airport clear zone, construction of new structures is prohibited. Existing structures may be maintained and expanded in accordance with the applicable zoning districts in which they are located, provided that no expansion shall be such that the height exceeds the elevation of the glide slope, as defined by the Federal Aviation Administration and shown on the Slope Clearance Map.

(b) Within the airport approach zone, new construction is permitted in accordance with the applicable zoning district in which it is located, provided that no structure shall exceed the elevation of the glide slope, as defined by the Federal Aviation Administration and shown on the Slope Clearance Map.

(c) There shall be no plantings in either the airport clear zone or the airport approach zone that exceeds the elevation of the glide slope, as shown on the Slope Clearance Map.

Section 12. Home Occupation Standards

(1) Applicability

All home occupations established, relocated or enlarged after the date of adoption of this section shall conform to the requirements and standards set forth below.

(2) Certificate of Occupancy Required

Any new home occupation or the relocation or expansion of any existing home occupation shall obtain a Certificate of Occupancy from the Code Enforcement Officer in accordance with Article IV, Section 6 of this ordinance before commencing any non-residential use of the premises. The CEO shall issue the Certificate of Occupancy for the home occupation only if they find that the proposed home occupation use conforms to all requirements of the Town, is allowed in the proposed location, and conforms to the following performance standards.

(3) Performance Standards

Any home occupation shall conform to the following standards:

a. The use of the premises for a home occupation shall be clearly incidental and subordinate to its use for residential purposes. The home occupation use shall not occupy more than twenty-five percent (25%) of the gross floor area of the dwelling unit and any accessory buildings used as part of the home occupation.

b. The exterior appearance of the building(s) housing the home occupation shall be residential in character and no changes or alterations of a non-residential nature such as display windows shall be permitted. Signs for the home occupation shall be allowed in accordance with Section 10 of this article.

c. The home occupation shall be carried on by a member or members of the household that resides in the dwelling unit and shall not employ more than one (1) person who does not live in the dwelling unit.

d. The home occupation shall not generate a volume of vehicle traffic that is substantially in excess of that associated with other residential uses in the neighborhood.

e. The retail sale of physical products kept in stock on the premises for sale to customers coming to the home occupation shall not be the principal activity of the home occupation. The accessory sale of goods to customers coming to the premises shall be allowed as part of the home occupation such as shampoo by a beauty salon, or tax software by an accountant, or art and crafts produced on the premises. The sale of products by mail order or the Internet or other means in which the customer does not come to the premises is allowed.

f. No equipment or processes shall be used in the home occupation that create noise, vibration, glare, fumes, odors, or electrical interference that is detectable to the normal senses at the boundary of the lot if the premises is a single-family home, or outside of the dwelling unit for any other type of residential unit.

g. Any exterior storage of materials, equipment, or wastes associated with the home occupation shall be located in an enclosed and screened area so that it is not visible from abutting residential properties or the street.

Section 13. Adult Use and Medical Marijuana Standards

(1) Limit on Home Cultivation of Marijuana

No person shall be permitted to cultivate marijuana plants or seedlings on a parcel or tract of land on which they are not domiciled. Home cultivation of marijuana must be screened from view by the public and abutting landowners

(2) Limit on Location of Marijuana Establishments.

(a) A marijuana establishment may not be permitted or operated within 1000 feet of a public or private educational facility including but not limited to child care facility, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; “school” includes the school ground,

but does not include the facilities used primarily for another purpose and only incidentally as a school.

(b) A marijuana establishment may not be permitted or operated within 1000 feet of a property used primarily for religious worship and related religious activities; recreational areas designated for use by children up to eighteen years in age; or areas designated as municipal "safe zones" pursuant to 30-A M.R.S. §3253.

(c) For the purpose of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest property line of a property containing a building or structure used as the premises where a marijuana establishment is located, to the nearest property line of the premises. Presence of a town, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

(d) Morte than one Adult Use or Medical Marijuana Business (Cultivation Facility and/or Manufacturing Facility and/or Testing Facility) may be co-located and operated within the same building, structure, or portion thereof, as long as all ordinance and application requirements are met.

(e) The sale or offering for sale of Medical Marijuana and/or Medical Marijuana products under permit/license and the sale or offering for sale of Adult Use Marijuana and/or Adult Use Marijuana products under permit/license within the same facility or building by the same licensee is prohibited per 28-B M.R.S. section 504.5.

(3) Limit on Hours of Operation for Marijuana Establishments

Marijuana establishments may be open for business only between the hours of 8:00 a.m. and 9:00 p.m., Eastern Standard Time.

(4) Security Requirements for Marijuana Establishments

(a) Security Requirements for Marijuana Establishments. Security measures at all Adult Use and Medical Marijuana Establishments shall include on their premises in good working condition, at a minimum, the following:

i. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with thirty (30) day video storage, to monitor all entrances, along with the interior and exterior of the premises; and

ii. Door and window combination video and motion detector intrusion system with audible alarm; and must include 24 hour monitoring acceptable to the Carrabassett Valley Police Department; and

iii. Exterior lighting that illuminates the exterior walls of the licensed premises during dusk to dawn, that is either constantly on or activated by motion detectors, and complies with applicable provisions of the lighting

performance standards of this Ordinance; any interior lighting used for growing or cultivation purposes shall not be visible from the outside of the building; and Deadbolt locks on all exterior doors and any other exterior access points, excepting windows which shall have locks, or other security treatment options approved by the Code Enforcement Officer; and

iv. Effective methods to ensure that no person under the age of twenty-one (21) shall have access to marijuana and marijuana products.

(5) Required Interior Display for Marijuana Establishments.

There shall be posted in a conspicuous location inside each Adult Use Marijuana Retail Store, at least one legible sign containing the following information:

(a) Use of or allowing on-site consumption of marijuana is illegal.

(b) Open and public consumption of marijuana in the State of Maine is illegal.

(c) The use of marijuana or marijuana products may impair a person's ability to drive a motor vehicle or operate machinery.

(d) No one under the age of twenty-one (21) allowed.

(e) Loitering prohibited.

(6) Indoor Cultivation Only

Cultivation of marijuana performed by Adult Use or Medical Marijuana Establishments must be conducted indoors and not in view of the public. No exterior evidence of any cultivation shall be visible from a public way, abutting property, or public area.

(7) Ventilation Requirements for Marijuana Establishments

Odor Control and Ventilation Requirements for Marijuana Establishments All Adult Use and Medical Marijuana Establishments shall have odor and ventilation systems installed and maintained in accordance with a design prepared by a Maine Licensed Mechanical Engineer such that the systems are sufficient to prevent all marijuana and marijuana-related odors from leaving the facility or premises.

(8) Public Safety Requirements for Marijuana Establishments:

(a) Every Adult Use and Medical Marijuana Establishment shall allow access to the premises for law enforcement officers or the Town of Carrabassett Valley Code Enforcement Officer at reasonable times for the purpose of checking compliance with this Ordinance and applicable state and local laws.

(b) Every owner and all premises managers for Adult Use and Medical Marijuana Establishments shall submit current emergency contact phone numbers to the Carrabassett Valley Police Department.

Section 14. Residential Density

(1) Purpose

The purpose of this Section is to allow multiple dwelling units on lots where housing is allowed as of July 1, 2024 and thereafter in accordance with State Title 30-A M.R.S. 4364-B. Additional dwelling units are subject to the zoning district minimum lot size requirements set forth in this Ordinance.

(2) Parcel Status and Location

(a) Undeveloped Parcels as of July 1, 2024

1. If the lot is located within a Designated Growth Area approved by the Town in its Comprehensive Plan OR is served by public water and sewer, or a centrally managed water system and a comparable sewer system, the owner of the lot is permitted to have up to four (4) dwelling units, notwithstanding the requirements of the Town's Subdivision Ordinance. The third and fourth dwelling units may be located within a structure or multiple structures. If the third and/or fourth dwelling units are created within a 5-year period, the project may be subject to subdivision review and approval.

2. If the lot is located outside a Designated Growth Area approved by the Town in its Comprehensive Plan, the owner of the lot is permitted to have up to two (2) dwelling units per lot, provided that the requirements in 12 M.R.S. Chapter 423-A, as may be amended, are met. The two (2) dwelling units may be within a single structure or two separate structures.

(b) Developed Parcels as of July 1, 2024

1. If the lot contains one (1) existing dwelling unit, up to two additional dwelling units may be constructed, notwithstanding the requirements of the Town's Subdivision Ordinance. The additional units may be located within, attached to, or detached from the existing structure. The owner may also choose to have one unit detached and one unit attached to the existing structure. If the third dwelling unit is created within a 5-year period, the project may be subject to additional subdivision review and approval.

2. If the lot contains two (2) or more existing dwelling units, no more additional units are allowed.

(3) Water and Wastewater

(a) Prior to occupancy, the owner of a housing structure must provide written verification to the Code Enforcement Officer that the structure is connected to adequate water and wastewater services. Written verification under this subsection must include the following:

1. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the structure and proof of payment for the connection to the sewer system;

2. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by the Local Plumbing Inspector pursuant to 30-A M.R.S. § 4221, as may be amended. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;

3. If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the structure, proof of payment for the connection and the volume and supply of water required for the structure; and

4. If a housing structure is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

(4) Shoreland Zoning

This Section shall not be construed to exempt a property owner from the applicable provisions of shoreland zoning requirements established by the Maine Department of Environmental Protection under 38 M.R.S. Chapter 3 or the Town's Shoreland Zoning Ordinance. Each proposed dwelling unit shall meet the lot frontage and setback requirements set forth in the Shoreland Zoning Ordinance.

(5) Subdivision Requirements

This Section shall not be construed to exempt a property owner from the applicable provisions of the State subdivision statute, 30-A M.R.S. §4401-4408, or the Town's Subdivision Ordinance relating to division of a tract or parcel of land.

(6) Restrictive Covenants

All residential units permitted after July 1, 2024, may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant,

deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

Section 15. Accessory Dwelling Units

(1) Purpose

The purpose of this Section is to permit Accessory Dwelling Units in accordance with State Title 30-A M.R.S. 4364-B.

(2) Requirements

On a lot where a single-family dwelling unit exists as the principal structure, the owner may establish one accessory dwelling unit. The accessory dwelling unit is exempt from any density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed. An accessory dwelling unit may be located within, attached to, or detached from the principal structure. An accessory dwelling unit must be under the same ownership as the single-family dwelling unit. Either the single-family dwelling unit, or the accessory dwelling unit must be owner-occupied.

For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of the implementation date, in which case the requisite setback requirements for such a structure apply.

When an accessory dwelling unit is located in the shoreland zone, the lot area and shore frontage described in the Shoreland Zoning Ordinance shall apply to both the principal structure and the accessory dwelling unit. (e.g., for a single-family dwelling and an ADU on a lot in the Shoreland Zone, the lot must have twice the minimum lot area and twice the minimum shore frontage).

(3) Size

The accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, as may be amended, adopts a different minimum standard; if so, that standard applies. Other size limitations apply if located within a subdivision. Based upon aggregate floor areas, an accessory dwelling unit can be no greater than 1200 square feet or 75% of the principal structure, whichever is greater.

(4) Water and Wastewater

(a) Prior to issuance of a building occupancy, an owner of an accessory dwelling unit must provide written verification to the Code Enforcement Officer that the accessory dwelling unit is connected to adequate water and wastewater services. Written verification under this subsection must include the following:

1. If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

2. If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by the Local Plumbing Inspector pursuant to 30-A M.R.S. § 4221, as may be amended. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;

3. If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

4. If an accessory dwelling unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

(5) Shoreland Zoning

This Section shall not be construed to exempt a property owner from the applicable provisions of shoreland zoning requirements established by the Maine Department of Environmental Protection under 38 M.R.S. Chapter 3 or the Town's Shoreland Zoning Ordinance.

(6) Subdivision Requirements

This Section shall not be construed to exempt a property owner from the applicable provisions of the State subdivision statute, 30-A M.R.S. §4401-4408, or the Town's Subdivision Ordinance relating to division of a tract or parcel of land.

(7) Restrictive Covenants

All residential units permitted after July 1, 2024, may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

Section 16. Affordable Housing Developments

(1) Purpose

The purpose of this Section is to permit Affordable Housing Developments in accordance with State Title 30-A M.R.S. 4364.

(2) Eligibility for Density Bonus

An automatic density bonus applies to certain affordable housing developments approved after July 1, 2024 as set forth herein.

(a) The proposed development must be located within a Designated Growth Area as may be established in the Town's Comprehensive Plan and be in a location that permits multi-family dwellings as of July 1, 2024.

(b) The proposed development must comply with the minimum lot size standards in accordance with the State Minimum Lot Size law, 12 M.R.S. Chapter 423-A, as may be amended.

(c) The proposed development must be an affordable housing development, as defined in this Chapter, where a majority of the units are affordable and meet the following requirements:

1. The owner of the affordable housing development executes a restrictive covenant that is enforceable by a party acceptable to the Town. This restrictive covenant must be recorded in the Franklin County Registry of Deeds to ensure that for at least thirty (30) years after the completion of construction:

(i) For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

(ii) For owned housing, occupancy of all the units designated affordable in the development will remain limited to the households at or below 120% of the local area median income at the time of initial occupancy.

(d) Prior to issuance of a building occupancy, the owner of the affordable housing development must provide written verification to the Code Enforcement Officer that each unit of the affordable housing development is connected to adequate water and wastewater services. Written verification under this subsection must include the following:

1. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

2. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by the Local Plumbing Inspector pursuant to 30-A M.R.S. § 4221, as may be amended. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;

3. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

4. If an accessory dwelling unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

(e) At least two off-street parking spaces for motor vehicles must be provided for every three dwelling units of an affordable housing development.

(3) Density Bonus

If the requirements of (2) - *Eligibility for Density Bonus* items (a) thru (e) above are met, the proposed development may have a dwelling unit density of not more than 2.5 times the base density that is otherwise allowed in that zoning district location. If fractional results occur when calculating the density bonus, the number of units is rounded down to the nearest whole number.

(4) Shoreland Zoning

This Section shall not be construed to exempt a property owner from the applicable provisions of shoreland zoning requirements established by the Maine Department of Environmental Protection under 38 M.R.S. Chapter 3 or the Town's Shoreland Zoning Ordinance.

(5) Subdivision Requirements

This Section shall not be construed to exempt a property owner from the applicable provisions of the State subdivision statute, 30-A M.R.S. §4401-4408, or the Town's Subdivision Ordinance relating to division of a tract or parcel of land.

(6) Restrictive Covenants

All residential units permitted after July 1, 2024, may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

ARTICLE X
SITE PLAN REVIEW

Section 1. Applicability

This section shall apply to:

(1) Proposals for new construction of or enlargement of non-residential buildings or structures and of multifamily dwellings, including accessory buildings or structures, if such new construction or enlargement has a total area for all floors of more than 1,000 sq. ft. within a five-year period, including such activities within the Shoreland Zone.

(2) Proposals to pave, strip, remove earth materials from, or grade areas of more 10,000 sq.ft. within a five-year period, including such activities in the Shoreland Zone.

This Section does not apply to single-family detached, single-family attached, or two-family dwellings, to manufactured housing units or mobile homes, to agricultural land management practices, to forest management practices, including timber harvesting and construction of land management roads and water crossings, or to uses approved as part of a planned unit development.

Section 2. Procedure

(1) No building permit or plumbing permit shall be issued by the Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Article until a site plan of development has been approved by the Planning Board.

(2) Every applicant applying for site plan approval shall submit to the Code Enforcement Officer two (2) copies of a complete site plan of the proposed development, which shall be prepared in accordance with Section 3 of this Article, accompanied by a fee as determined by the Selectmen.

(3) Within forty-five (45) days after the date on which the site plan application first appears on the Planning Board agenda, the Board shall act to approve, approve with conditions, or disapprove the site plan application submitted or amended. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant. During this 45-day period, the Board may schedule an on-site visit.

(4) No application for site plan development shall be considered complete or may be acted upon by the Planning Board until all conditional uses and/or variances which may be required for the proposed development first have been obtained from the Zoning Board of Appeals.

(5) Within seven (7) days of reaching its decision, the Planning Board shall notify the applicant in writing of its action and the reason for taking such action.

Section 3. Site Plan Content

When the owner of the property or his authorized agent makes formal application for site plan review, his application shall contain at least the following exhibits and information:

(1) A fully executed and signed copy of the application for site plan review.

(2) Two (2) copies of a site plan drawn at a scale sufficient to allow review of the items listed under the approval criteria, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:

(a) owner's name and address

(b) names and addresses of all property owners within 500 feet of the edge of the property line.

(c) sketch map showing general location of the site within the Town.

(d) boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.

(e) zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts or abuts a different zone.

(f) the bearings and distances of all property lines of the property to be developed and the source of this information. The Board may require a formal boundary survey when sufficient information is not available to establish, on the ground, all property boundaries.

(g) the location of all building setbacks required by this Ordinance.

(h) the location, dimensions, and ground floor elevations of all existing and proposed buildings on the site. If located in the Route 27 scenic corridor, as defined by this ordinance, the front view of the building also shall be presented.

(i) the location and dimensions of driveways, parking and loading areas, and walkways.

(j) location of intersecting roads or driveways within 200 feet of the site.

(k) the location and dimensions of all provisions for water supply and wastewater disposal.

(l) the location of open drainage courses, wetlands, stands of trees, and other important natural features, with a description of such features to be retained and of any new landscaping planned.

(m) the direction of drainage across the site, both existing and proposed.

(n) location, front view, and dimensions of existing and proposed signs.

(o) location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

(p) location and type of exterior lighting.

(q) copies of applicable State approvals and permits, provided, however, that the Board may approve site plans subject to the issuance of specified State approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of site plan review;

(r) a schedule of construction, including anticipated beginning and completion dates.

Section 4. Supplemental Information

The Planning Board may require any or all of the following submissions where it determines that, due to the scale, nature of the proposed development or relationship to surrounding properties, such information is necessary to assure compliance with the intent and purposes of this Ordinance.

(1) Existing and proposed topography of the site at two foot contour intervals, or such other interval as the Board may determine.

(2) A stormwater drainage and erosion control plan showing:

(a) the existing and proposed method of handling stormwater run-off.

(b) the direction of flow of the run-off through the use of arrows.

(c) the location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.

(d) engineering calculations used to determine drainage requirements based upon a 25-year 2-hour storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

(e) methods of controlling erosion and sedimentation during and after construction.

(3) A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, and any other utility services to be installed on the site.

(4) A planting schedule keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted on the site.

Section 5. Waiver of Submission Requirements

The Planning Board may modify or waive any of the submission requirements when it determines that because of the size of the project or circumstances of the site such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety, and welfare of the Town.

Section 6. Approval Criteria

The following criteria are to be used by the Planning Board in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved unless in the judgment of the Planning Board the applicant is not able to reasonably meet one or more of these standards. In all instances the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

(1) Preserve and Enhance the Landscape

The landscape shall be preserved in its natural state insofar as practical by minimizing tree removal, disturbance of soil, and by retaining existing vegetation insofar as practical during construction. After construction is completed, landscaping shall be designed and planted to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures and to minimize the encroachment of the proposed use on neighboring land uses.

(2) Erosion Control

Filling, excavation, and earth moving activity shall be carried out in a way that keeps erosion and sedimentation to a minimum, including:

(a) preservation and protection of natural vegetation where possible.

(b) keeping duration of exposure of disturbed soils to as short a period as possible and stabilizing the disturbed soils as quickly as practicable.

(c) use of temporary vegetation or mulching to protect exposed critical areas during development.

(d) where appropriate or necessary, use of debris basins, sediment basins, silt traps or other acceptable methods to trap the sediment from stormwater runoff.

(e) no storage of fill materials within 50 feet of the banks of any stream, intermittent or perennial, or water body.

(f) no removal of topsoil from any lot, except for that removed from areas to be occupied by buildings, paving, or other surfaces that will not be revegetated, or unless in conformance with the performance standards set forth in Article IX, Section 5, of this Ordinance.

(3) Vehicular Access, Parking, and Circulation

The proposed site layout shall provide for safe access to and egress from public and private roads:

(a) any exit driveway shall be so designed as to provide the following minimum sight distance measured in each direction, as measured from the point at which the driveway meets the public or private right-of-way:

Posted Limit (miles per hour)	Required Sight Distance (feet)
25	175
30	210
35	245
40	280
45	325
50	350
55	425

(b) the streets serving the site shall be adequate to carry the anticipated traffic, and the site plan shall locate points of access to avoid hazardous conflicts with existing turning movements and traffic flows.

(c) pedestrian ways shall be safely separated from vehicular traffic.

(d) the layout and design of parking and loading areas, including the number of spaces provided, shall conform with the off-street parking and loading standards of this Ordinance.

(5) Surface Water Drainage

Adequate provision shall be made for surface drainage so that removal of storm waters will not have an unreasonably adverse effect on neighboring properties, downstream water quality, soil erosion or the public storm drain system. Whenever possible, on-site absorption of run-off waters shall be used to minimize discharges from the site. Drainage facilities shall be designed for a twenty-five year storm frequency.

(6) Utilities

The development shall not impose an unreasonable burden on existing utilities.

(7) Special Features of Development

Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have setbacks and screening to provide a buffer to sight and sound sufficient to minimize their adverse impact on other land uses within the development area and on surrounding properties.

(8) Exterior Lighting

All exterior lighting shall be designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way.

(9) Emergency Vehicle Access

Provisions shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times of the year, including 20 foot wide fire lanes at locations as may be recommended by the fire department.

Section 7. Expiration of Approval

Approval of the site plan and any building permit issued for development within the scope of this Ordinance shall expire after a period of twenty-four months after the date of site plan approval if development has not begun.

Article XI
Contract Zoning

Section 1. Purpose

Occasionally, competing and incompatible land uses conflict; and traditional zoning methods and procedures such as variances, conditional use permits, and alterations to the zone boundaries are inadequate to promote desirable growth. In these special situations, more flexible and adaptable zoning methods are needed to permit differing land uses in both developed and undeveloped areas, and at the same time recognize the effects of change. In consideration of a change in zoning classification for a particular property or group of properties, it may be determined that public necessity, convenience, or the general welfare require that certain conditions, limitations or restrictions be made or imposed on the use or development of the property for which a change in zoning classification is otherwise appropriate. Such conditions are deemed necessary to protect the best interests of the property owner, the surrounding property owners and the neighborhood, all other property owners and citizens of the Town of Carrabassett Valley, and to secure appropriate development consistent with the Town's Comprehensive Plan.

Section 2. Authorization

Pursuant to 30-A M.R.S.A. § 4352 (8), the Town of Carrabassett Valley hereby authorizes contract zoning for the conditional zoning of property, where for reasons such as the unusual nature or the unique location of the property, the Town finds it is necessary or appropriate to impose, by agreement with the property owner, certain conditions or restrictions in order to ensure that the conditional zoning is consistent with the Town's Comprehensive Plan. Contract zoning shall be limited to property for which a contract zoning application is sought by the owner or other person with sufficient right, title and interest. Nothing in this section shall be interpreted to permit an amendment that is not consistent with the Town's Comprehensive Plan. Areas contractually amended under this provision shall be consistent with, but not limited to, the existing and permitted (whether permitted or conditional) uses within the original zoning district of the affected property or properties.

Section 3. Application Contents

A request for contract zoning shall include a written petition to the Planning Board requesting such a zoning amendment and must include the following.

A. Evidence of right, title or interest in the affected property;

B. A plot plan showing the boundaries of the parcel and its dimensions, as well as the existing and proposed buildings and structures;

C. A plan showing the location of existing streets and driveways within two hundred (200) feet of the affected property;

D. A detailed statement of the proposed use of the property and the precise zoning relief requested. The statement must explain the beneficial effects to the town which would not

result if the property were developed under the existing zoning requirements, and must clearly identify the affected zoning parameters being amended from the original zoning district standards.

E. A statement explaining how the proposed contract zoning is consistent with the Town's Comprehensive Plan, as well as a listing of the permitted and existing uses within the original zone.

F. A description of the property;

G. A statement setting forth the conditions or restrictions that the applicant proposes. The Planning Board and Select Board may propose additional conditions or restrictions.

Section 4. Fees

An application for contract zoning shall be accompanied by a filing fee established by the Select Board and administered by the Code Enforcement Officer (CEO).

Section 5. Hearing and Notice

A. The Planning Board shall conduct a public hearing before forwarding its recommendation to the Select Board under this provision.

B. Notice of the hearing shall be posted in Town Office at least fourteen (14) days before the public hearing.

C. Notice shall also be published twice in a newspaper of general circulation, the date of first publication to be at least twelve (12) days and the second at least 7 days before the hearing.

D. Public hearing notices shall be mailed to the owner of the property requesting to be contract zoned and all abutters to that property at their last known address. Such notice shall be sent out at least fourteen (14) days prior to the public hearing, and must contain a copy of the proposed conditions and restrictions with a map indicating the subject property.

E. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board or Select Board.

F. The cost of publishing and mailing the notices shall be borne by the applicant(s).

Section 6. Conditions and Restrictions

1. Conditions and restrictions imposed under this section shall relate only to the physical development and operation of the property and may include, by way of example:

A. limitations on the number and types of uses permitted;

B. conditions on the scale and density of development, including the height, lot coverage and other space and bulk provisions;

C. specifications for the design and layout of buildings and other improvements;

D. schedules for commencement and completion of construction;

E. performance guarantees securing completion and maintenance of improvements, and guarantees against defects;

F. preservation of open space and buffers, and protection of natural areas and historic sites;

G. provision of municipal services required by the development;

H. provisions for enforcement and remedies for breach of any condition or restriction, including the timing of the effective date of the change and its repeal should conditions not be met;

I. the dedication of conveyance of property for public purposes, including but not limited to, streets, easements, parks and utility systems.

2. During its review process, the Select Board may impose conditions under this section that are more restrictive than the applicable requirements of this section.

Section 7. Planning Board Review and Action

Before forwarding a recommendation on a contract zoning application to the Select Board, the Planning Board shall make a finding on each of the three standards in this subsection. A favorable recommendation to the Select Board requires a positive finding on all three standards. If the Planning Board makes a negative finding on any of the standards, its recommendation shall be a negative recommendation. The Planning Board shall base its recommendation on whether the application:

A. is consistent with the Town's Comprehensive Plan;

B. is consistent with, but not limited to, the existing uses and permitted uses within the original zone; and

C. the conditions proposed are sufficient to meet the intent of this Article.

In addition to their findings, the Planning Board should include a list of any suggested restrictions and conditions to place upon the application in its recommendation report to the Select Board.

Section 8. Select Board Review and Action

1. Upon receipt and review of the Planning Board's recommendation, and before taking its vote to place the contract zoning application on the Town Warrant, the Select Board shall determine whether the proposed application:

A. is consistent with the Town of Carrabassett Valley's Comprehensive Plan,
B. is compatible with the existing and permitted uses within the existing zoning district classification of the property,
C. is in the public interest, and
D. will have beneficial effects on the Town as a whole which would not result if the property were developed under the existing zoning district classification.

2. At the conclusion of Select Board's review of the application, with the Planning Board's recommendations in consideration, the Select Board shall vote either to:

A. Authorize that the proposed contract zoning application to be put on a future warrant for vote by the Town, either as presented or with amendments or conditions approved by the Select Board.
B. Request the applicant to revise and resubmit the application for contract zoning, under Section 3 above; or
C. Terminate the application for contract zoning if the Select Board is unable to conclude positive findings in accordance with State of Maine statute 30-A M.R.S.A. 4352 (8) and Section 8.1 of this article and that the applicant does not wish to revise and resubmit as optioned in 8.2.B above.

The Select Board will state its reasons for its findings and for its conclusions on the given determination made in Section 8.2.

3. Upon the Select Board finding the application favorable, the Select Board and the Applicant must develop the Contract and include pertinent details and any conditions or restrictions recommended by the Applicant, Planning Board and Select Board that the Select Board finds appropriate relative to the application. The contract must be referenced in the warrant article to be voted upon at the Town Meeting, and must be available prior to and during voting proceedings.

Section 9. Final Action

The Select Board, after adopting the findings of the Planning Board, and/or making other findings indicating that the application is consistent with all four standards set forth above in Section 8.1, shall then place the proposed contract zoning contract on the warrant for a Town Meeting vote.

The proposed contract zoning contract must be approved by the Voters at a Town Meeting with a majority vote.

All costs related to scheduling and holding the Town Meeting shall be borne by the applicant.

There shall be no appeal to the Board of Appeals if a contract zoning application is terminated during the review process or disapproved at the Town Meeting.

Section 10. Status of Amendments

1. Amendments to the zoning map and ordinance made under this section may be subsequently amended or repealed by majority vote of a Town Meeting.

2. Contracts approved by Town Meeting vote must be recorded in the Tax Office and the Code Enforcement Office with the Map and Lot number of the property, street address, the owner's name at that time, and the date of the Town Meeting vote and disposition. In addition, these approved contracts will become part of the Town of Carrabassett Valley Zoning Ordinance as Appendix items. Such amendments will be recorded in the Franklin County Registry of Deeds.

3. The conditions and restrictions set forth in the approved contract shall run with the land and bind all future owners of the land and any other person who claims an interest in the property and may be removed only by subsequent action by Town Meeting vote expressly removing, relieving or discharging one (1) or more of the specific conditions or restrictions.

Contract zoning changes approved by the Town shall expire, and the property revert to its prior zoning district status, unless substantial commencement of construction on the project occurs within thirteen (13) months of the date of enactment of the approved contract and is substantially completed within twenty-five (25) months of that date. These deadlines may be extended by a vote of the Select Board.

Section 11. Other Permits

1. At a minimum, all applications for contract zoning are subject to Site Plan Review.

2. An approved contract zoning application shall be in addition to, and not in lieu of, any other permits that may be required for a particular project or use. An applicant may seek other permits at the same time as he, she, or it is seeking the contract zoning as if the contract zoning were already in effect, or may seek such other permits after the Town Meeting vote has approved the zoning amendment. If the applicant seeks approval before final action by Town Meeting vote on the amendment, the Planning Board shall make its approval of these other permits contingent on the approval of the contract zoning amendment.

ARTICLE XII
AMENDMENT AND OTHER LEGAL PROVISIONS

Section 1. Interpretation

Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the comprehensive plan.

Section 2. Conflict with Other Ordinances

Whenever the regulations of this Ordinance conflict with those of another Ordinance, the stricter shall apply.

Section 3. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

Section 4. Amendment

No land use regulation or amendment thereof or change in the Official Zoning Map shall be adopted until after the Selectmen of the Town have held a public hearing thereon at least ten days before it is submitted to the legislative body for consideration. Public notice of the hearing shall be made at least ten days prior to the hearing. Amendments to this Ordinance shall be considered following petition, recommendation of the Planning Board, or motion of the Selectmen. The petitioner shall bear the cost of advertising and of any postage for notification of neighboring property owners.

Section 5. Repeal

The Zoning Ordinance herein shall be enacted and be of full force and effect on the day following the date of approval of this Zoning Ordinance by the voters of the Town of Carrabassett Valley, and any zoning ordinance of the Town in effect prior to the date of enactment of this Zoning Ordinance shall be repealed as of that date.

Section 6. Appeal of Planning Board Action

Any appeal from an action of the Planning Board in administering the provisions of this Ordinance shall be made to the Superior Court in accordance with the procedures of Rule 80B.

[INSERT ZONING MAP]