# LAND USE ORDINANCE
# TOWN OF MONSON

## Adopted June 18, 2001

**Amended: July 17, 2025**

**Amended: June 4th 2024**

**Amended: September 14, 2023**

**Amended: June 10, 2021**

**Amended: September 12, 2019**

**Amended: March 20, 2017**

**Amended: August 19, 2013**

**Amended: October 28, 2004**

**Amended: March 23, 2004**

## SECTION I: GENERAL PROVISIONS

### A. TITLE

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

### B. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the Maine Constitution and Title 30-A, Section 4352 and Title 38, Section 435 et.seq., of the Maine Revised Statutes Annotated.

### C. PURPOSES

The purposes of the Ordinance are as follows:

1. To implement the policies and recommendations of the Monson Comprehensive Plan;

2. To encourage growth in the identified growth areas and to limit growth in the rural areas;

3. To promote the health, safety and general welfare of the residents of the community;

4. To encourage the most appropriate use of land throughout the community;

5. To promote traffic safety;

6. To provide safety from fire and other elements;

7. To provide an allotment of land area in new developments sufficient for adequate enjoyment of community life;

8. To conserve natural resources.

### D. APPLICABILITY

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Monson, exclusive of the Town's Shoreland Zoning Ordinance.

### E. CONFLICT WITH OTHER ORDINANCES

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

## SECTION I: GENERAL PROVISIONS (cont.)

### F. VALIDITY

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

### G. EFFECTIVE DATE

The effective date of this Ordinance shall be the date of the adoption by the legislative body.

### H. ANNUAL ADMINISTRATIVE REVIEW

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

1. Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance;

2. Enhance the implementation of the purposes of this Ordinance contained in subsection C, paragraphs 1 through 9, above.

### I. AMENDMENTS

This Ordinance may be amended by a majority vote of the Legislative body.

## SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS

### A. BURDEN OF PROOF

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

### B. CONVERSION TO CONFORMANCE ENCOURAGED

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

## C. CONTINUANCE

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

1. EXISTING NON-CONFORMING USES OF LAND

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

   a. An existing non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than that occupied at the effective date of this Ordinance, or any amendment thereto;

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

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

      1) Location and character;

      2) Fencing and screening;

      3) Landscaping, topography, and natural features;

      4) Traffic and access;

      5) Signs and lighting; and

      6) Potential nuisance.

2. EXISTING NON-CONFORMING STRUCTURES

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

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

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

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

1) Location and character;

2) Fencing and screening;

3) Landscaping, topography, and natural features;

4) Traffic and access;

5) Signs and lighting; and

6) Potential nuisance.

3. EXISTING NON-CONFORMING USE OF STRUCTURES

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

a. No structure devoted to a non-conforming use shall be enlarged or extended;

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

c. Any non-conforming use of a structure or premises may be changed to another non conforming use provided that the Planning Board shall find that the proposed use is more consistent with the District's purpose than the existing non-conforming use, at no time shall a use be permitted which is less conforming nor revert back to the previous non- conforming use;

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

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

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

1) Location and character;

2) Fencing and screening;

**SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS** (cont.)

3) Landscaping, topography, and natural features;

4) Traffic and access;

5) Signs and lighting; and

6) Potential nuisance.

4. CONSTRUCTION BEGUN PRIOR TO ORDINANCE

This Ordinance shall not require any change in the plans, construction, size, or designated use for any building, structure, or part thereof for which a completed application for a local permit has been made, provided application has been subject to substantive review, or a permit that has been issued and upon which construction has been lawfully commenced prior to the adoption or amendment of the Ordinance. Such construction shall start within sixty (60) days after the issuance of the permit.

**D. NON-CONFORMING LOTS OF RECORD**

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

**E. TRANSFER OF OWNERSHIP**

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

**SECTION III: ESTABLISHMENT OF DISTRICTS**

**A. DISTRICTS ESTABLISHED**

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

1. Village District (V)
2. Mixed Residential District (MRD)
3. Industrial/Commercial (I/COM)
4. Industrial Floating District (IFD)
5. Rural District (RR)

**SECTION III: ESTABLISHMENT OF DISTRICTS** (cont.)

## B. STANDARDS ESTABLISHING DISTRICTS AND DISTRICT DESCRIPTIONS

1. Village District

   a. Purpose: The purpose of the Village District is to maintain and improve the vitality of the village area by preserving its character and encouraging future commercial development.

   b. Areas Include: The location of the Village District is illustrated on the "Official Zoning Map of the Town of Monson".

2. Mixed Residential District

   a. Purpose: This purpose of the Mixed Residential District is to provide a growth area for additional housing units anticipated in the next 10 year period and also provide for an expansion of commercial uses.

   b. Areas Include: The location of the Mixed Residential District is illustrated on the "Official Zoning Map of the Town of Monson".

3. Industrial/Commercial District

   a. Purpose: The purpose of the Industrial/Commercial District is to recognize existing industrial activities, as well as reserve land for expansion of existing activities and location of new industries and heavy commercial activities

   b. Areas Include: The location of the Industrial/Commercial District is illustrated on the "Official Zoning Use Map of the Town of Monson".

4. Industrial Floating District

   a. Purpose: The purpose of the Industrial Floating District is to provide space for industrial/heavy commercial activities by providing land which is favorable to the development of industry and is located to limit undesirable conflict with residential and commercial development.

   b. Areas Include: The location of the Industrial Floating District is illustrated on the "Official Zoning Map of the Town of Monson".

5. Rural Residential District

   a. Purpose: The purpose of the Rural Residential District is to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, resource extraction and recreational activities.

   b. Areas Include: The location of the Rural Residential District is illustrated on the "Official Zoning Map of the Town of Monson".

**SECTION III: ESTABLISHMENT OF DISTRICTS** (cont.)

## C. OFFICIAL DISTRICT BOUNDARY MAP

Districts established by this Ordinance are bounded and defined as shown on the official "Zoning Map of the Town of Monson, Maine." The following rules of interpretation shall apply.

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

## D. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to boundary lines of Districts as shown on the official "Official Land Use Zoning Map of Monson", the following rules of interpretation shall apply:

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

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

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

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

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

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

## E. DIVISION OF LOTS BY DISTRICT BOUNDARIES

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

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

2. When that portion of the lot which is located in the more restrictive District is less than ten (10) acres, extend the regulations applicable to the less restrictive portion into no more than fifty (50) percent of the more restrictive portion.

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

### F. AMENDMENTS TO DISTRICT BOUNDARIES

The Board of Selectmen, of its own initiative, and the Planning Board or any property owner may petition for a change in the boundary of any District. No change in a District boundary shall be approved without a duly authorized majority vote at a Special or Annual Town Meeting.

A warrant article shall not be presented for consideration without written finding of fact from the Planning Board upon substantial evidence that:

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

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

## SECTION IV: SCHEDULE OF USES

### A. ACTIVITIES DESCRIBED

A matrix listing the uses permitted in the various Districts, under this Ordinance begins in section F.

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

1. Non-Commercial Recreational Activities
2. Resource Management Activities
3. Resource/Mineral Extraction Activities
4. Residential Activities
5. Institutional Activities
6. Commercial Activities
7. Industrial Activities
8. Transportation Activities

## B. SYMBOLS USED IN SCHEDULE OF USES

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

1. DISTRICT SYMBOLS

| SYMBOL | DESCRIPTION |
|---|---|
| VD | Village District |
| MRD | Mixed Residential District |
| I/COM | Industrial/Commercial District |
| IFD | Industrial Floating District |
| RRD | Rural Residential District |

2. PERMIT SYMBOLS

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

## C. USES SUBSTANTIALLY SIMILAR TO PERMITTED USES MAY BE PERMITTED.

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

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

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

## D. USES SUBSTANTIALLY SIMILAR TO PROHIBITED USES ARE PROHIBITED.

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

## E. COMPLIANCE WITH PERFORMANCE STANDARDS REQUIRED.

All uses permitted must occur and be maintained in compliance with the applicable requirements and performance standards contained in Section V.*Land Use Ordinance of the Town of Monson, Maine* 11

## F. SCHEDULE OF USES

| ACTIVITIES | DISTRICTS | | | | |
|---|---|---|---|---|---|
| **1. NON-COMMERCIAL RECREATIONAL ACTIVITIES** | **VD** | **MRD** | **I/COM** | **IFD** | **RR** |
| a. Primitive recreational uses, including fishing, hunting, hiking, snowshoeing, cross country skiing, photography and wildlife study; | Y | Y | Y | Y | Y |
| b. Public parks and recreation areas; | Y | Y | Y | Y | Y |
| c. Trails, provided they are constructed and maintained so as to avoid sedimentation of waterbodies; | Y | Y | Y | Y | Y |
| d. Accessory uses and structures that are essential for the exercise of uses listed above. | C | C | C | C | C |

**SECTION IV: SCHEDULE OF USES** (cont.)

| ACTIVITIES | DISTRICTS | | | | |
|---|---|---|---|---|---|
| **2. RESOURCE MANAGEMENT ACTIVITIES** | **VD** | **MRD** | **I/COM** | **IFD** | **RR** |
| a. Wildlife/fishery mgmt practices; | Y | Y | Y | Y | Y |
| b. Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations; | Y | Y | Y | Y | Y |
| c. Surveying and other resource analysis; | Y | Y | Y | Y | Y |
| d. Agricultural management activities, not including pesticide and fertilizer application; | Y | Y | Y | Y | Y |
| e. Mineral exploration to discover or verify the existence of mineral deposits, including the removal of specimens or trace quantities, provided such exploration is accomplished by methods of hand sampling, including panning, hand test boring, diggings, and other non-mechanized methods which create minimal disturbance and take reasonable measures to restore the disturbed area to its original condition; | Y | Y | Y | Y | Y |
| f. Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by the district in which it is located; | Y | Y | Y | Y | Y |
| g. Accessory uses and structures that are essential for the exercise of uses Listed above. | C | C | C | C | C |

**SECTION IV: SCHEDULE OF USES** (cont.)

| ACTIVITIES | DISTRICTS | | | | |
|---|---|---|---|---|---|
| **3. RESOURCE/MINERAL EXTRACTION ACTIVITIES** | **VD** | **MRD** | **I/COM** | **IFD** | **RR** |
| a. Commercial timber harvesting; | N | Y | Y | Y | Y |
| b. Resource/Mineral extraction for road purposes only, affecting an area of less than 2 acres in size; | N | P | P | P | P |
| c. Resource/Mineral extraction operations for any purpose affecting an area 2 acres or greater in size, including corridors for energy or transmission purposes; | N | P | P | P | P |
| d.. Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells; | N | P | P | P | P |
| e. Accessory use and structures that are essential for the exercise of uses Listed above. | N | P | P | P | P |

**SECTION IV: SCHEDULE OF USES** (cont.)

| ACTIVITIES | DISTRICTS | | | | |
|---|---|---|---|---|---|
| **4. RESIDENTIAL ACTIVITIES** | **VD** | **MRD** | **I/COM** | **IFD** | **RR** |
| a. Single-Family Detached Dwelling; | C | C | N | N | C |
| b. Single-Family Mobile Home; | C | C | N | N | C |
| c. Multi-Family Dwelling: Duplex*; | C | C | N | N | C |
| d. Multi-Family Dwelling: 3 or more families, including apartments in the VD and RR districts*; | P | P | N | N | C |
| e. Mobile Home/Tiny Home Park; | N | P | N | N | N |
| f. Nursing Home/Boarding Care; | P | P | N | N | N |
| g. Home Occupations; | C | C | N | N | C |
| h. Accessory uses or structures that are essential for the exercises of uses listed above. | C | C | N | N | C |

*Up to four dwelling units may be permitted, in accordance with Section V(A)(39)..

**SECTION IV: SCHEDULE OF USES** (cont.)

| ACTIVITIES | DISTRICTS | | | | |
|---|---|---|---|---|---|
| **5. INSTITUTIONAL ACTIVITIES** | **VD** | **MRD** | **I/COM** | **IFD** | **RR** |
| a. Hospital and Medical Clinic; | N | Y | Y | Y | Y |
| b. Government Facilities and Services; | N | P | P | P | P |
| c. Public Schools; | P | P | N | N | P |
| d. Private Schools (Under 15 Students); | P | P | N | N | P |
| e. Day Care Centers; | P | P | N | N | P |
| f. Day Care Homes; | P | P | N | N | P |
| g. Churches; | P | P | N | N | P |
| h. Cemeteries; | P | P | N | N | P |
| i. Fraternal Orders and Service Clubs; | P | P | N | N | P |
| j. Post Secondary Education Facilities; | P | P | N | N | P |
| k. Fish & Game/Recreation based facilities; | P | P | N | N | P |
| l. Accessory uses and structures that are essential for the exercise of uses listed above. | C | C | N | N | C |

**SECTION IV: SCHEDULE OF USES** (cont.)

| ACTIVITIES | DISTRICTS | | | | |
|---|---|---|---|---|---|
| **6. COMMERCIAL ACTIVITIES** | **VD** | **MRD** | **I/COM** | **IFD** | **RR** |
| a. Motor Vehicle (was Automobile) Supplies; | C | N | P | N | N |
| b. Motor Vehicle (was Automobile) Body Repair; | N | P | P | N | P |
| c. Motor Vehicle (was Automobile) Repair/Service; | N | P | P | N | P |
| d. Motor Vehicle (was Automobile) Sales; | N | P | P | N | N |
| e. Banks/Credit Unions; | C | N | P | N | N |
| f. Beauty Shops; | C | C | P | N | C |
| g. Greenhouse; | N | C | C | N | P |
| h. Clothing Store; | C | C | P | N | C |
| i. Florist Shop/Craft Shop; Art Studios; Art Galleries; Art Instruction | C | C | P | N | C |
| j. Fuel Oil Sales; | C | N | P | N | N |
| k. Funeral Home; | C | C | P | N | C |
| l. Grocery Store; | C | C | P | N | C |
| m. Hardware Store; | C | C | P | N | C |
| n. Professional Offices; | C | C | P | N | C |
| o. Professional Office Complex; | P | P | P | N | N |
| p. Pharmacy; | C | C | P | N | N |
| q. Restaurant; | C | C | P | N | C |
| r. Recreation Vehicles Sales and Service; | C | P | P | N | P |
| s. Sporting Goods; | C | C | P | N | C |

**SECTION IV: SCHEDULE OF USES** (cont.)

| ACTIVITIES | DISTRICTS | | | | |
|---|---|---|---|---|---|
| **6. COMMERCIAL ACTIVITIES** (cont.) | **VD** | **MRD** | **I/COM** | **IFD** | **RR** |
| t. Take Out Restaurant (No interior seating); | C | C | P | N | C |
| u. Veterinary Clinic/Hospital; | C | C | P | N | C |
| v. Boarding Kennels/Stable/ Animal Breeding or Care; | N | N | P | N | C |
| w. Bed and Breakfast; | C | C | P | N | C |
| x. OHRV Sales and Service | N | P | P | N | P |
| aa. Motels, Hotels and Inns (Maximum 10 rooms) | P | P | P | N | N |
| bb. Motels, Hotels and Inns (More Than 10 Rooms) | P | P | P | N | N |
| Cc. Inns/Hostels | P | P | P | N | P |
| dd. Campgrounds | N | N | P | N | P |
| ee. Retail Establishments (More Than 5,000 Sq Ft) not listed above; | P | P | P | N | N |
| ff. Retail Establishments (Less Than 5,000 Sq Ft, not listed above; | C | C | P | N | N |
| gg. Accessories, Uses and Structures that are Essential for the Exercise of Uses Listed Above. | C | C | P | N | C |

**SECTION IV: SCHEDULE OF USES** (cont.)

| ACTIVITIES | DISTRICTS | | | | |
|---|---|---|---|---|---|
| **7. INDUSTRIAL ACTIVITIES** | **VD** | **MRD** | **I/COM** | **IFD** | **RR** |
| a. Lumber Yard Mill/Sawmill & Pulp Mill; | N | N | P | P | N |
| b. Transportation Facility and Terminal Yard; | N | N | P | P | N |
| c. Bulk Oil and Fuel Tank Storage in excess of 50 gallons except for on-site heating and cooking purposes; | N | N | P | P | N |
| d. Automobile Junk/Salvage Yard; | N | N | P | P | N |
| e. Wholesale Business Facility; | N | N | P | P | N |
| f. Light Manufacturing Assembly Plant; | N | N | P | P | N |
| g. Disposal of Solid Waste; | N | N | N | N | N |
| h. Disposal of Hazardous Leachable Materials; | N | N | N | N | N |
| i. Concrete Plant; | N | N | P | P | N |
| j. Sewage Treatment Facility; | N | N | N | N | N |
| k. Accessory uses and structures that are essential for the exercise of uses listed above. | N | N | P | P | N |

**SECTION IV: SCHEDULE OF USES** (cont.)

| ACTIVITIES | DISTRICTS | | | | |
|---|---|---|---|---|---|
| **8. TRANSPORTATION AND UTILITIES** | **VD** | **MRD** | **I/COM** | **IFD** | **RR** |
| a. Land management roads and water crossings of minor flowing waters; | P | P | P | P | P |
| b. Land management roads and water crossings of standing waters and of major flowing waters; | P | P | P | P | P |
| c. Road Construction Projects, other than land management roads; | P | P | P | P | P |
| d. Privately-owned Limited Access Arterial Highways and energy/utility corridors; | N | N | N | N | N |
| e. Road construction projects, other than land management roads, which are part of projects requiring Planning Board review; | P | P | P | P | P |
| f. Minor Utility Facilities including Service Drops; | Y | Y | Y | Y | Y |
| g. High Voltage Power Transmission Lines; Natural Gas Lines and/or Petroleum Pipelines; | N | N | N | N | N |
| h. Major Utility Facilities, such as Transmission Lines, water supply and sewage treatment facilities not including service drops; | P | P | P | P | P |
| i. Small Scale Wind Energy Facility/System; | P | P | C | C | C |
| j. Large Scale Wind Energy Facility/System; | N | N | P | N | N |
| k. Transmission Tower; | N | P | P | P | P |
| l. Airport Terminal Building and Airport Uses; | N | N | P | P | P |
| m. Accessory uses and structures that are essential for the exercise of uses listed above. | P | P | P | P | P |

## SECTION V: LAND USE STANDARDS

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

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

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

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

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

### A. GENERAL STANDARDS

1. ACCESSORY USES

   An accessory use shall not include any use injurious or offensive to the neighborhood as initially determined by the Code Enforcement Officer and/or Planning Board.

2. ACCESS REQUIREMENTS:

   All road entrances, curb cuts, and driveways shall be designed, considering land topography, street design, and existing and expected traffic patterns, so as to promote to the greatest practical extent possible, safe pedestrian and vehicular traffic and to protect public safety. Driveways and roads in multi-family housing projects shall be designed and laid out to provide for adequate traffic circulation and for access for emergency service vehicles to every housing unit on the premises.

3. AGRICULTURAL MANAGEMENT ACTIVITIES

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

4. AIR POLLUTION

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

requirements.

**SECTION V: LAND USE STANDARDS** (cont.)

5A. BUFFERS

Buffer strips may be required along property lines where the reviewing authority (Code Enforcement Officer or Planning Board) determines it desirable and necessary to accomplish the following:

a. To shield incompatible uses from one another;

b. To block prevailing winds to stop wind borne debris from leaving development site;

c. To prevent any proposed lighting from interfering with residential properties or with safe driving;

d. To minimize visual impact of all exposed storage areas, sand and gravel extraction operations, timber harvesting operations, utility buildings and structures, automobile salvage and junkyards, parking areas, garbage collection areas, and loading and unloading areas.

5B. BUILDING STANDARDS

The following provisions apply to new and pre-existing Residential and Commercial buildings located within the Village District.

a. All dumpsters and ground located mechanical shall be screened from view of a public road.

b. Side yards shall be landscaped, maintained and may be used as driveways, pedestrian pathways and semi-public spaces, such as restaurant patios.

c. All buildings shall have a front door entry facing the street or front yard.

d. No building facing or visible from a street shall have more than fifteen (15) feet horizontally of windowless wall unless overall design is approved by the Planning Board.

e. Building Materials:

1) The use of cinder block, concrete and concrete block is prohibited on any portion of a structure that is visible from the building exterior, with the exception of the use in the building foundation.

2) Vinyl and aluminum siding may be used when siding is detailed to be consistent with traditional sizes and proportions. Detailing shall be similar to traditional wood construction. The type of detailing expected would be wide corner boards, deep water table trim, thick eaves with deep frieze boards and integrated J-channel trim. Asphalt and asbestos shingles are prohibited.

3) Commercial Buildings with advertising icon images built into their design (trademark buildings) are prohibited.

**SECTION V: LAND USE STANDARDS** (cont.)

f. Building Proportions:

Traditional proportions shall be utilized matching height to width proportions from 1 to 1 to 1 to 3, not including roof pitch.

5C. BUILDING STANDARDS FOR ALL DISTRICTS:

a. Foundations: Except when erected on solid rock or equivalent, all year round dwellings and commercial buildings, including mobile homes, shall be set on a masonry foundation wall not less than eight inches thick, carried to hard pan or a depth of three feet, whichever is more appropriate, or upon a poured concrete slab at least 6 (six) inches thick, properly drained and reinforced with conventional enforcing wire or better. A pressure-treated wood, concrete or metal post foundation carried to hard pan may also be used.

b. Exterior Finish: The exterior walls of all dwellings, commercial structures, and buildings accessory thereto, shall be finished with a covering of clapboards, wood siding, wood shingles, masonry, brick, stone or other materials except tarred paper (commercially known as felt paper), or similar materials, which shall not be approved as exterior wall coverings. The use of tarred paper as permanent roof covering is prohibited. The use of house wraps as a permanent exterior covering is prohibited.

c. Burned-Out Buildings: Owners of all burned out buildings have six months for cleaning out the burned out buildings, with all metal removed and hauled away appropriately, with cellar holes filled in, if the structure is not being rebuilt.

d. Household Solid Waste: All household solid waste must be disposed of in an appropriate time frame. Accumulations on premises are NOT acceptable.

e. Collapsed or Destroyed Buildings: When a building collapses due to snow load, lack of maintenance, tree falling on the building or any other reason, the owner of said building or buildings has 90 days to cleanup, remove and dispose of the building. After 90 days, the Code Enforcement Officer may grant a variance to extend the time limit.

6. CONFORMANCE WITH COMPREHENSIVE PLAN

All proposed development shall be in conformity with the Comprehensive Plan and Policy Statements of the Town contained within the Plan and with the provisions of all pertinent local ordinances and regulations, State laws and Federal regulations.

7. CONSTRUCTION IN FLOOD HAZARD AREAS

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

**SECTION V: LAND USE STANDARDS** (cont.)

8. CONVERSIONS

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

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

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

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

d. Each unit shall be provided with adequate rubbish disposal facilities.

9. DENSITY BONUS PROVISIONS

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

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

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

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

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

Emission of odors, dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation, or property, must comply with State and Federal standards.

11. EROSION AND SEDIMENTATION CONTROLS

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

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

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

1) Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;

2) Development shall preserve outstanding natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;

3) The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site;

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

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

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

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

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

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

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

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

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

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

12. HOME OCCUPATIONS

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

**SECTION V: LAND USE STANDARDS** (cont.)

b. Any home occupation or profession which is accessory to and compatible with a residential use may be permitted if:

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

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

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

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

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

   2) The home occupation shall be conducted only by a member or members of the family residing in the dwelling unit, and/or not more than one employee;

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

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

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

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

   7) The home occupation may utilize:

      aa. Not more than twenty (20%) percent of the dwelling unit floor area, provided that for the purposes of this calculation, unfinished basement and attic spaces are not included;

      bb. Basement spaces;

      cc. One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty (50%) percent of the total floor area of the dwelling unit;

      dd. Unfinished attic spaces to be used for storage only.

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

**SECTION V: LAND USE STANDARDS** (cont.)

13. INDUSTRIAL PERFORMANCE STANDARDS

The following provisions shall apply to all permitted industrial uses:

a. Danger: No material which is dangerous due to explosion, extreme fire hazard, chemical hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable State and Federal codes and regulations.

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

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

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

14. JUNKYARDS:

No junkyards as defined in this Ordinance shall be established, operated or maintained without first obtaining a non-transferable land use permit issued in accordance with State licensing and local requirements, and the following provisions:

a. Junkyards shall be located a minimum of two hundred (200) feet from the edge of the right of ways, and shall be set back one hundred (100) feet from all side and rear lot lines;

b. Junkyards shall be located a minimum of three hundred (300) feet from any public park, facility or grounds; and

c. Junkyards shall be entirely screened from view by earth berms or fences which shall be well constructed and properly maintained at a minimum of six (6) feet and sufficient to accomplish the complete screening from ordinary view.

In addition, the following provisions apply to the operation of junkyards:

d. Upon arrival at the junkyard, all petroleum and other hazardous fluids shall be drained from all vehicles, and appropriate safety precautions, such as the removal of door and trunk locks, shall be taken to avoid injury and accidents.

e. Tires shall be removed and disposed of within sixty (60) days at a duly licensed disposal facility. Proof of disposal shall be provided to the Code Enforcement Officer upon request.

f. The complete processing of vehicles into salvage materials shall be accomplished within six (6) months.

g. All junk and salvage material shall be stored within the screened fenced areas and the operation shall be conducted in such a manner as to prevent unsightliness to the adjacent areas.

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

i. The Planning Board and/or Code Enforcement Officer may recommend the application of more stringent restrictions and /or limitations, and stipulate reasonable conditions which shall be attached to the permit covering the operation and use of the junkyard prior to the Planning Board's issuance of the permit including an annual inventory.

15. LANDSCAPING

Development proposed within the industrial and commercial districts shall be landscaped to the extent possible as to maintain the aesthetic appearance of the property and preserve as much natural vegetation as possible on the site.

16. LIGHTING DESIGN STANDARDS

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

17. LOT SIZE, SETBACK AND COVERAGE REQUIREMENTS

See "B. Dimensional Requirements" in this Section.

18. MANUFACTURED HOUSING

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

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

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

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

1) 100 Ampere Entrance required;

2) Copper wiring required;

3) Two means of grounding required;

4) Ground faulting receptacles required;

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

e. Minimum Fire Prevention Standards: All manufactured housing shall meet the following minimum fire safety requirements as provided for by the National Electrical Code and the Manufactured Housing Construction Standards of 1976 established by the Department of Housing and Urban Development (HUD)

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

2) Be located on a permanent foundation at a minimum of a gravel pad. Pad must be 8" compacted and the manufactured home must be blocked with 2x2 pressure treated at the blocking points unless otherwise specified by a duly adopted building code;

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

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

19. MINERAL EXPLORATION AND EXTRACTION

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

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

b. No portion of any ground area disturbed by the extraction activity shall be closer than 25 feet from a public roadway;

c. Within 250 feet of any water body, the extraction areas shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body;

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

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

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

20. MOBILE HOME PARK STANDARDS

Notwithstanding other provisions of this Ordinance relating to bulk and use, the Planning Board, in reviewing submitted plans for proposed mobile home parks, may modify said provisions related to space, bulk and use to permit innovative approaches to environmental design in accordance with the following standards:

a. There shall be compliance with all State and local codes and ordinances;

b. All utilities shall be installed underground wherever possible. All transformer boxes, substations, pumping stations, and meters to be located and designed so as not to be unsightly or hazardous to the public;

c. No mobile home shall be located closer than thirty (30) feet to a street or adjacent mobile home;

d. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot, such access shall have a minimum of a fifty (50) foot right of way and a twenty (20) foot road width. All parks streets shall be well drained, maintained in good condition, and adequately lighted by night;

e. Dead end streets shall be limited in length to one thousand (1,000) feet and at the closed end shall be provided with a turn-around having a minimum radius of sixty (60) feet;

f. Off-street parking in all mobile home parks shall be furnished at the rate of at least two (2) car spaces for each mobile home located on the mobile home lot.

21. OFF-STREET PARKING

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

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

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

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

**SECTION V: LAND USE STANDARDS** (cont.)

2) Transient Accommodations:

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

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

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

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

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

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

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

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

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

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

11) Affordable Housing Developments - no more than two (2) parking spaces for every three dwelling units.

22. OFF-STREET LOADING

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

23. OIL AND CHEMICAL STORAGE

a. All storage of petroleum or liquid products shall be in conformance with the provisions of Title 38 MRSA, Section 560 et.seq., which among other things establishes a ten-year compliance schedule for the discontinuance and removal of non-conforming underground oil storage facilities and requires qualified personnel to oversee the removal of certain

underground facilities; and compliance with any duly adopted building codes and ordinances of the Town of Monson.

**SECTION V: LAND USE STANDARDS** (cont.)

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

24. PESTICIDE APPLICATION

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

25. PREHISTORIC AND ARCHAEOLOGICAL RESOURCES

Proposals submitted under this Ordinance shall not negatively impact prehistoric and archaeological resources nor present any threat to those resources. It shall be the burden of the applicant to satisfy the reviewing authority that such threat does not exist as requested and when applicable.

26. REFUSE DISPOSAL

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

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

27. SEWAGE DISPOSAL

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

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

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

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

No development shall be permitted which utilizes, for on-site subsurface sewage disposal

purposes, any soil listed in the Soil Suitability Guide as having a very poor rating for the

**SECTION V: LAND USE STANDARDS** (cont.)

proposed use, unless the proposed sewage disposal system is approved under the Subsurface Waste Water Disposal Rules.

28. SIGNS

a. Conformance of Signs

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

b. Signs Prohibited

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

c. Temporary Signs

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

1) Temporary Signs Giving Notice

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

2) Temporary Yard Sale Signs

Temporary yard sale signs are permitted provided they do not exceed the size standards of Subsection (e) and provided they are removed within 24 hours of the completion of the sale. Yard sales which extend for more than three (4) consecutive days are considered commercial use.

d. Sign Requirements

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

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

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

3) No sign shall exceed 25 feet in height above grade at sign location;

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

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

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

e. Off Premise Signs

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

f. Exempt Signs

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

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

29. SITE CONDITIONS

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

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

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

**SECTION V: LAND USE STANDARDS** (cont.)

30. SOILS

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

31. TEMPORARY STORAGE

Portable or mobile trailers, vans, and similar vehicles or temporary buildings, including boxcars, may be used for storage, only upon approval of the Code Enforcement Officer and only for a temporary period not to exceed six (6) months. Such approval may be granted by the Code Enforcement Officer and may be extended for successive periods of six (6) months each, if a finding can be made that the use:

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

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

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

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

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

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

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

h. Is not intended for retail sales.

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

32. TOPSOIL AND VEGETATION REMOVAL

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

b. Except for normal thinning, landscaping, cutting or trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Planning Board shall require a developer to take measures to correct and prevent soil erosion in the proposed development.

**SECTION V: LAND USE STANDARDS** (cont.)

33. TRANSIENT ACCOMMODATIONS: "BED AND BREAKFAST"

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

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

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

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

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

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

34. TRANSIENT ACCOMMODATIONS: "RENTAL CABINS AND COTTAGES"

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

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

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

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

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

e. Adequate storm water drainage shall be provided for each cabin or cottage site; and

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

35. TRANSIENT ACCOMMODATIONS: “INNS AND HOSTELS”

Transient Accommodations of these types are those facilities designed to accommodate overnight or short-term guests and are primarily associated with recreational activities such as hikers from the Appalachian Trail. These accommodations may include such facilities as lodging, lodging with meals, shower facilities, parking and other amenities associated with daily and weekly recreational use.

36. CAMPER TRAILERS AND RECREATIONAL VEHICLES

a. The use of Camper Trailers and Recreational Vehicles for permanent dwellings is prohibited.

b. Camper Trailers and Recreational Vehicles being used as a seasonal dwelling and placed on a lot for more than 120 days, must meet the State Plumbing Code and Municipal Building Code, OR show proof of a Septic Disposal Plan.

**SECTION V: LAND USE STANDARDS** (cont.)

37. TRANSMISSION TOWERS/TELECOMMUNICATIONS FACILITY

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

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

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

Priority 1: Co-location on an existing wireless telecommunications facility or other existing structure within any district.

Priority 2: A new facility on public or private property in the Industrial District or permitted as a commercial use.

Priority 3: A new facility on public or private property in the Rural Residential District.

Priority 4: A new facility on public or private property in the Mixed Residential District.

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

aa. The proposed location complies with applicable municipal policies and ordinances.

bb. The proposed facility will not interfere with the intended purpose of the property.

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

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

4) Lighting: A new wireless telecommunications facility must be illuminated only as necessary to comply with FAA or other applicable requirements and be down directional to retain light within the boundaries of the site.

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

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

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

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

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

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

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

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

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

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

c. Setbacks: The center of the base of any proposed telecommunications tower must be setback a minimum of 125% of the towers height, or the required minimum property line setback of the district in which it is located, whichever is greater. No part of the tower structure, including anchors, guy wires, overhead lines, masts, etc., shall be located in the required setback or in any required buffer area, both on the ground or in the air space above the ground. A tower's setback may be reduced by the Planning Board to allow the integration of a tower into an existing or proposed structure such as a church steeple, power line support device, water tank or other similar structure.

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

d. Abandonment: A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned.

   If the Owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation.

   If a surety has been required by the Planning Board and given to the municipality for removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

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

   1) Emergency wireless telecommunications facilities.
   2) Amateur (ham) radio stations.
   3) Parabolic Antenna. Parabolic antennas (Satellite Dishes) less than seven (7) feet in diameter, that are an accessory use of the property.
   4) Maintenance or repair. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.
   5) Temporary wireless telecommunications facilities.
   6) Antennas as a residential accessory use.

38. WIND ENERGY FACILITIES/SYSTEMS

a. SMALL SCALE WIND ENERGY SYSTEM/ FACILITY (SWES)

   1) Site/System Dimensional Requirements:

      Existing Lots: The minimum site area for a SWES shall be one-half (1/2) acre on existing lots unless the system is building mounted. Each additional free standing SWES shall require an additional two (2) acres.

      New Lots: The minimum of two (2) acres is required on newly created lots.

      Limitation: No more than three (3) SWES are allowed on any one lot regardless of size.

**SECTION V: LAND USE STANDARDS** (cont.)

aa. Setback: A SWES shall be set back at least the total system height at its maximum extent, plus ten feet, from the nearest property line, public road, or public utility line.

bb. Visual Impact: A SWES shall not be placed so as to make a significant adverse impact on an important local scenic view as defined by the most recent Comprehensive Plan of the Town of Monson. A SWES shall not impede scenic views from existing structures.

2) System Design Requirements:

aa. Mounting Requirements: The mounting tower and ground installations (foundations, anchors) on a free standing system, shall be designed and constructed to adequately support both the weight and the operational stresses of the SWES. Roof and building mounting systems shall be designed to adequately support both the weight and the operational stresses of the SWES.

bb. Safety:

i. All associated electrical and control equipment shall be labeled and secured to prevent unauthorized access.

ii. The SWES shall be installed so that no step bolts or ladders are less than 12 feet above ground, to prevent public access.

iii. The blades of a free standing SWES shall have a minimum clearance of 25 feet above the ground.

iv. All on site electrical wiring to and from the SWES shall be installed underground, except for necessary tie-ins to public utility poles, towers and lines.

v. The SWES shall not cause audible noise in excess of 5dBA, or low frequency noise in excess of 20dBC, above ambient, non-operating noise levels as measured at the nearest property line.

vi. SWES shall be equipped with both manual and automatic over-speed controls.

vii. The SWES shall be located and operated in such a way that it will not disrupt the transmission or reception of electromagnetic signals beyond the site. If a SWES can be demonstrated to cause disruptive interference beyond its site, the system operator shall promptly eliminate the interference or cease operation of the system upon request of the Code Enforcement Officer.

3) Visual Appearance:

aa. No signs are permitted on the SWES or its mounting except those appropriate for manufacturer or installer identification and information, or the safety warnings.

bb. No SWES or its mounting shall be lighted unless required by the FAA.

4) Abandonment: A SWES that has not generated electricity for twelve consecutive months and fallen into disrepair may be deemed abandoned, and shall be removed by the property owner within 120 days of receipt of notice from the Town of Monson. The Town may require that the owner/operator post performance bonds. The Town may also require that the owner/operator provide an estimate from a qualified source.

b. LARGE SCALE WIND ENERGY SYSTEM/FACILITY (LWES)

Special Considerations: Due to the potential long term impact of a Large Wind Energy System, the Planning Board may require an escrow fund or other performance guarantee from the applicant to pay for independent engineering, consulting, legal studies or reviews of the proposed project. Such studies may include, but not limited to 1) pre-construction studies of the impact of the proposed project on the environment, wildlife habitat, or noise levels, and 2) post- construction studies to monitor and address any negative impacts with respect to the environment or public health, safety and welfare.

1) Site Requirements:

aa. Setback: A LWES must have a minimum setback of 1.5 times its maximum height from the nearest property line, publicly traveled road, or public utility line, and a minimum setback of 1.5 times its maximum height from the nearest occupied structure at the time of submission of the site plan.

bb. Visual Impact: A LWES shall not be placed so as to make a significant adverse impact on an important local scenic view as defined by the most recent Comprehensive Plan of the Town of Monson. A LWES shall not impede scenic views from existing structures.

2) System Design Requirements

aa. All associated electrical and control equipment shall be labeled and secured to prevent unauthorized access.

bb. The LWES shall be installed so that no step bolts or ladders are less than 15 feet above ground, to prevent public access.

cc. The blades of a free standing LWES shall have a minimum clearance of 25 feet above the ground.

dd. All on site electrical wiring to and from the LWES shall be installed underground, except for necessary tie-ins to public utility poles, towers and lines.

ee. SWES shall be equipped with both manual and automatic over-speed controls.

3) Visual Appearance:

aa. The LWES shall be of a solid, neutral, non-reflective color, such as off-white or light gray.

bb. No signs are permitted on the LWES or it's mounting except those appropriate for manufacturer or installer identification and information, or the safety warnings.

cc. No LWES or its mounting shall be lighted unless required by the FAA.

4) Public Health and Safety

aa. Noise: The LWES shall not cause audible noise in excess of 5dBA, or low frequency noise in excess of 20dBC, above the ambient, non-operating noise levels as measured at the nearest property line.

bb. Shadow Flicker/Reflections: A LWES shall be designed and sited such that shadow/reflections (changes in light intensity or shadows on the ground or structures caused by LWES blade rotation) shall not affect an off-site occupied structure for more than 10 hours per year.

cc. Electromagnetic Interference: The LWES shall be located and operated in such a way that it will not disrupt the transmission or reception of electromagnetic signals beyond the site.

dd. If a LWES can be demonstrated to cause excessive noise, excessive shadow flicker on an effected structure, or disruptive electromagnetic interference beyond the site, the system operator shall promptly take steps to eliminate the problem or cease operation of the system.

ee. An owner of property adjacent to the LWES site may waive any applicable noise, signal transmission, or shadow flicker/reflection restrictions by entering a legal agreement with the LWES developer. A copy of any such agreement(s) must be provided to the Planning Board

5) Abandonment/Decommissioning: A LWES that has not generated electricity for twelve consecutive months and/or fallen into disrepair may be deemed abandoned, and shall be removed by the facility owner/operator within 120 days of receipt of notice from the Town of Monson. The Town may require that the owner/operator post a performance guarantee prior to construction in order to assure funds for turbine removal and site restoration in case of abandonment or other cessation of operations of the facility.

39. ADDITIONAL DWELLING UNITS

In all Districts in which residential uses are allowed, the following additional dwelling units shall be permitted, provided all applicable dimensional standards are met:

1) If a lot does not contain an existing dwelling unit and the lot is not located in a Designated Growth Area, up to two dwelling units per lot are permitted. The dwelling units may be within one structure or multiple structures.

2) If a lot does not contain an existing dwelling unit and the lot is located in a Designated Growth Area, up to four dwelling units per lot are permitted. The dwelling units may be within one structure or multiple structures.

3) If a lot contains one existing dwelling unit, the addition of up to two dwelling units is permitted. The additional units may consist of one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each. The addition of up to two dwelling units under this section shall be subject to review by the Code Enforcement Officer and shall not require site plan review.

40. ACCESSORY DWELLING UNITS

1) In any area in which residential uses are permitted, an accessory dwelling unit may be located on the same lot as a single-family dwelling unit.

2) An accessory dwelling unit may be constructed within an existing dwelling unit on the lot; attached to or sharing a wall with a single-family dwelling unit; or as a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

3) An accessory dwelling unit shall not require any additional lot size, but shall meet all other applicable dimensional requirements, such as setbacks.

4) An accessory dwelling unit shall have no less than one hundred and ninety (190) gross square feet of floor area and no more than one thousand (1,000) square feet of floor area.

5) No additional off-street parking space is required for an accessory dwelling unit.

41. AFFORDABLE HOUSING DEVELOPMENTS

1) In all Districts where multifamily housing is allowed, an affordable housing development shall be permitted to have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in that location, provided one of the following requirements are met: (1) the proposed development is located in a Designated Growth Area; or (2) The proposed development is being served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system.

2) Before granting final approval of an affordable housing development, including but not limited to issuing an occupancy permit, the Town shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:

   a) For rental housing, occupancy of all of 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

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

3. The owner of an affordable housing development shall provide written verification to the Town that each unit of the housing development is connected to adequate water and wastewater services before the Town may certify the development for occupancy. Written verification under this subsection must include:

a) 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;

b) 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 a local plumbing inspector. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules;

c) 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

d) If a housing 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.

## B. DIMENSIONAL REQUIREMENTS

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

| **Village District (VD)** | **Dimensional Requirements** |
|---|---|
| **Minimum Lot Size** | **20,000 Square Feet** |
| **Minimum Lot Size per Dwelling Unit** | **10,000 Square Feet** |
| **Minimum Road Frontage** | **100 Feet** |
| **Minimum Front Yard Setback from Center of Road** | **50 Feet (Local)**<br>**75 Feet (State)** |
| **Minimum Side Yard Setback** | **10 Feet** |
| **Minimum Rear Yard Setback** | **10 Feet** |
| **Maximum Building Height** | **35 Feet** |

**SECTION V: LAND USE STANDARDS** (cont.)

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

**Mixed Residential District (MRD) Dimensional Requirements**

| | |
|---|---|
| **Minimum Lot Size** | **7,500 Sq. Ft. (Municipal Sewer)**<br>**40,000 Sq. Ft. (Subsurface)** |
| **Minimum Lot Size per Dwelling Unit** | **7,500 Sq. Ft.** |
| **Commercial** | **30,000 Sq. Ft.** |
| **Mobile Home Park** | |
| **Municipal Sewer** | **6,500 Sq. Ft.** |
| **Central On-Site** | **12,000 Sq. Ft.** |
| **Subsurface** | **0,000 Sq. Ft.** |
| **Minimum Road Frontage** | |
| **7,500 Sq. Ft. Lot** | **50 Feet** |
| **40,000 Sq. Ft. Lot** | **200 Feet** |
| **30,000 Sq. Ft. Lot** | **150 Feet** |
| **Mobile Home Park** | **Per Mobile Home Park Ordinance** |
| **Minimum Front Yard Setback from Center of Road** | **50 Feet (Local)**<br>**75 Feet (State)** |
| **Minimum Side Yard Setback** | |
| **40,000/30,000 Sq. Ft. Lot** | **25 Feet** |
| **7,500 Sq. Ft. Lot** | **10 Feet** |
| **Minimum Rear Yard Setback** | |
| **40,000/30,000 Sq. Ft. Lot** | **25 Feet** |
| **7,500 Sq. Ft. Lot** | **10 Feet** |
| **Maximum Building Height** | **35 Feet** |

**SECTION V: LAND USE STANDARDS** (cont.)

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

| **Industrial/Commercial District (I/Com) Dimensional Requirements** | |
|---|---|
| **Minimum Lot Size** | **2 Acres** |
| **Minimum Lot Size per Unit** | **2 Acres** |
| **Minimum Road Frontage** | **250 Feet** |
| **Minimum Front Yard Setback from Center of Road** | **100 Feet** |
| **Minimum Side Yard Setback** | **40 Feet** |
| **Minimum Rear Yard Setback** | **50 Feet** |
| **Maximum Building Height** | **35 Feet** |

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

| **Industrial Floating District (IFD)** | **Dimensional Requirements** |
|---|---|
| **Minimum Lot Size** | **2 Acres** |
| **Minimum Lot Size per Unit** | **2 Acres** |
| **Minimum Road Frontage** | **250 Feet** |
| **Minimum Front Yard Setback From Center of Road** | **100 Feet** |
| **Minimum Side Yard Setback** | **50 Feet** |
| **Minimum Rear Yard Setback** | **50 Feet** |
| **Maximum Building Height** | **35 Feet** |

**SECTION V: LAND USE STANDARDS** (cont.)

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

| **Rural Residential District (RRD)** | **Dimensional Requirements** |
|---|---|
| **Minimum Lot Size** | **4 Acres** |
| **Minimum Lot Size per Dwelling Unit** | **4 Acres** |
| **Minimum Road Frontage** | **200 Feet** |
| **Minimum Front Yard Setback from Center of Road** | **50 Feet (Local)** |
| **Minimum Side Yard Setback** | **25 Feet** |
| **Minimum Rear Yard Setback** | **25 Feet** |
| **Maximum Building Height** | **35 Feet** |

**SECTION VI: ADMINISTRATION AND ENFORCEMENT**

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

**A. CREATION OF ADMINISTERING BODIES AND AGENTS**

1. CODE ENFORCEMENT OFFICER

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

2. PLANNING BOARD

   The Planning Board of the Town of Monson is hereby designated as the Planning Board heretofore, established in accordance with Article VIII, Pt.2, Section 1, of the Maine Constitution and Title 30-A MRSA, Section 3001. The Planning Board shall be elected at the Annual Town Meeting of the Town of Monson.

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

3. BOARD OF APPEALS

   The Board of Appeals for the Town of Monson is hereby designated as the Board of Appeals heretofore, established in accordance with Article VIII, Pt 2, Section 1 of the Maine Constitution and with Title 30-A, MRSA, Section 4353. The Board of Appeals shall be elected at the Annual Town Meeting of the Town of Monson.

## B. APPROVAL REQUIRED

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

## C. APPLICATION REQUIRED

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

## D. CODE ENFORCEMENT OFFICER PERMIT

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

1. ACTIVITIES REQUIRING PERMIT

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

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

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

      (1) Interior renovations for change in use;

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

      (3) Erection of Fences; and

      (4) Creation of Roads and Driveways

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

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

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

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

**SECTION VI: ADMINISTRATION AND ENFORCEMENT** (cont.)

2. PROCEDURE

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

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

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

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

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

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

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

c. TO WHOM ISSUED: No permit shall be issued except to the owner of record or his authorized agent. Written proof of authorization shall be required.

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

e. DEADLINE FOR DECISION: The Code Enforcement Officer shall, within thirty (30) days of receipt of an application: issue the permit, if all proposed construction and uses meet the provisions of the Ordinance; refer the application to the Planning Board for their review; or deny the application. All decisions of the Code Enforcement Officer shall be in writing.

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

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

h. COMMENCEMENT AND COMPLETION OF WORK: Construction and alteration activities on projects for which a permit has been granted under this Section shall commence within six (6) months of the date of issuance of the permit and shall be completed within twenty four (24) months of that date.

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

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

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

**E. PLANNING BOARD PERMIT REVIEW**

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

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

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

   a. Map drawn to scale.

   b. Name of applicant

   c. Boundaries of the tract of land.

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

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

   f. Location of existing public streets.

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

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

   i. Location of existing and proposed pedestrian walkways.

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

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

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

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

n. Location and type of existing and proposed fences, hedges, and trees.

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

q. Zoning District classification.

r. Setback dimensions from property lines and edge of paved way.

3. TO WHOM ISSUED: No permit shall be issued except to the owner of record or his authorized agent. Written proof of authorization shall be required.

4. COMPLIANCE WITH LAND USE ORDINANCE: All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable standards set forth in Section V of this Ordinance.

5. PUBLIC HEARING DEADLINE: Within a maximum of forty-five (45) days after the filing of an application for a Land Use Permit, and before taking action thereon, the Planning Board may hold a public hearing on the application. Notice of said hearing shall be published in a local newspaper at least ten (10) days in advance of said hearing. A notice of said hearing shall be mailed to each landowner abutting the parcel involved. Land owners shall be considered to be those against whom property taxes are assessed. Failure of any land owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board. Responsibility for such notification shall be assumed by the Planning Board Secretary. The applicant shall bear all associated costs of advertisements and notifications. The purpose of the public hearing shall be to receive input from the general public relative to the applicable sections of the review standards.

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

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

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

9. COMMENCEMENT AND COMPLETION OF WORK: Construction and alteration activities on projects for which a permit has been granted under this Section shall commence within six (6) months of the date of issuance of the permit and shall be completed within twenty-four (24) months of that date.

9. COMMENCEMENT AND COMPLETION OF WORK: Construction and alteration activities on projects for which a permit has been granted under this Section shall commence within six (6) months of the date of issuance of the permit and shall be completed within twenty-four (24) months of that date.

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

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

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

## F. OTHER PERMITS REQUIRED BEFORE APPROVAL

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

## G. POSITIVE FINDINGS REQUIRED

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

1. Is a permitted use in the district in which it is proposed to be located;
2. Is in conformance with the applicable performance standards of Section V of this Ordinance;
3. Will not result in unsafe or unhealthful conditions;
4. Will not result in undue land, water or air pollution;
5. Will not result in undue erosion or sedimentation;
6. Will avoid problems associated with development in flood hazard areas;
7. Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
8. Will conserve significant natural, archaeological and historical resources;
9. The impact of the proposed use on transportation facilities;
10. Will not adversely impact the proposed use on public infrastructure;
11. Be consistent with the long range goals of the Comprehensive Plan, other adopted plans of the town, and the goals and purposes of the established districts.

**SECTION VI: ADMINISTRATION AND ENFORCEMENT** (cont.)

## H. VIOLATIONS

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

## I. COMMENCEMENT AND COMPLETION OF WORK

Construction and alteration activities for which approval has been granted under this Ordinance shall commence within six (6) months of the date of permit issuance and shall be completed within twenty-four (24) months of the date of permit issuance.

## J. CERTIFICATE OF OCCUPANCY REQUIRED

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

1. Activities granted approval under the provisions of this Ordinance.

2. Any change in tenant housing.

## K. ENFORCEMENT

1. NUISANCES

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

2. CODE ENFORCEMENT OFFICER

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct the violation, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

3. LEGAL ACTIONS

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

4. FINES

Any person who continues to violate any provisions of this Ordinance after receiving notice of such violation shall be liable for civil penalty of a minimum of $100.00 $2,500.00 for each violation. Each day the violation continues shall constitute a separate violation.

5. CONTRACTOR LIABILITY

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

## L. APPEALS

1. ADMINISTRATIVE APPEALS

The Board of Appeals shall hear and decide appeals where it is alleged that there is any error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or the Planning Board in the administration of this Ordinance. When errors of administrative procedures or interpretation are found, the case shall be remanded to the Code Enforcement Officer or Planning Board for correction.

2. VARIANCES

The Board of Appeals shall authorize variances upon appeal, within the limitations set forth in this Ordinance.

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

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

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

1) The Proposed structure or use would meet the performance standards of this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought; and

2) The strict application of the terms of this Ordinance would result in an undue hardship. The term "undue hardship" shall mean all of the following:

aa. The land in question cannot yield a reasonable return unless a variance is granted;

bb. That the need for a variance is due to the circumstances of the property and not to the general conditions in the neighborhood;

cc. That the granting of a variance will not alter the essential character of the locality; and

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

d. The Board may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living or regularly visits the property. The Board shall restrict any variance granted under this Sub-Section solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability.

e. The Board may grant a variance to a property owner from a setback requirement only when strict application of the Land Use Ordinance to the petitioner and the petitioner's property would cause undue hardship. A variance under this section may not exceed 20% of a set-back requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage (if applicable). If the petitioner has obtained the written consent of an affected abutting landowner, the 20% limitation may be extended. The term "undue hardship" for this section means:

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

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

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

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

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

3. APPEAL TO SUPERIOR COURT

An appeal may be taken within thirty (30) days after any decision is rendered by the Board of Appeals, by any party to Superior Court in accordance with State Law.

## M. VARIANCES RECORDED

If the board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the local registry of deeds within 90 days of the date of the final written approval of the variance of the variance is void. A variance is not valid until recorded as provided in this section. The date of the final written approval shall be the date stated on the written approval.

## N. FEE SCHEDULE

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

1. Plumbing Permits. Fees for Plumbing Permits shall be pursuant to the established fee schedule of the Town of Monson.

2. Land Use Permits. Fees for Land Use Permits shall be pursuant to the established fee schedule of the Town of Monson.

## SECTION VII: DEFINITIONS

### A. CONSTRUCTION OF LANGUAGE

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

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

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

   c. The word "shall" is mandatory;

   d. The word 'may" is permitted;

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

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

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

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

### B. DEFINITIONS

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

**Abutting:** Having a common border with, or being separated from such common border by an alley or easement.

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

**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.

**Accessory Structure:** See Structural Terms

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

**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 51% or more of the units that the developer designates as affordable in the development 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 51% or more of the units that the developer designates as affordable in the development without spending more than 30% of the household's monthly income on housing costs.

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

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

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

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

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

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

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

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

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

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

**Building:** A roofed structure. See Structural Terms.

**Building Area:** Total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces or walls.

**SECTION VII: DEFINITIONS** (cont.)

**Building Front Line:** A line parallel to the front lot line, transecting that point in the building face, which is closest to the front lot line. This face includes porches and steps.

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

**Certificate of Occupancy:** Official certification that a premises conforms to provisions of the Land Use Ordinance (and electrical code, plumbing code, American Disabilities Act, Life Safety 101.and NFPA 31, and the Maine Oil and Solid Fuel Board Regulations) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

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

**Code Enforcement Officer:** A person appointed by the Board of Selectmen to administer and enforce this Ordinance.

**Day Care Center:** As defined in Title 22, MRSA Section 1673, as a house or other place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day, providing care and protection for 3 or more children under the age of 16 unrelated to the operator, not to include nursery schools, summer camps, formal public or private schools, and further defined by the Department of Human Services as follows:

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

**Designated growth area:** An 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.

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

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

**SECTION VII: DEFINITIONS** (cont.)

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

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

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

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

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

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

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

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

**Forest Management Terms:**

1. Forest Management Activities: Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other similar associated activities but not the construction of roads.

2. Timber Harvesting: The cutting and removal of trees from their growing site, and the attendant operation of harvesting machinery, but not the construction of roads. Timber Harvesting does not include the clearing of land for approved construction.

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

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

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

**High Voltage Power Transmission Lines**: High-voltage transmission lines are used to transmit electric power over relatively long distances, usually from a central generating station to main substations. They also provide electric power transmission from one central station to another for load sharing.

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

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

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

**Junkyards:**

Automobile Graveyard: A yard, field or other area used as a place of storage of three (3) or more unserviceable, discarded, worn-out or junked automobiles.

Junkyard: A yard, field or other area used as a place of storage for discarded worn-out or junked plumbing, heating supplies, household appliances, furniture, scrap and junked lumber, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste and scrap iron, steel and other ferrous material including garbage dumps, waste dumps and sanitary landfills

Auto Recycling Business: An automobile recycling business is a business which purchase or acquires salvage vehicles for the purpose of reselling the vehicles or component parts, rebuilding or repairing salvage vehicles for resale.

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

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

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

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

**Loading Space:** An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

**Lot:** A parcel of land undivided by any street or public road and occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses incidental to such building, use or development, including such open spaces and yards as are designed, and arranged or required by this Ordinance for such building, use or development. **Lot Area:** The area contained within the boundary lines of a lot.

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

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

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

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

Front Lot Line: In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear lot line requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard. In the case of a lot with no road frontage, the front lot line shall be considered to be the lot line in front of the building.

Rear Lot Line: That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front lot line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

Side Lot Line: Any lot line other than a front or rear lot line.

**Lot of Record:** Any validly recorded lot that at the time of its recordation complied with all applicable laws, ordinances, and regulations.

**Lot Standards:** The combination of controls that establishes the maximum size of a building and its location on the lot. Components of lot standards, also known as "space and bulk" regulations in size and height of building; location or exterior walls at all levels with respect to lot lines, streets

and other buildings; building coverage; gross floor area of buildings in relation to lot area; open space (yard) requirements; and amount of lot area provided per dwelling unit.

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

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

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

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

3. MODULAR HOMES: Those units which the manufacturer certifies are construction in compliance with the State's Manufactured Housing Act and regulations, meaning structures transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations which connected to required utilities, including plumbing, heating, air conditioning, or electrical systems contained therein.

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

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

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

**Mobile Home Park:** A parcel of land under unified ownership approved by the Town of Monson for the placement of three (3) or more manufactured homes.

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

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

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

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

**Natural Gas Transmission Lines:** A pipeline which serves as a conduit connecting natural gas production, storage and gathering fields, to regional distribution pipelines that ultimately reach the end user.

**Non-Conforming Use:** See USE TERMS

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

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

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

**Parking Lot:** An open area other than a street used for the parking of more than four (4) automobiles and available for public use whether free, for compensation, or an accommodation for clients or customers.

**Parking Space:** A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

**Performance Standard:** A criterion established to control the use of land and structures. The purpose of performance standards is to provide detailed regulations and restrictions by means of minimum criteria which must be met by users in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare of citizens of Monson.

**Petroleum Pipeline:** A complex of structures for transporting petroleum and petroleum products from the place of extraction or production to points of use. A pipeline consists of underground pipes, fittings, head and booster pumping stations, petroleum tanks, and line and auxiliary structures.

**Privately Owned Limited Access Arterial Highway:** A private highway owned and operated for profit, providing a service which is relatively continuous and of high traffic volume, long average trip length, high operating speed, of which owners or occupants of abutting land or other persons have no right or easement of access, light, air or view by reason of the fact they their property abuts upon such highway. Such highway may or may not be open to use by all customary forms of street and highway traffic.

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

**SECTION VII: DEFINITIONS** (cont.)

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

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

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

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

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

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

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

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

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

**Signs:**

Free Standing: A sign supported by one or more uprights or braces permanently affixed into the ground.

Portable: A sign not designed or intended to be permanently affixed into the ground or to a structure.

Roof: A sign that is attached to a building and is displayed above the eaves of such building.

Temporary: A sign of a temporary nature, erected less than ninety (90) days, exemplified by the following: political poster, charitable signs, construction signs, carnival signs, garage sale signs, lawn sale signs, rummage sale signs, and all signs advertising sales of personal property, and for rent signs.

Wall: Any sign painted on, or attached parallel to, the wall surface of a building and projecting therefrom not more than six (6) inches.

Window: Any on-premise, non-temporary sign visible from the exterior of the building or structure which is permanently painted, attached, glued, or otherwise affixed to a window.

Area of a Sign: The exposed surface of the sign including all ornamentation, embellishment, background, and symbols.

**Structural Terms:**

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

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

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

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

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

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

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

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

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

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

**Tiny Home:**

1. Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles;

2. Does not exceed 400 square feet in size;

3. Does not exceed any dimension allowed for operation on a public way; and

4. Is a vehicle without motive power. Does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.

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

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

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

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

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

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

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

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

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

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

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

**Wind Energy Systems:**

Small Wind Energy Systems (SWES): A Small Wind Energy System is typically composed of a wind turbine (blades, generator, tail), a tower or roof mount for support, and associated controls and conversion electronics. SWES have a generating capacity of 100kW or less, and are intended primarily for the generation of electrical power for on-site use.

Large Wind Energy Systems (LWES): A Large Wind Energy System is typically composed of a wind turbine, (blades, generator, tail), a tower or roof mount for support, and associated controls and conversion electronics. LWES have a generating capacity greater than 100kW, and are intended primarily for commercial generation of electrical power.

**Windmills:** Wind powered systems that convert wind energy to mechanical energy for the pumping of water for agricultural, to electrical energy or other uses and are considered accessory structures when associated with residential development, and may be permitted by the Code Enforcement Officer, subject to the performance standards of Section V. Also known as Small Wind Energy System/Facility.

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

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

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

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