Land Use Ordinance
for the Town of North Haven, Maine



Adopted and accepted by the North Haven Planning Board: February 13, 2023
Special Town Meeting June 14, 2023
Enacted: November 20, 2023
Amended: March 8, 2025

Certified By: Joette A. DeBlois
Town Clerk

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A True Copy Attest: Joette A. DeBlois
Joette A. DeBlois, Town Clerk

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PART I GENERAL

1.1 Title

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

1.2 Authority

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

1.3 Purpose

The purpose of this Ordinance is to protect the safety, health, and general welfare of the inhabitants of the Town of North Haven; to preserve and protect the surface and groundwater supply; to preserve the Town's shoreland and other natural resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to protect archaeological, historic, and ecological resources; to conserve natural beauty and open space; to manage the placement of structures, buildings, and applicable land uses; to address proper sewage disposal systems; and provide for traffic safety.

This Ordinance establishes a system for classifying all the land in the Town into land use districts. These District classifications (Village, Rural, Shoreland, and Fresh Pond Watershed Protection) are based on factors such as: present land use, proximity to water bodies, the ability of the Town to provide necessary services, and to help manage growth.

This Land Use Ordinance, guided by the North Haven Comprehensive Plan, is designed to anticipate and respond to the impacts of development, and to provide the means for assessing development proposals for their fiscal impacts on the municipality's ability to provide and improve necessary public facilities and services.

1.4 Applicability

This Ordinance applies to all land, water areas, offshore islands, and all structures under the jurisdiction of the Town of North Haven. This includes any Shoreland Zone(s) and other Districts, as amended from time to time, which shall have the effect of overlaying zoning districts. Where a provision of this Ordinance and those of Shoreland Zoning conflict, whichever is the stricter provision shall prevail.

After the adoption of this Ordinance, all buildings or structures constructed, reconstructed, altered, enlarged, or moved, and the uses of buildings and land, including the division of land, will be in conformity with the provisions of this Ordinance. No existing or future building, structure, or land area will be used for any purpose or in any manner except as provided in this Ordinance.

1.5 Conflicts with Other Ordinances

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

This Ordinance supersedes and replaces the Land Use Ordinance which became effective on October 9, 1996, and all amendments and will not prevent enforcement of the repealed ordinance with respect to the time periods in which it was in effect.

1.6 Validity and Severability

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

1.7 Effective Date

The effective date of this Ordinance, when adopted, and any amendments thereto, will be effective immediately following its/their adoption or approval at a Town Meeting. A copy of this Ordinance certified by the Town Clerk will be filed and made available to the public at reasonable cost at the expense of the person making the request. Notice of this availability will be posted.

1.8 Amendments

This Ordinance may be amended by a majority vote of any Town Meeting. Amendments may be initiated by a majority vote of the Planning Board, or by request of the Select Board to the Planning Board, or on petition presented to the Select Board by a number of registered voters equal to 10% of the votes cast in the last gubernatorial election in the Town. The Planning Board will conduct a public hearing on any proposed amendment.

1.9 Annual Administrative Review

The Code Enforcement Officer, Planning Board, and Board of Appeals each will report annually, in the month of January, to the Select Board on their respective experience with the administration of this Ordinance during the previous year. Their reports to the Select Board will include any recommended amendments that would:

1. Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance; and
2. Enhance the implementation of the purposes of this Ordinance contained in Section 1.3, above.

The failure of any person or board to comply with this provision will not affect the validity or enforceability of this Ordinance in any way.

PART II NONCONFORMANCE

2.1 Purpose

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

It is the intent of this Ordinance to promote land use conformities, except that nonconforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in this section. Except as otherwise provided by this Ordinance, a nonconforming condition shall not be permitted to become more nonconforming.

2.2 Burden of Proof

The burden of establishing that any nonconforming structure, use, or lot is a lawfully existing nonconforming structure, use, or lot as defined in this Ordinance, will, in all instances, be upon the owner of such nonconforming structure, use, or lot and not upon the Town of North Haven. In all cases, ownership will be evidenced by a copy of the deed as registered in the Knox County Registry of Deeds, or for leased parcels by a copy of the Town Tax Maps.

2.3 Nonconforming Use

The use of any building, structure, or parcels of land that is made nonconforming by reason of the enactment of this Ordinance, or that will be made nonconforming by reason of a subsequent amendment, may be continued, subject to the following provisions:

2.3.1 Existing Nonconforming Uses

Continuance of nonconforming uses of land and structures will be subject to the following provisions:

1. An existing nonconforming use will 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.
2. If any nonconforming use of land ceases for any reason for a period of more than thirty six (36) consecutive months, any subsequent use of land will conform to the regulations specified by this Ordinance.
3. A nonconforming use of land may be moved within the boundaries of its lot provided that the Planning Board finds that the new proposed location of the land use or building results in less nonconformity than the original location and the Planning Board may require the applicant to provide information regarding fencing, screening, landscaping, topography, natural features, traffic, access, and any other pertinent features.
4. Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of the adoption or amendment of this Ordinance, but no such uses will be extended to occupy any land outside such building.
5. A structure housing an existing nonconforming use may be moved, within the lot, in a manner that would result in the new location of the nonconforming use being less nonconforming than the original location.

2.3.2 Existing Nonconforming Structures

Improvements to nonconforming structures will be subject to the following provisions:

1. A nonconforming structure may be enlarged or altered in any way that does not increase its nonconformity.
2. Any nonconforming structure can be entirely rebuilt, providing it does not exceed the existing footprint, provided rebuilding is begun within one (1) year of the land use permit being issued.
3. A nonconforming structure may be moved within its lot so long as it is in greater conformance with the Ordinance
4. The enlargement meets the setback and height requirements of the district; (a) if the enlargement or accessory structure is on the same lot as the non-conforming structure and contains no more than thirty three percent (33%) of the ground area of the grandfathered structure; or (b) the enlargement or accessory structure fills in a void in the existing non-conforming structure (such as the inside of an ell) such that the entire structure, including any accessory structure, when viewed as a whole either meets the district's setback requirements or is no more nonconforming than the pre-existing nonconforming structure.
5. Any nonconforming building or structure which is damaged or destroyed by fire or other causality may be restored and reconstructed in conformance with its original dimensions, provided that a building permit is obtained for such reconstruction within twenty-four (24) months of the date of destruction. Nothing in this section will prevent the demolition of the remains of any building or structure damaged or destroyed.

2.3.3 Nonconforming Lots of Record

1. A single parcel of land, the legal description of which was recorded in the Registry of Deeds on or before October 9, 1996, that does not meet the lot dimensional or area requirements, or both, of the District in which it is located, may be built upon as an existing non-conforming lot of record provided that such lot is not contiguous with any other lot in the same ownership and provided that all other provisions of this Ordinance are met.
2. If two or more contiguous lots of record are in the same ownership on or after October 9, 1996, and if all or part of the lots do not meet the area or dimensional requirements of this Ordinance, the lands comprised by such lots shall be considered as a single parcel of land for the purposes of complying with the dimensional or area requirements in this Ordinance.
3. On or after the effective date of adoption or amendment of this Ordinance, approved on November 20, 2023, no division of a lot will be made which reduces any dimension or area below the requirements of this Ordinance; and no lot will be created which does not meet or exceed the area requirements of this Ordinance, except for conveyance to an abutting owner, or for conservation use as defined. New rear flag lots will not be created as of the effective date of this Ordinance.
4. No division of a parcel shall be made that creates any dimensions or area below the requirements of this Ordinance, and if any such lot is created after enactment of this Ordinance or any amendments thereof, that lot shall not be built upon. If after

combining all contiguous lots in the same ownership, the parcel meets the dimensional requirements of this Ordinance, it may be built upon.

2.3.4 Construction Begun Prior to Ordinance

Adoption or amendment of this Ordinance will 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 the application has been subject to review, or a Land Use Permit has been issued, and upon which construction has been commenced prior to such adoption or amendment.

2.3.5 Pending Application for Land-Use Permits

Nothing in this Ordinance will require any change in the plans, construction, size, or designated use for any building, structure, or part thereof for which a Land Use Permit has been issued or upon which construction commenced prior to the adoption or amendment of this Ordinance, provided construction will begin within six (6) months after the issuance of such permit.

2.4 Transfer of Ownership

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

PART III ZONING DISTRICTS

The purpose of these district requirements is to implement the municipality's Comprehensive Plan and to provide for orderly growth and development.

3.1 Rules Governing District Boundaries

Unless otherwise set forth on the "Land Use District Map Town of North Haven," district boundary lines are property lines; the centerlines of roads, streets, and rights-of-way, or such lines extended; the center lines of water courses or such lines extended; or the Town boundary lines. Boundaries indicated as following or parallel to shorelines will be construed to follow or be parallel to the normal high water mark of such shorelines, and, in the event of changes in the shoreline, will be construed as moving with the actual shoreline.

Where uncertainty exists as to the exact location of the district boundary lines, the Planning Board will be the final authority on interpretation of the Zoning District Map and other factors in determining the location of proposed improvements and changes of use.

Where a land use 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 amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than one-hundred (100) feet into the more restricted portion of the lot. This does not apply to lands subject to Shoreland Zoning and Fresh Pond Watershed Protection requirements.

3.2 Land Use Requirements

Except as hereinafter specified, no building, structure, or land will hereafter be used or occupied; no building or structure or part thereof will hereafter be erected, constructed, expanded, moved, or altered; and no new lot will be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted by the Board of Appeals.

3.3 Establishment of Districts

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Map entitled "Land Use District Map of Town of North Haven" on file in the municipal office of the Town, which is hereby made a part of this Ordinance. For the purposes of this Ordinance, the Town will be divided into the following zoning districts and subdistricts.

It is understood that Shoreland Zoning is also applicable in some portions of all Districts.

3.3.1 Village District

This District allows for mixed use buildings and development. This is the practice of allowing more than one (1) type of use in a building or buildings or a combination of residential, commercial, (shops, restaurants, etc.), and community activities compatible with public sewer (refer to the Sewer Ordinance for the Town of North Haven) and water. Mixed use encourages retail, office, and living spaces in one (1) building. It is understood that Shoreland Zoning is also applicable in lower Village District areas.

3.3.2 Rural District

The Rural District generally extends beyond the area of North Haven that is serviced by year-round public water and sewer. It is intended that open space, agricultural, low-density

residential, and mixed uses be encouraged, such that they tend to enhance, reinforce, and protect the rural, open atmosphere now characterizing much of the Town.

This includes all land in North Haven except that land defined in the Village, Shoreland Protection, Resource Protection, and Fresh Pond Watershed Protection Districts.

3.3.3 Fresh Pond Watershed Protection District

For additional requirements see the Fresh Pond Watershed Protection District Ordinance.

3.3.4 Shoreland Zoning District

Refer to the Shoreland Zoning Ordinance.

3.4 District Requirements

Allowed uses and uses subject to this Ordinance and approval of the CEO or Planning Board will conform to all dimensional requirements and other applicable requirements of this Ordinance. A plumbing permit and land use permit will be required for all applicable buildings, uses, and sanitary facilities according to the provisions of the Administration requirements in Section V of this Ordinance. All uses will comply with the performance standards of Section IV of this Ordinance.

For all new construction, the Code Enforcement Officer and Plumbing Inspector must determine that the property meets the requirements of the Maine State Plumbing Code before a building permit can be issued. Renovations to existing structures or expansion of existing structures must also meet the Maine State Plumbing Code. The Planning Board must hold a public hearing when they approve or disapprove a conditional use permit or approve or disapprove a site plan review application, and approve or disapprove a subdivision application.

3.5 Compliance with Performance Standards Required

All permitted uses must occur and be maintained in compliance with the applicable requirements and performance standards contained in Section IV of this document.

3.6 Land Uses Allowed in Each of the Districts

Permitted uses, in accordance with the land use standards of this Ordinance, are shown in the Land Use Table at Subsection 3.6.1 below.

Table 3.6.1: Land Uses

Key

Districts

Village District
Rural District

NOTE: Fresh Pond Watershed Protection District, please see Fresh Pond Watershed Protection District Ordinance for North Haven, ME Shoreland Protection District, please see Shoreland Zoning Ordinance Town of North Haven, Maine.

Permit Symbols

YES Yes, allowed without a permit, but must comply with land use standards.
CEO Code Enforcement Officer Permit required.
CU Conditional Use Permit required.
NO No, use not allowed.

NOTE: Site Plan applicability is determined by intensity of the use, not the use itself. See section 6.2.

	Uses	Land Use Districts	
		Village District	Rural District
	A. Residential Uses		
1	Accessory dwelling unit	CEO	CEO
2	Accessory structures less than 32 sq. ft. or less [a]	YES	YES
3	Decks, porches, and handicap ramps	CEO	CEO
4	Duplex	CEO	CEO
5	Home garden [c]	YES	YES
6	Livestock [d]	YES	YES
7	Manufactured/Mobile home park (maximum 5 units) [b]	CU	CU
8	Multi-family dwelling (3-6 units)	CEO	CU
9	Single-family dwelling unit	CEO	CEO
10	Single family mobile home	CEO	CEO
11	Road and driveway construction	CEO	CEO
12	Swimming pools	CEO	CEO
13	Tennis courts	CEO	CEO
	B. Retail, Light Commercial, Agricultural, and Civic Uses		

	Uses	Land Use Districts	
		Village District	Rural District
1	Agriculture	CEO	YES
2	Agricultural products processing	CEO	CEO
3	Animal grooming or clinic	CEO	CEO
4	Aquaculture	CU	CU
5	Art gallery/craft shop/gift shop	CEO	CEO
6	Automobile sales, rental, service, and repair station	CU	CU
7	Bakery	CEO	CEO
8	Boarding or riding stables	NO	CEO
9	Boat building/repair	CEO	CEO
10	Brewery	CU	CU
11	Building material, retail sales	CEO	CEO
12	Campground	NO	CU
13	Car wash	CU	CU
14	Cemetery	CU	CU
15	Church or place of worship	CU	CU
16	Civic, convention center	NO	CU
17	Commercial complex	CU	CU
18	Commercial greenhouse	CU	CEO
19	Commercial recreation	CU	CU
20	Commercial school	CU	CU
21	Communication facility	CU	CU
22	Communication tower	CU	CU
23	Community center	CU	CU
24	Community living arrangement (cohousing)	CEO	CEO
25	Construction equipment storage	CU	CEO
26	Day care center (adult or child)	CEO	CEO
27	Dry cleaning	CU	NO
28	Financial institution (Bank)	CEO	NO

	Uses	Land Use Districts	
		Village District	Rural District
29	Firewood processing/sawmill (commercial)	CU	CU
30	Fisheries processing/storage	CEO	CU
31	Fraternal and service club	CEO	CEO
32	Funeral home	CU	NO
33	Furniture stripping and wood preserving	CU	CU
34	Government facilities and grounds (Town)	CEO	CEO
35	Grocery and variety store	CEO	CEO
36	Health spa/fitness club/gym	CEO	CEO
37	Home occupation	CEO	CEO
38	Hospital	CU	CU
39	Indoor entertainment and recreation	CU	CU
40	Kennel/boarding site	NO	CEO
41	Laundromat	CEO	CEO
42	Light manufacturing/assembly plant	CEO	CEO
43	Liquor store (subject to state licensing requirements)	CU	CU
44	Lodging/boarding facilities (hotels, motels, bed and breakfasts) maximum 15 rooms	CEO	CEO
45	Marijuana growing	NO	CU
46	Marijuana dispensaries	CU	CU
47	Medical clinic	CU	CU
48	Museum	CEO	CEO
49	Nursing home/assisted living/group home	CU	CU
50	Off street parking lot/ parking garage (stand alone)	CU	CU
51	Other retail business	CEO	CEO
52	Outdoor storage business	CU	CEO
53	Professional offices/office building	CEO	CEO
54	Public or private school	CU	CU
55	Publishing/printing	CEO	CEO

	Uses	Land Use Districts	
		Village District	Rural District
56	Redemption center	CU	CU
57	Repair services (other than auto), defined by applicant	CEO	CEO
58	Restaurant/take-out food service	CEO	CEO
59	Self storage building	CEO	CEO
60	Service business	CEO	CEO
61	Veterinary clinic	CEO	CEO
62	Wholesale business	CEO	CEO
	C. Industrial and Heavy Commercial		
1	Airport/airstrip	NO	CU
2	Automobile graveyard/junkyard	NO	CU
3	Boathouse and marine storage	CU	CU
4	Bulk oil and fuel storage	CU	CU
5	Demolition waste disposal	NO	NO
6	Golf course	NO	CU
7	Land application of sludge and waste	NO	CU
8	Landfill	NO	NO
9	Manufacture, use, storage, or disposal of solid or hazardous materials	NO	NO
10	Mineral exploration, extraction, gravel pits, processing or storage (including sand, gravel, and stone), affecting an area greater than one acre.	NO	CU
11	Public utilities	CU	CU
12	Salt and salt/sand stockpiles	NO	NO
13	Solar farms	CU	CU
14	Timber harvesting	NO	CEO
15	Transportation facility and terminal	CU	CU
16	Warehouse	CU	CU
17	Wind power turbines [e]	CU	CU
	D. Other Uses		

	Uses	Land Use Districts	
		Village District	Rural District
1	Accessory structures	CEO	CEO
2	Airstrip	NO	CU
3	Mixed use development	CU	CU
4	Cutting trees for driveways, houses, and accessory structures	YES	YES
5	Excavation and filling of <50 cubic yards	YES	YES
6	Excavation and filling of 50 - 500 cubic yards [f]	CEO	CEO
7	Excavation and filling of >500 cubic yards	CU	CU
8	Forest management activities (includes cutting trees) [g]	YES	YES
9	Low intensity recreation	YES	YES
10	Moving and demolition of buildings	CEO	CEO
11	Resurfacing an existing driveway	YES	YES
12	Signage	CEO	CEO

[a] Must meet the setbacks for the District.
[b] Please see Part VII, Site Plan Review section of this Ordinance.
[c] Maximum area of six hundred (600) square feet, no use of pesticides, herbicides, or chemical fertilizers.
[d] Refer to Article 4.1.16
[e] See current Wind Tower Ordinance for the Town of North Haven, Maine.
[f] Excavation and filling refers to activity on the worksite and does not apply to stockpiles of material.
[g] See section 4.1.8

3.7 Dimensional Requirements

All structures and uses will meet or exceed the following minimum requirements. Other provisions of this Ordinance may require additional lot area or setbacks. See notes following the table for additional requirements.

Table 3.7.1: Dimensional Requirements

Key
Districts
Village District, Mixed use commercial and residential
Rural District
NA this provision is not applicable [in this case] to this use in this zoning district.

Dimensional Requirements	Land Use Districts	
	Village District	Rural District
Minimum Lot Area (sq. ft.) [acres(A)]*		
With public sewer	8,000 [0.18 A]	NA
Without public sewer	20,000 [0.46 A]	43,560 [1 A]
For conservation use, as defined	NA	NA
Minimum Land Area (sq. ft.) [acres(A)] for the following**		
Single family	8,000 [0.18 A]	43,560 [1 A]
Single family with accessory apartment	8,000 [0.18 A]	43,560 [1 A]
Two family	8,000 [0.18 A]	43,560 [1 A]
Multi Family (3 or more dwelling units) (sq. ft.) [acres(A)]		
First two dwelling units	8,000 [0.18 A]	43,560 [1 A]
Each additional dwelling unit	0	10,890 [.25 A]
Minimum Continuous Road Frontage (ft.)		
	75	125
Minimum Apartment Floor Area (sq. ft.)		
Accessory, efficiency, or studio apartment	200	
One bedroom apartment	400	400
Two bedroom apartment	520	520

Dimensional Requirements	Land Use Districts	
	Village District	Rural District
Three bedroom apartment	640	640
Four bedroom apartment	760	760
Minimum Setbacks (ft.) * **		
Front	15	35
Side and rear	5	10
Driveways (side and rear)	0	10
Lot Coverage (percentage)		
Maximum structure coverage (percentage)	50	10
Maximum lot coverage (impervious surface and structure percentage)	70	15
Height (ft.) ** **		
Maximum building height (feet) (excluding incidental protrusions such as chimneys, steeples, flagpoles, and towers that contain no habitable floor area)	35	35

* The minimum area of a mobile home park lot will be 6,500 square feet if served by a public sewer system, or 12,000 square feet if served by a central, on-site subsurface wastewater disposal system, or 20,000 square feet if served by individual, on-site subsurface wastewater disposal systems.
** A lot with an existing dwelling unit may have up to two additional dwelling units, either one additional attached dwelling unit, one additional detached dwelling unit, or one of each. A lot without a dwelling unit already on it can have up to three units. 30-A M.R.S. § 4364-A.
*** In addition to structures, these setbacks apply to Recreational Vehicles (RVs).
**** Except for a structure approved pursuant to the Wireless Telecommunications Facilities Siting Ordinance or the Small Wind Turbine Ordinance for North Haven, Maine.

Notes to table:

1. **Required frontage** - All lots hereinafter created will possess frontage on (1) a public road, or on (2) a private road.
2. **Cul-de-sac frontage -** New building lots located at the end of cul-de-sacs or along curves in a street where the radius of the curve at the front lot line is less than ninety (90) feet, may be designed so that they have a minimum of thirty five (35) feet of street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for street frontage in that district. The lot width will be measured along a line that is parallel to a tangent of the midpoint of the curve.

3. **Setback measurements** - The front setback along a public road is measured from the nearest part of a structure to the edge of the pavement, asphalt or other surfacing material, or if unpaved, from the edge of the driving surface of the road.

   Setbacks do not apply to private roadways. All side and rear setbacks will be measured from the property line to the nearest part of the structure.

   Corner lots - The front setback requirement will be observed along all roads abutting the lot.

   Structures on abutting lots - Where a proposed structure would be abutted on both sides by existing structures, either on the same lot or adjoining lots, whose front setbacks are less than the required setback, the setback of the proposed structure may be reduced to that of the structure with the greatest front setback.

4. **Fresh Pond Watershed Protection District (FPWPD)** - For dimensional standards in that district, please see the Fresh Pond Watershed Protection Ordinance for the Town of North Haven, Maine.

PART IV PERFORMANCE STANDARDS

4.1 General Standards

4.1.1 Accessory Dwelling Unit to Single-family Residential Use

A second or "accessory" dwelling unit is defined as a unit within, attached to or sharing a wall with, or detached from a single-family residence or garage. The accessory dwelling unit will not be considered an additional dwelling unit for purposes of the minimum lot size standards. The accessory dwelling unit must meet the following criteria:

1. The principal unit and the accessory dwelling unit will remain under common ownership.
2. One (1) driveway will service both dwelling units. Two (2) spaces of off-street parking for the principal dwelling unit must be provided.
3. The accessory dwelling unit will include its own kitchen, full bath, and no more than three (3) bedrooms. The floor area of the accessory dwelling unit must be at least one hundred and ninety (190) square feet. The floor area of the accessory dwelling unit cannot exceed one thousand five hundred (1500) square feet. The accessory dwelling unit is permitted on a conforming or nonconforming lot of record, provided there is adequate wastewater disposal, as determined by the Maine State Plumbing Code and all other dimensional requirements of the District are met.

4.1.2 Access Point - Vehicle

An Access Point is the point of intersection of a driveway, private way, or private road and a public road. Any Access Point constructed after the adoption of this Ordinance will be in accordance with the following standards:

1. Avoidance of Hazardous Conflicts. Access Points must be designed and constructed in such a way to avoid hazardous conflicts with existing turning movements and traffic flows on and from the public road.
2. Grades. Whenever possible, the maximum grade for a driveway or private road is ten percent (10%) for the first forty five (45) feet from the edge of the public road.
3. Thereafter, the grade may not exceed fifteen percent (15%) for driveways or private roads.
4. Drainage must be in accordance with 23 M.R.S.A. § 705, as amended, culverts of size, and type as determined by the Road Commissioner, Code Enforcement Officer, or the State. They must be installed and must adequately protect the road to control erosion and runoff with best management practices.
5. New access points on Town roads require prior approval by the Road Commissioner and Code Enforcement Officer (CEO) who will certify that all standards in this section are met and set the standards for which proper drainage surrounding the road will be achieved.

4.1.3 Agricultural Management Activities

Agricultural practices will be conducted in such a manner as to prevent soil erosion, sedimentation, and contamination or nutrient enrichment of surface waters. Refer to *Maine Department of Agriculture, Conservation, and Forestry (DACF) Best Practices Manual*.

4.1.4 Air Pollution

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

4.1.5 Archaeological and Historic Resources

If any portion of the development site has been identified as containing historic or archaeological resources, the development project will be required to submit inspection reports performed by qualified professionals and the development project will be altered in such ways as to protect any discovered resources to the maximum extent practicable including, but not limited to, site design, timing of construction, extent of excavation, design of the site, and limiting the extent of excavation.

4.1.6 Buildings/Structures/Premises

All buildings, structures, and parts thereof permitted under this ordinance will not present a hazard to public health or safety as determined by the Fire Chief or Code Enforcement Officer, in accordance with State Statutes.

4.1.7 Campgrounds

Campgrounds will conform to the minimum requirements imposed under State licensing procedures and the following (in cases of possible conflict, the stricter rule will apply) please see 22 M.R.S.A. §§ 2491 to 2501:

1. Campgrounds will be allowed on parcels of no less than one (1) acre and will contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation and land below the normal high-water line of a water body will not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings will be set back a minimum of fifty (50) feet from any property line or public road.
3. Mobile homes, cabins, or similar permanent dwellings are prohibited. No recreational vehicle will be stored within the campground.
4. All water-carried sewage will be disposed of by means of an approved sewage disposal system which is constructed and operated in conformance with applicable state and local laws, ordinances, and regulations. Facilities must be in conformance with the Maine Subsurface Wastewater Disposal Rules 144A CMR 241.
5. All recreational vehicles will discharge their sewage at an approved sewage disposal site.
6. All outhouses must be approved by the Licensed Plumbing Inspector (LPI).

4.1.8 Clearing of Trees/Vegetation

For cutting in the Shoreland District, please refer to the Shoreland Zoning Ordinance. In all other Districts, an application for a permit must be submitted to the CEO before trees are clear cut on an area of one (1) to two and one half (2.5) acres. For clear cutting on greater than two and one half (2.5) acres, a written plan will be obtained from a professional forester registered in the State of Maine and filed with the Code Enforcement Officer endorsing the

clear cut and prescribing steps and a timetable for the revegetation of the land to minimize erosion and fire danger. The plan will be carried out by the property owner according to the timetable in the plan.

4.1.9 Erosion and Sedimentation Controls/Stormwater Management

All new construction and development will be designed to minimize stormwater runoff from the site in excess of the natural pre-development conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas will be retained in order to reduce runoff and encourage infiltration of stormwaters.

Storm water runoff control systems will be maintained as necessary to ensure proper functioning.

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

1. The Planning Board may require the applicant to have an erosion and sedimentation control plan prepared by a licensed professional civil engineer or certified professional in erosion and sediment control, in accordance with the *Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices*, latest revision, Maine Department of Environmental Protection. The Planning Board may require the review and endorsement of this plan by the Soil and Water Conservation District.
2. Regardless of whether an erosion and sedimentation control plan is required, erosion of soil and sedimentation of watercourses and water bodies will be minimized by employing the following best management practices:
    a. Stripping of vegetation, soil removal, re-grading, or other development will be done in such a way as to minimize erosion.
    b. Development will 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.
    c. The development will retain surface water runoff on the site to the greatest extent possible, and will not unreasonably increase the rate or volume of surface water runoff from the proposed site.
    d. Whenever feasible, natural vegetation will be retained, protected, and supplemented.
    e. The disturbed area and the duration of exposure will be kept to a practical minimum.
    f. Disturbed soils will be stabilized as quickly as practicable.
    g. Temporary vegetation or mulching will be used to protect disturbed areas during development.
    h. 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 will be installed as soon as practicable after construction ends. The use of native plant species is preferred.

i. Until the disturbed area is stabilized, sediment in the runoff water will be trapped by the use of debris basins, silt traps, or other acceptable methods.

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

k. During grading operations, dust control will be employed wherever practicable.

l. Whenever sedimentation is caused by stripping vegetation, regrading, or other development, it will 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 the developer's expense as quickly as possible.

m. Maintenance of drainage facilities or watercourses originating on 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.

4.1.10 Fences

In all zoning districts, when a new fence is built, or an existing fence is replaced, and it is designed to have a finished face, the finished face is to be erected towards the nearest abutting property. For details see MRSA Title 30-A chapter 133.

4.1.11 Flood Hazard Area

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

4.1.12 Fresh Pond Watershed Protection District

(See the Fresh Pond Watershed Protection District Ordinance).

4.1.13 Home Occupation

Home Occupations will be allowed as a business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, in which the use is accessory, incidental, and secondary to the use of the building for dwelling purposes, and which does not change the residential character or appearance of the building and property.

They will conform to the following standards:

1. There may be the equivalent of two (2) full-time onsite workers from outside of the immediate family-in-residence.
2. All exterior storage of materials will be screened from public roads by fences and/or by vegetation, so that the residential appearance of the property is maintained.
3. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare will not be permitted.

4. Home occupations that involve use or storage of hazardous or leachable materials in excess of normal residential use will not be permitted.
5. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking will also be provided for the vehicles of the maximum number of users the home occupation may attract during peak operating hours including customers and clients. On-street parking will not be allowed.

Uses or Activities that do not meet these home occupation standards will be considered as Commercial, Industrial, or Institutional Uses or Activities and will be reviewed under those applicable provisions of this Ordinance.

4.1.14 Junkyards/Automobile Graveyard/Automobile Recycling Facilities

Junkyards, automobile graveyards, and automobile recycling businesses, whether new or existing, will be regulated by 30-A M.R.S.A. § 3754 et seq., as amended.

4.1.15 Lighting Design Standards (Commercial Use)

All exterior lighting will be designed to minimize adverse impact on neighboring properties. The applicant will demonstrate that the proposed lighting is appropriate for the intended use. The Planning Board, or when applicable, the Code Enforcement Officer, will consider the hours of operation, rural characteristics of the neighborhood, and the specific activities proposed in making its determination.

All exterior lighting will conform to the following standards:

1. The maximum height of freestanding exterior lights will not exceed fourteen (14) feet including the base.
2. Exterior lights will be downward full cutoff luminaires (Title 5 M.R.S.A., Section 1769) that allow no direct light emissions above a horizontal plane through the luminaires lowest light-emitting part.
3. When lighting is not in use, lighting will be turned down to security level or turned off.

4.1.16 Livestock

The following land size requirements apply to keeping livestock:

1. One (1) Acre or More: Animals incidental to residential activities may be kept; provided, however, that animals such as horses, cattle, goats, sheep, llamas, pigs, turkeys, ducks, roosters or more than a total of twelve (12) hens and/or rabbits will not be kept on a premise having a lot area less than one acre, and will be kept no closer than twenty (20) feet to any property line. Adequate fencing should be provided to keep animals on the property.
2. Eight Thousand (8,000) square feet to One Acre: No more than twelve small animals such as hens and/or rabbits may be kept incidental to residential activities. Roosters are not allowed unless they are in the rural district. Housing and pens will meet a minimum setback requirement of ten (10) feet. Adequate fencing should be provided to keep animals on the property.
3. Less than eight thousand (8,000) square feet: no livestock allowed.

4.1.17 Lodging Facilities

General Requirements

1. Off-street parking will be provided in accordance with this ordinance. Public parking will not be used to meet this requirement.
2. Room size will be a minimum of one hundred and twenty (120) square feet for every two (2) people.
3. There will be a minimum of one (1) complete bathroom for each three (3) rooms, six (6) persons, or fraction thereof. Bathroom area will not be included in the room area calculation.

The Planning Board may require other conditions. There will be a maximum of fifteen (15) rooms per lodging facility.

4.1.18 Lot Divided by Road

In all zoning districts, including all districts set forth in the Shoreland Zoning Ordinance, land on opposite sides of a public or private road including a public easement as defined in Title 23 MRSA § 3655, will be considered each a separate lot unless such road was established by the owner of land on both sides thereof after September 22, 1971.

4.1.19 Manufactured Housing

Refer to the manufactured housing standards in 30-A M.R.S. § 4358

4.1.20 Mineral Exploration and Extraction

All exploration/extraction activities, including test pits and holes, will be capped, refilled, or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety. No portion of any ground area disturbed by the extraction activity will be closer than seventy-five (75) feet from the edge of a public road. Requires a site-plan review.

4.1.21 Manufactured/Mobile Home Parks

The following provisions will apply to all permitted manufactured/mobile home parks:

1. Except as stipulated in this ordinance, all manufactured/mobile home parks will conform to all applicable state laws and the provisions of the Subdivision Ordinance. Where provisions of this ordinance conflict with the specific provisions of the Subdivision Ordinance; the more restrictive provisions will prevail if such provisions are consistent with 30-A M.R.S. § 4358(3).
2. Lots served by individual subsurface wastewater disposal systems will be approved by the Local Plumbing Inspector; lots served by central subsurface wastewater disposal systems will use a system approved by the Maine Department of Health and Human Services.

4.1.22 Multi-Family Dwellings

1. Conversions: A single-family dwelling or other building may be converted to a multi-family dwelling, provided:

a. If not connected to a public or private sewerage system, the lot must contain sufficient area and suitable soil conditions for on-site disposal in accordance with the Maine State Plumbing Code.

b. The conversion plan must be reviewed and approved by the plumbing inspector pursuant to 30-A M.R.S.A. § 4211 and the state subsurface wastewater disposal rules.

c. Each dwelling unit will have its own full bathroom and kitchen facilities and no dwelling unit will share these facilities with any other dwelling unit.

d. No building will contain more than six (6) dwelling units.

e. Off-street parking space is required.

2. New Construction: Multi-family dwelling units will conform to all of the dimensional requirements of the district:

a. No building will contain more than six (6) dwelling units.

b. All units will be connected to a common water supply and distribution system, either public or private.

c. All units will be connected to a public sewerage system, if available, or to a central collection and treatment system in accordance with the Maine State Plumbing Code.

d. No parking area will be located within ten (10) feet of any lot line.

e. The division of a new or existing structure into three (3) or more dwelling units within a five (5) year period is subject to site plan review but is exempt from subdivision review pursuant to 30-A M.R.S. § 4402(6).

4.1.23 Off-street Parking/Loading

In all new construction, alterations, and changes of use, there will be provided off-street parking and loading space adequate for their use. The following minimum number of spaces will be provided and maintained in case of new construction, alterations, and changes in use:

Table 4.1.23.1: Minimum Parking Space Requirements

Use	Minimum Parking Space Requirements
Residential dwellings	Two (2) parking spaces for each dwelling unit.
Short-term accommodations	Bed and Breakfast accommodations, motels, hotels, boarding houses, and inns with ten (10) rooms or less: two (2) parking spaces plus one (1) space for every two (2) guest rooms. Motels, hotels, boarding houses, and inns with more than ten (10) rooms: one (1) parking space for every two (2) guest rooms plus one (1) space for each three (3) employees per shift.
Schools	Two (2) parking spaces for each classroom plus one (1) space for each two (2) employees per shift.
Theaters, churches, other public assembly places	One (1) parking space for every five (5) seats or one (1) parking space for every one hundred fifty (150) square feet.
Retail stores	One (1) parking space for every three hundred (300) square feet of retail area, plus one (1) parking space for every two (2) employees, unless public parking is provided.
Restaurants, eating, or drinking establishments	One (1) parking space for every eight (8) seats, plus one (1) parking space for every two (2) employees per shift, unless public parking is provided.
Professional offices and public buildings	One (1) parking space for every three hundred (300) square feet of gross leasable area, exclusive of cellar and bulk storage areas, unless public parking is provided.
Industrial	One (1) parking space for every two (2) employees per shift, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of specific operations.

Table Notes:

1. On-street or on-lawn parking will not qualify as a required space.
2. A minimum of ninety (90) square feet is required for an automobile and one hundred ninety (190) square feet for a pickup truck, exclusive of maneuvering space, will be considered as one (1) off-street parking space.
3. Adequate spaces will be provided to accommodate customers, patrons, and employees at other permitted sites not specified.

4. No required parking space will, for the purposes of this Ordinance, serve more than one (1) type of use.
5. In any District where permitted or allowed, commercial or industrial uses will provide, as necessary, off-street loading facilities located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers will not be located for loading on any public way.
6. The Planning Board may, at its sole discretion, increase or decrease the above parking requirements in the Downtown Village District, depending upon individual applicant circumstances. An applicant requesting a deviation from the above standards must demonstrate to the satisfaction of the Planning Board that the request is appropriate to the planned use.

Use	Minimum Parking Space Requirements
Residential	Two (2) parking spaces for each dwelling unit.
Retail/commercial/ agricultural/civic	One (1) parking space for every three hundred (300) square feet of area, plus one (1) parking space for every two (2) employees, unless public parking is provided.
Industrial/heavy commercial	One (1) parking space for every two (2) employees per shift, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of specific operations.

4.1.24 Ponds

Ponds created for any purpose must meet the specifications of the DEP or the University of Maine Soil and Water Conservation Commission. If a pond is to be used for the purpose of fire prevention, the local Fire Chief must approve location and design.

4.1.25 Private Way

In cases where Subdivision approval is not required, private way approval by the Code Enforcement Officer may allow for the creation of back lots which otherwise would not have adequate frontage in accordance provided the following provisions are met:

1. A plan shall be prepared by a registered professional land surveyor. The plan shall be labeled "Plan of a Private Way" and shall provide an approval block for the signatures of the Code Enforcement Officer. The plan shall be drawn to scale, shall delineate the proposed private way and the boundaries of each of the lots to be served by or abutting the private way.

2. Roads shall be designed so as not to be subject to seasonal flooding or washout and not to disturb wetlands. Drainage ditches and culverts shall be provided wherever appropriate. A street plan, cross section, and drainage plan shall be submitted for each private way serving two (2) or more lots.

3. The plan shall note that the Town of North Haven will not be responsible for the maintenance, repair, or plowing of the private way, and that no additional dwelling units or lots may be served by the private way without prior approval in accordance with this subsection.

4. If the private way is to provide access to two (2) or more lots, a maintenance agreement shall be required and recorded in the Knox County Registry of Deeds. The maintenance agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the private way.

5. Private ways shall comply with the following minimum standards.

	Number of Lots Served		
	1	2	3 or more
Minimum roadway width (ft)	12	15	In accordance with street design standards in Subdivision Ordinance
Turnaround at dead end	Circle or T		
Right of way width (ft)	25	33	

6. One (1) turnout to provide space for two (2) vehicles to pass shall be provided for every five hundred (500) feet of the private way.
7. Visibility: The private way shall not cause a hazard to pedestrian or vehicular traffic.
8. No more than one (1) private way is to be allowed over a given front lot to serve back lots.
9. Any waiver requires Planning Board approval.
10. Approval by the Code Enforcement Officer is required for private ways serving one (1) or two (2) lots. For private ways serving more than two (2) lots, approval of the Planning Board is required.
11. The plan and/or deed description of the private right of way shall be recorded in the Knox County Registry of Deeds within ninety (90) days of the date of approval. If it is not recorded within this time period, the approval shall be null and void.
12. Any change, such as the subsequent creation of another lot, shall require prior approval as applicable under this subsection.
13. Approved private ways must be constructed and used by the time any of the lots to be served is developed.

4.1.26 Signs

In all districts, the use of signs will be governed by the following provisions and do not require a permit.

1. Signs relating to goods and services sold on the premises will be permitted, provided such signs will not exceed two (2) signs per premises, and will not exceed ten (10)

square feet each in area (including the frame) in all districts. Directional signs will be permitted, provided such signs will not exceed two (2) square feet in area (including the frame). Billboards and signs relating to goods and services not rendered on the premises will be prohibited.

2. Name signs of family living on premises will be permitted, provided such signs will not exceed two (2) signs per premises and providing that no such sign exceeds two (2) square feet in area (including the frame).
3. One (1) temporary sign on residential property may be displayed not over four (4) square feet in area (including the frame).
4. Property signs will be permitted without restriction as to the number provided that no such sign will exceed two (2) square feet in area (including the frame).
5. No sign will extend higher than ten (10) feet above the ground.
6. Signs may be illuminated only by shielded, non-flashing lights.
7. Off-premises signs are permitted pursuant to 23 MRSA § 1901 et seq.
8. On-premises signs, including information kiosks, bulletin boards, and notice boards, are permitted. These shall not exceed thirty two (32) square feet in area (including the frame).
9. Temporary signs are permitted and will not exceed six (6) square feet in area (including the frame).

4.1.27 Subdivisions

See separate current Subdivision Ordinance for North Haven, Maine.

4.1.28 Swimming Pools

Swimming pools will meet the same setback requirements as residential structures. Water source requires approval by the CEO. The CEO may require that an off-site water source be used to fill and maintain swimming pools.

4.1.29 Topsoil and Vegetation Removal During Construction

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

4.1.30 Towers, Wireless Communications

Please see the current Wireless Telecommunications Facilities Siting Ordinance for the Town of North Haven.

4.1.31 Water Usage and Water Quality

Any proposed use or activity will have sufficient water available for reasonably foreseeable needs of the development including, but not limited to, potable water and fire control water and will not alone or in conjunction with other activities adversely affect the quality or quantity of the groundwater available to abutting properties or to public water supply systems.

Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the

groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

All aspects of the project must be designed so that:

1. No person will locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated substance(s) that may cause contamination of soil, groundwater, or shorelands.
2. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshal's Office.
3. If the project is located within the watershed of a “body of water most at risk from development” as identified by the Maine Department of Environmental Protection (DEP), the project must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorus.

4.1.32 Wind Energy System

See current Wind Tower Ordinance for the Town of North Haven, Maine

PART V ADMINISTRATION AND ENFORCEMENT

5.1 Land Use Permits

No person may construct, expand substantially, establish, or re-establish a land use not in existence on the date this Ordinance (or subsequent amendments) becomes effective without first obtaining required land-use permits granted by the Code Enforcement Officer or the Planning Board. No land-use permit will be issued except in conformity with the provisions of this Ordinance. A land-use permit, secured under the provisions of this Ordinance, will expire if the work or change is not commenced within one (1) year of the date on which the permit is granted.

5.2 Application for Land-use Permit

Applications for land-use permits can be obtained at the Town Office, from the Code Enforcement Officer (CEO), or online at the Town of North Haven website. A complete application will be filed in writing with the Code Enforcement Officer. The CEO will inform the applicant if the application is incomplete or requires further review within fourteen (14) days of receiving an application. The CEO will outline specific areas of incomplete information, including any separate applications and actions to be taken by the Planning Board and/or other agencies, as may be required to complete the application.

5.3 Authority for Application Review

The following are local administering agencies.

5.3.1 Code Enforcement Officer

The Select Board will appoint a Code Enforcement Officer and fix their salary and expense provisions. The Code Enforcement Officer will:

1. Approve or deny applications to the extent that Planning Board or other agency review is not required, either by this Ordinance or by other prevailing law. Approval will be granted only if the proposed use(s) and/or improvements are in conformance with the provisions of this Ordinance.
2. Enforce the provisions of this Ordinance. If the Code Enforcement Officer finds that any provision of this Ordinance is being violated, he or she will notify in writing the person responsible for such violation(s), including illegal uses of land, buildings, or structures; or work being done on illegal structures; and will take action to order the abatement of such violation(s). A copy of such notices and orders will be submitted to the municipal officers and be maintained as a permanent record.
3. Enforce conditions of approval. For uses and structures permitted by authority of the Planning Board, including Conditional Use, Site Plan, and Subdivision approvals, the Code Enforcement Officer will address any non-compliance with conditions of approval in the same manner as other violations.
4. Keep a complete record and submit a monthly report to the Planning Board of all essential transactions of the office, including applications submitted; permits granted or denied; variances granted or denied by the Board of Appeals; revocation actions, revocation of permits, appeals, court actions, records of complaints received whether in writing or otherwise; complaints investigated; violations found; and fees collected.

5.3.2 Planning Board

The Planning Board of the Town of North Haven 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 M.R.S.A., Section 3001. The Planning Board will be elected by the Town of North Haven.

1. The board will consist of five (5) members and the term of each member will be three (3) years.
2. The Planning Board will approve, approve with conditions, or deny those applications on which it is empowered to act as stated in this Ordinance, other local ordinances, and other prevailing law. Approval will be granted only if the proposed use(s) or improvements are in conformance with the provisions of local ordinances and other prevailing law.
3. The election of officers, conduct of meetings, and other matters of procedure will be decided in conformance with duly approved bylaws of the Planning Board.
4. An appeal from the Planning Board's final decision concerning the approval or denial of a conditional use permit, the approval or denial of a subdivision application, and the approval or denial of a site plan review application may be filed by any person aggrieved by that decision pursuant to Section 5.3.3 of this Ordinance.

5.3.3 Board of Appeals

The Board of Appeals for the Town of North Haven 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 M.R.S.A., Sections 2691 and 4353.

1. The Appeals Board will consist of five (5) members and each member will serve for a term of three (3) years. One (1) member will be elected each year at Town Meeting. Annually, the Board shall select a Chair and Vice Chair from its membership.

A quorum of the Board members to conduct an official Board meeting shall consist of a majority of the Board members. All additional matters involving the organization and government of the Board of Appeals shall be in accordance with the Board of Appeals Bylaws.

2. Variances.
   A. Undue Hardship Variance. The Board of Appeals may authorize a variance for lot size, height, lot coverage by structures, frontages, and setbacks. A variance may be granted by the Board only where strict applications of this Ordinance, or a provision thereof, to the petitioner and their property would cause undue hardship. The words *undue hardship* mean:
   a. The land in question cannot yield a reasonable return unless a variance is granted;
   b. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
   c. The granting of a variance will not alter the essential character of the locality; and
   d. Hardship is not the result of action taken by the applicant or prior owner.

B. Practical Difficulty Variance. The Board of Appeals may authorize a variance for lot area, lot coverage, frontage, and setback requirements when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:

a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;

b. The granting of a variance will not have an unreasonable negative effect on the use or market value of abutting properties;

c. The practical difficulty is not the result of action taken by the petitioner or a prior owner;

d. No other feasible alternative to a variance is available to the petitioner;

e. The granting of a variance will not unreasonably adversely affect the natural environment;

f. The property is not located in whole or in part within shoreland areas as described in Title 38, Section 435.

As used in this subsection, "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the applicant.

C. Disability Variance, Vehicle Storage. A disability variance may be granted pursuant to this subsection.

a. The board may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this paragraph solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance granted pursuant to this paragraph, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this paragraph, the term "structures necessary for access to or egress from the dwelling" is defined to include railing, wall, or roof systems necessary for the safety or effectiveness of the structure.

b. The board may grant a variance to an owner of a dwelling who resides in the dwelling and who is a person with a permanent disability for the construction of a place of storage and parking for a noncommercial vehicle owned by that person and no other purpose. The width and length of the structure may not be larger than two (2) times the width and length of the noncommercial vehicle. The owner shall submit proposed plans for the structure with the request for the variance pursuant to this paragraph to the board. The person with the permanent disability shall prove by a preponderance of the evidence that the person's disability is permanent. For purposes of this paragraph, "noncommercial vehicle" means a motor vehicle as defined in Title 29-A, Section 101, Subsection 42 with a gross vehicle weight of no more than six thousand (6,000) pounds, bearing a disability registration plate issued pursuant to Title 29-A, Section 521 and owned by the person with the permanent disability.

The board may impose conditions on the variance granted pursuant to this subsection. All medical records submitted to the board and any other documents submitted for the purpose of describing or verifying a person's disability are confidential. For purposes of this subsection, "disability" has the same meaning as a physical or mental disability under Title 5, Section 4553-A.

D. Set-back Variance for Single-family Dwellings. The board may grant a set-back variance for a single-family dwelling only when strict application of the zoning ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

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

b. The granting of a variance will not alter the essential character of the locality;

c. The hardship is not the result of action taken by the applicant or a prior owner;

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

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

A variance under this subsection is strictly limited to permitting a variance from a set-back requirement for a single-family dwelling that is the primary year-round residence of the petitioner. A variance under this subsection 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. An ordinance may allow for a variance under this subsection to exceed 20% of a set-back requirement, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to Title 38, Chapter 3, Subchapter I, Article 2B, if the petitioner has obtained the written consent of an affected abutting landowner.

E. Variance Recorded: If the Zoning Board of Appeals grants a variance, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in the chain of title, and indicating the fact in the variance, including any conditions on which the variance has been granted and the date of the granting, shall be prepared in recordable form.

3. Administrative Appeals: The Board of Appeals shall hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made or failure to act by the Code Enforcement Officer or the Planning Board in the administration of this Ordinance. An appeal must be filed within thirty (30) days of the decision of the Code Enforcement Officer or the Planning Board. The Board reviews appeals from decisions of the Code Enforcement Officer on a de novo basis, meaning to say it will require an evidentiary hearing before the Board of Appeals and the Board will make its own independent record and judgment. The Board reviews appeals from decisions of the Planning Board on an appellant basis, meaning the Board will review the decision for any abuse of discretion, errors of law, or findings not supported by substantial evidence in the Planning Board record.

An administrative appeal includes an appeal to affirm, modify, or set aside the action of the Code Enforcement Officer in issuing stop-work orders, revocation of permits, notices of violation of this Ordinance, and other similar actions when it is alleged that such action is based on an error of the Code Enforcement Officer in concluding that there has been a violation of the Land Use Ordinance by any person, noncompliance with building permits, or other sufficient cause under the Land Use Ordinance. This appeal shall be de novo requiring an evidentiary hearing.

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

5.4 Fees

All application fees for permits will be paid to the Town of North Haven in accordance with the fee schedule as established by the Select Board of the Town of North Haven. Fees will be for the cost of processing the permits and will 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 will be the responsibility of the applicant.

5.5 Code Enforcement Officer Permit

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

5.5.1 Activities Requiring Code Enforcement Officer Permit

1. Changes of use to any other use as such use is defined in this Ordinance.
2. Schedule of Uses: All applicable Land Use Permit activities as indicated pursuant to Table 3.6.1 in Land Uses.
3. Flood Hazard Areas: All construction or earth-moving activities or other improvements within the one hundred (100) year floodplain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.
4. New Construction: New construction of buildings or structures.
5. Alteration: Alteration of a building, structure, or land, including cutting, filling, or delivery of ten (10) or more cubic yards of earth or stone.
6. Placement of Signs: Placement of signs except temporary signs.
7. Moving or Demolition: All buildings or structures that are removed from or moved onto, or moved within a lot, or demolished.

5.5.2 Procedure

1. Application: All applications for a Code Enforcement Officer Permit will be submitted to the Town Office, in writing to the Code Enforcement Officer on forms provided with applicable fees as per a separate fee schedule published by the Select Board.
2. Submissions: All applications for a Code Enforcement Officer Permit will be accompanied by a sketch plan, accurately drawn to scale and showing actual dimensions or distances, and showing:
    a. The actual shape and dimensions of the lot for which a permit is sought.

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

c. The location and simple plans of new buildings, structures, or portions thereof to be constructed or any structure to be moved or relocated. More detailed plans are to be submitted if deemed necessary by the Code Enforcement Officer.

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

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

f. Reference to prior approval(s) by the Planning Board and/or Board of Appeals, including relevant findings and conditions of appeal, if any.

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

3. To Whom Issued: No permit will be issued except to the owner of record or their authorized agent. Written proof of authorization will be required.

4. Compliance with Land Use Ordinance: All activities undertaken pursuant to a permit issued under this Section will comply with all applicable standards set forth in Section IV of this Ordinance.

5. Deadline for Decision: The Code Enforcement Officer, within thirty (30) days of receipt of an application, will

   a. Issue the permit, if all proposed construction and uses meet the provisions of the Ordinance.

   b. Deny the application. All decisions of the Code Enforcement Officer will be in writing.

   If, for whatever reason, the Code Enforcement Officer has not issued a decision within thirty (30) days of receipt of an application, the decision to approve or deny the application shall be made by the Planning Board. The Planning Board will place the application on the agenda for its next regularly scheduled meeting and shall have thirty (30) days from the date it first reviews the application to reach a decision. The public hearing and notice provisions in Section 5.6.2(10) do not apply for Planning Board review of applications under this section.

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

7. Posting: The applicant will cause any permit issued to be conspicuously posted at the work site on the lot on which the activity will occur.

8. Commencement of Work: Activities that are not substantially commenced within twelve (12) months of the date of issuance of the permit will be subject to a new application and the permit issued under this Section will 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. Construction and alteration

activities on projects for which a permit has been granted under this Section will substantially commence within twelve (12) months of the date of issuance of the permit.

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

5.6 Planning Board Permit Review

A permit issued by the Planning Board will be required before beginning or undertaking any of the following activities:

5.6.1 Activities Requiring Planning Board Permit

1. Schedule of Uses: All applicable Land Use Permit activities as indicated pursuant to Section 3.6.1, Land Uses, including Site Plan pursuant to Part VII below, and Subdivision, pursuant to the Town of North Haven Subdivision Ordinance, as amended. When a development is subject to multiple reviews such as Site Plan, Conditional Use and/or Subdivision Review, the Planning Board shall conduct a concurrent review; the project is required to meet the criteria and standards of all ordinances under review.

5.6.2 Procedure

1. Application: Nine (9) copies of all applications, including written materials and maps for a Planning Board Permit, will be submitted, with applicable fees as per a separate fee schedule published by the Select Board, in writing to the Town on forms provided. In addition, the electronic submission of application materials is also encouraged. The application must also include the following submission materials outlined below.
2. Written Statement. A written statement by the applicant will consist of:
    a. Evidence by the applicant of title and interest on the land that the application covers.
    b. A description of the proposed uses to be located on the site.
    c. Total floor area and footprint of each proposed building and structure and the lot coverage as defined in the Land Use Ordinance.
    d. Summary of existing and proposed easements, restrictions, and covenants on the property.
    e. Method of solid, liquid, chemical, or other waste disposal.
    f. Erosion and sedimentation control plan, stormwater drainage control plan, and soils information.
    g. Approximate amount of blasting required, if any, and a disposition plan for removed materials.
    h. If public water and sewer are to be used, written statements from the water utility and sewer districts may be requested concerning the capacity of the system and the availability of the utility to provide service to the new development.
    i. An estimate of the date when construction will start and be completed.

j. List of approvals and permits required by the Office of the State Fire Marshal and other State and Federal Agencies if applicable.

3. Plan: All applications for a Planning Board Permit hereunder will be accompanied by a plan, accurately drawn at a scale of not less than one (1) inch equals forty (40) feet, and showing actual dimensions or distances, and also showing when applicable:

   a. Name of applicant, address, phone number, and email address.

   b. Address, tax map, and lot number of the parcel or parcels on which the project is located.

   c. Name of proposed development and any land within three hundred (300) feet of the proposed development in which the applicant has title or interest.

   d. Plans drawn to scale detailing total floor area and footprint of each proposed structure and the lot coverage (refer to definitions).

   e. Scale, true north arrow, legend, and a space for dates of any revisions that may be required.

   f. Exact dimensions and acreage of parcel to be built upon. The corners of the parcel will be located and marked on the ground at the site and will be referenced on the plan. For any site for which construction or grading is proposed, other than an enlargement of an existing building or construction of an accessory building, the Planning Board may require that the site plan include an actual field survey of the boundary lines of the lot, giving complete descriptive data by bearings and distances made and certified by a registered land surveyor.

   g. Existing and proposed locations and dimensions of any utility lines, sewer lines, waterlines, easements, drainage ways, and public or private rights-of-way.

   h. The size, shape, and location of existing and proposed buildings and other structures on the parcel, and any structure to be moved or relocated, including use and proposed use thereof, and setback dimensions from property lines and roads.

   i. If the site is to be served by a subsurface wastewater disposal system, a report by a licensed site evaluator will be provided.

   j. Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, and design of ingress and egress of vehicles to and from the site onto public streets.

   k. Natural contours at intervals of two (2) feet and final contours at intervals of two (2) feet, the natural contours to be shown by dashed lines, and the final contours to be shown by solid lines. Where sufficient detail cannot be shown with two (2) foot contours, spot evaluations will be required, with existing spot evaluations shown in parentheses to be distinguishable from final spot elevations. Where construction will not disturb the entire lot proposed for development, the requirement to map contours or spot elevations will apply only to those portions of the lot that will be altered in any way. Downslope from the proposed alterations, the existing and proposed courses of drainage and the point or points of discharge from the lot must be delineated.

   l. Photos of the project area prior to any site preparation will be submitted with the map.

   m. Signature block with a line for each member of the Planning Board to memorialize approval and conditions, if any.

4. Additional Materials. The applicant will also provide, when applicable:
    a. A general description of the project's proposed use or activity,
    b. Evidence of the applicant's technical and financial capability to complete the project as proposed,
    c. Copy of property deed, option to purchase, or other documentation to demonstrate right, title, or interest in the property on the part of the applicant,
    d. Copies of existing and proposed easements, covenants, or deed restrictions,
    e. Exterior elevation plans of all proposed buildings or building expansions proposed,
    f. A list of all State and Federal permits required for the project and the current application, approved permits, or approval status of each,
    g. Proposed buffering including fences, berms, hedges, trees, and shrubs,
    h. Location of existing and proposed pedestrian walkways,
    i. Location, intensity, type, size, and direction of all outdoor lighting,
    j. Photographs of the site,
    k. Expert recommendations, such as from appointed officials regarding capacity of municipal infrastructure, or consultants assessing potential environmental impacts.
5. Waiver: The Planning Board may waive any of the submission requirements under this section based upon a written request of the applicant. A waiver of any submission requirement may be granted only if the Planning Board makes a finding that the information is not required to determine compliance with applicable standards of this Ordinance.
6. To Whom Issued: No permit will be issued except to the owner of record or an authorized agent. Written evidence of agent authorization will be required.
7. Compliance With Land Use Ordinance: All activities undertaken pursuant to a permit issued under this Section will comply with all applicable standards set forth in Section V of this Ordinance.
8. Receipt: Within three (3) business days of the receipt of an application for a Land Use Permit the Board, or its designee, shall issue a dated receipt to the applicant.
9. On-site Inspection Meeting: The Planning Board may schedule an on-site inspection meeting, which must be jointly attended by the applicant or an authorized representative and at least two (2) members of the Planning Board.
10. Public Hearing: Within a maximum of thirty (30) days after the receipt of an application to the Planning Board for a Land Use Permit, such as applications for Site Plan or Conditional Use approvals and before taking action thereon, the Planning Board will hold a public hearing on the application. Notice of said hearing will be posted at the Town Office Bulletin Boards and on the Town of North Haven website at least fourteen (14) days in advance of said hearing. A notice of said hearing will be sent by mail to each landowner within three hundred (300) feet of the parcel involved. Landowners are defined as those on whom property taxes are assessed. Failure of any landowner to receive a notice of public hearing will not necessitate another hearing or invalidate any action of the Planning Board. Responsibility for such notification will be assumed by the Planning Board. The applicant will bear all associated costs of

advertisements and notifications. At this first public hearing, the Planning Board will hear input from the general public relative to the applicable sections of the review standards.

11. Planning Board Review: The Planning Board may schedule additional public hearings to continue its deliberations. Any subsequent public hearings on the application shall be scheduled with the same procedures for notice to abutters and the public as above.
12. Decision: Within sixty (60) days after the first public hearing, or by continuance to a later date if mutually agreeable to the applicant and the Planning Board, the Board will approve, approve with conditions/modifications, or disapprove the application.
13. Correspondence: The Board will inform the applicant of its decision in writing, and in cases of disapproval or approval with conditions, shall include reasons for such action. One (1) copy of the application, with the permit or other written decision of the Planning Board, signed by the Board or its designee, will be returned to the applicant, and one (1) copy, with a copy of the permit or written decision, will be retained by the Town as a permanent public record.
14. Appeals: Appeals from decisions of the Planning Board may be taken pursuant to the provisions of this Ordinance.

5.7 Other Requirements Before Approval

The following requirements shall be considered before approval.

5.7.1 Right, Title, or Interest

Prior to approval of any proposed improvements or changes of use, the applicant shall furnish appropriate evidence of ownership of the subject property or other legal interest conferring effective site control.

5.7.2 Multiple Permits

1. The Code Enforcement Officer shall not issue permits for any proposed improvements or changes of use that are conditioned upon other pending approvals. Required action(s), if any, by other Local, State, and Federal authorities, such as the Planning Board's granting of approval and adoption of conditions of approval, must precede approval(s) by the Code Enforcement Office for the same or related activities.
2. With the exception of Conditional Use permits, the Planning Board may condition its approval of any proposed improvements or changes of use upon other pending approvals by Local, State, and Federal authorities unless State or Federal regulations require Local approval first.
3. In the case of applications for activities requiring both a Conditional Use permit and other approvals by the Planning Board, such as Subdivision or Site Plan approvals, the application for a Conditional Use permit shall be heard and decided first.

5.8 Positive Findings Required

Before issuing any Land Use Permit, the Code Enforcement Officer shall make the following independent findings in support of the proposed improvements and/or changes of use. The Planning Board may also refer to this list where Site Plan, Subdivision, or Conditional Use review does not require substantially that the same findings:

1. Are permitted in the district where the subject property is located,
2. Is in conformance with the applicable performance standards of Section IV: Performance Standards of this Ordinance,
3. Will avoid hazards associated with development in flood prone areas,
4. Will not result in damage to spawning grounds, fish, aquatic life, bird, and other wildlife habitat,
5. Will conserve significant natural, archaeological, and historical resources, and
6. Will not adversely impact public infrastructure.

5.9 Enforcement

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance.

5.9.1 Violation

It shall be the duty of the North Haven Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, the CEO shall notify by certified mail the person responsible for such violation, indicating the nature of the violation and ordering necessary action to correct it within thirty (30) days of the date of the letter. The Code Enforcement Officer shall order discontinuance of any illegal use of land, buildings, structures, removal of illegal buildings or structures or additions, alterations or structural changes thereto, discontinuance of any illegal work being done, and shall take any other action authorized by the Ordinance to ensure compliance with or to prevent violations of the provisions of this Ordinance.

5.9.2 Legal Actions

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

5.9.3 Fines

Any person who continues to violate any provisions of this Ordinance after receiving notice of such violation may be liable for a daily civil penalty of a minimum of $250 and a maximum of $5,000 for each violation. Each day the violation continues will constitute a separate violation as referenced in Title 30-A M.R.S.A., Section 4452. Under this law, the violator is liable for fines for each offense, may be ordered to correct or abate a violation, and may be liable for the Town’s attorney’s fees, witness fees, and costs.

5.9.4 Liability

Any owner or contractor involved in activities regulated by this Ordinance may be held liable if required permits have not been obtained or if work performed does not conform to all conditions of approval of the permit or provisions of this Ordinance.

5.10 Validity

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

5.11 Conflict with Other Ordinances

Whenever the requirements of this Ordinance are inconsistent with the requirements of this Ordinance or any other Ordinance, code, or statute, the more restrictive will apply.

PART VI CONDITIONAL USES

6.1 Purpose

A Conditional Use may be appropriate within the applicable zoning district but has the potential for undue impacts on the public health, safety, and welfare; the natural environment; or on municipal services in the district.

The Planning Board may grant approval for Conditional Uses with such conditions and safeguards as are appropriate under this Ordinance, or deny applications for Conditional Uses when such proposed changes of use or improvements do not meet the criteria below.

6.2 Applicability

A Conditional Use Permit may be granted for uses that are not permitted as-of-right, but for which specific provision is made for such uses within the applicable zoning district, as indicated by a "CU" notation in the appropriate field(s) in the table at Section 3.6.1.

6.3 Procedure

The applicant shall provide submission materials per Section 5.6 above, as applicable, and any further documentation, if desired, in support of findings required to be made by the Planning Board below.

6.4 Criteria

Conditional Use may be granted by the Planning Board only in the event that the applicant has established to the satisfaction of the Planning Board that neither the proposed use nor the proposed site upon which the use will be located is of such a character that the use will have significant adverse impacts upon the value and quiet possession of surrounding properties greater than would normally occur from such a use in the zoning district. In reaching a determination on this standard, the Board would consider these criteria:

1. The size of the proposed use compared to the surrounding uses.
2. The intensity of the proposed use, including the amount and type of traffic to be generated, parking and loading, hours of operation, expanse of pavement, and similar measures of intensity of use compared with surrounding uses.
3. The potential generation of noise, dust, odor, vibration, glare, smoke, litter, or other nuisances.
4. Unusual physical characteristics of the site, including the size of the lot, shape of the lot, topography, and soils which tend to aggravate adverse impact upon surrounding properties.
5. The degree to which landscaping, fencing, and other design elements have been incorporated to mitigate impacts on surrounding properties.
6. That the proposed use will not create an unreasonable demand for public services, including, but not limited to, public roads, fire protection, police protection, solid waste disposal, sewage treatment, public water supplies, schools, public open spaces, and recreation programs and facilities.
7. That the proposed use would not result in an inordinate amount of pedestrian or vehicle traffic at or surrounding the site and cause problems regarding emergency vehicle access.

6.5 Appeals

Appeals from decisions of the Planning Board regarding the approval, denial, or the placement of restrictions upon approval, may be made to the Zoning Board of Appeals within thirty (30) days of the decision of the Planning Board pursuant to Section 5.3.3 of this Ordinance.

6.6 Conditions of Approval

The Board may attach conditions to its approval for a Conditional Use Permit. These conditions may include, but are not limited to, requirements such as, (a) street improvements, (b) access restrictions, (c) hours of use, (d) buffering and screening, (e) utility improvements, and (f) performance guarantees for off-site improvements required as a condition of approval.

6.7 Reapplication

If the Planning Board shall deny a Conditional Use Permit, a second request of a similar nature shall not be brought before the Planning Board within one (1) year from the date of the first request unless in the opinion of a majority of the Board, substantial new evidence can be brought forward, or unless the Board finds that an error of law and misunderstanding of fact has been made, or unless amendments to the Land Use Ordinance have changed the status, circumstances, and conditions of the matter which was brought before the Board.

A Conditional Use granted by the Planning Board may be expanded in area or function only with the granting of a new Conditional Use Permit by the Planning Board.

PART VII SITE PLAN REVIEW

7.1 Purpose

Substantial development or major changes of use may cause a material impact on the cost and efficiency of municipal services, public utilities, road systems, and traffic congestion, and may affect the visual characteristics of neighborhoods and the Town, and the general health, safety, and welfare of the community. The purpose of this Section is to minimize the potential negative impacts of development, while maximizing development's positive effects by assessing the impact of new development on surrounding properties, municipal facilities and services, and the natural environment.

7.2 Applicability

Only uses that have been recognized as being allowed uses in the applicable zoning district, or as the result of approval by the Planning Board as a Conditional Use, may proceed to Site Plan review. Site Plan review is not intended to establish the right of a use, but rather to ensure that, given the proposed intensity of such use, the proposed improvements are designed and placed on a lot as appropriate to its surroundings, and comply with applicable technical standards.

A proposal including any of the following will require site plan review and approval:

7.2.1 Commercial Use

The construction or expansion of buildings, including accessory buildings and structures for commercial use, having a total floor area of one thousand (1000) square feet or more for commercial use.

7.2.2 Impervious Surface

The creation of one thousand five hundred (1,500) square feet or more of new impervious area for commercial or multi-family residential use properties.

7.2.3 Vacancy

Commercial occupancy of a building that has been vacant for more than two (2) years.

7.2.4 Change of Use

The conversion of a residential building to a commercial use.

7.2.5 Revised Plans

The Code Enforcement Officer may find that a proposal for significant additional expansion, improvements, or reconfiguration of a commercial property that is already subject to a prior Site Plan approval shall require referral to the Planning Board as an amendment to that previously approved Site Plan.

7.2.6 Expansion of Existing Business

Any significant expansion, improvements, or reconfiguration of a commercial property in which the intensity of use – as reflected in traffic generated, impacts on municipal services, the environment, and surrounding neighborhood – will differ in a substantial way from that of the preceding or existing use.

7.3 Procedure

The applicant shall provide a statement addressing potential impacts on neighboring properties and neighborhood character if the proposed Site Plan is approved, along with other submission materials per Section 5.6 above, as applicable, and further documentation in support of any findings required to be made by the Planning Board below.

7.3.1 Pre-Application Meeting

An applicant will request a pre-application meeting with the Planning Board prior to formal submission of a site plan. The materials submitted must include, but are not limited to, a written statement defining the proposed project and a Sketch Plan. The Sketch Plan may be a freehand drawing and will show:

1. The outline of the tract or parcel with estimated dimensions, road rights-of-way and existing easements.
2. The layout of existing and proposed building(s), driveways, and parking areas.
3. Identification of general areas of steep slopes, wetlands, streams, and floodplains.
4. Estimated calculation of the percent of Lot Coverage (see definition, Appendix A).

7.4 Performance Standards

The following standards are to be used by the Planning Board in judging applications for site plan reviews and will serve as minimum requirements for approval of the site plan. The site plan will be approved unless the Planning Board judges that the standards have not been reasonably met. In all instances, the burden of proof will be on the applicant.

7.4.1 Soils and Erosion Control

The soils on the site will have adequate capacity and stability to support all proposed development.

1. Filling, excavation, and earth moving activity will be carried out in a way that keeps erosion and sedimentation to a minimum. The design will include best management practices that:
    a. Preserve and protect the natural vegetation.
    b. Keep the duration of exposure of disturbed soils to as short a period as possible and stabilize the disturbed soils as quickly as practicable,
    c. Use temporary vegetation or mulching to protect exposed critical areas during development.

7.4.2 Vehicle Access

Vehicular access will comply with the access management standards of Section 4.1.3.

7.4.3 Parking and Circulation

The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas, will provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and arrangement of parking areas as presented in Section 4.1.23.

7.4.4 Surface Water Drainage

Adequate provision will be made for surface drainage so that removal of storm waters will not adversely affect neighborhood properties, downstream water quality, soil erosion, or the public storm drain system. Whenever possible, on-site absorption of run-off waters will be used to minimize discharges from the site.

7.4.5 Existing Utilities

The development will not impose an unreasonable burden on sewers and storm drains, water lines, or other public utilities.

7.4.6 Special Features of Development

Exposed storage areas, exposed machinery, installations, service areas, truck loading areas, utility buildings, and similar structures will have sufficient setbacks and screening to provide an audio and visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

7.4.7 Exterior Lighting

Exterior lighting will meet the provisions of Section 4.1.15.

7.4.8 Emergency Vehicle Access

Provisions will be made for practical and safe emergency vehicle access to all buildings and structures at all times of the year.

7.4.9 Municipal Services

The development will not have an unreasonable adverse impact on municipal services.

7.4.10 Water Quality

Must comply with Federal and State regulations.

7.4.11 Air Quality

Must comply with Federal and State regulations.

7.4.12 Water Supply

The development has sufficient water available for the reasonably foreseeable needs of the development and will not cause an unreasonable burden on an existing water supply, if one is to be used.

7.5 General Provisions

7.5.1 Conformance

All construction performed under the authorization of a land use permit issued under this section will be in conformance with the approved Site Plan.

7.5.2 Expiration

Site plan approval will expire one (1) year after Planning Board approval, unless substantial work on the approved improvements has begun. Applicants may seek a one (1) year extension prior to an approved site plan's expiration, unless the ordinance, at the time of renewal, has changed to such an extent that the previously-approved improvements or change of use would no longer be permitted.

7.5.3 Technical Review

The Planning Board, after reviewing and finding specific technical deficiencies, may hire its own civil engineer, soil scientist, geologist, or other expert to review the plan submitted by the applicant. The applicant will pay for this expense.

7.5.4 Conditions of Approval

The Planning Board may, in order to carry out the purposes of this Section, require reasonable conditions necessary to protect the public interest and to fit such uses harmoniously into their neighborhoods. Such conditions of approval will be included in the land use permits issued by the Planning Board under this section and may be required to be noted on the Site Plan drawing before it is signed by the Board.

7.5.5 State and Federal Review

The Planning Board's decisions will be made independently of and concurrently with State and Federal agencies' reviews but may be subject to their stricter requirements.

7.6 Appeals

An appeal of the Planning Board's final decision may be filed by any person aggrieved by that decision pursuant to Section 5.3.3 of this Ordinance.

Appendix A: Definitions

Word Usage

In this Ordinance, certain terms or words will be interpreted as follows:

The word ***person*** includes ***a firm, association, organization, partnership, trust, company, corporation, municipal,*** or ***quasi-municipal corporation***, as well as an individual; the ***present tense*** includes the ***future tense***, the ***singular number*** includes the ***plural***; and the word ***may*** is permissive; the words ***uses*** or ***occupied*** include the words ***intended, designed,*** or ***arranged to be used*** or ***occupied;*** the word ***building*** includes the word ***structure;*** and the word ***dwelling*** includes the word ***residence***; the word ***lot*** includes the words ***plot*** or ***parcel***. In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text will control.

Words used and not otherwise defined in this chapter will have their customary definitions as defined in any standard college-level dictionary. For purposes of this chapter the singular use of a word or phrase will include the plural.

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

Abutting Property - Any lot which is physically contiguous with the subject lot even if only at a point, and any lot which is located directly across a road or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

Accessory Dwelling Unit - Means a second dwelling unit within, attached to, or detached from a single-family residence or garage. A dwelling unit is 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. See the Performance Standards for additional limitations.

Accessory Structure - A structure which is incidental and subordinate to the principal structure, and which is detached from the principal structure but located on the same lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure. A dwelling unit will not be considered an accessory structure.

Accessory Use - A use which is clearly incidental and subordinate to the principal use of the lot. An accessory use, when aggregated with other accessory uses on the same lot, will not subordinate the principal use of the lot.

Agricultural Products Processing - The manufacturing, handling, treatment, or packing of crops, livestock, or daily products produced or raised on farms, excluding rendering plants, fertilizer manufacturing plants, and similar manufacturing operations.

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

Aircraft - Any device that is now known or hereafter invented used or designed for navigation of or flight in the air.

Airport - A place from which aircraft operate that usually has a runway and maintenance facilities and often serves as a terminal.

Airstrip - Any area of land or water which is used or intended for use for the landing and take off of aircraft.

Alteration - Any exterior change, addition, or modification in construction other than cosmetic or decorative, which changes the square or cubic footage of a building.

Appellate Appeal - Procedure applied when the Board of Appeals reviews the decision of the Planning Board. This appeal is deferential, based on review of the Planning Board decision.

Aquaculture - The cultivation of both marine and freshwater species such as fish, shellfish, and plants which can range from land-based to open-ocean production.

Archaeological Site - A geographic location of the remains of prehistoric life or of historic human beings. These include, but are not limited to, structures, artifacts, terrain features, graphics (paintings or drawings, etc.) and the evidence of plants or animals.

Assisted Living/Residential Care Group Facility - A house or other place that, for consideration, is maintained wholly or partly for the purpose of providing residents with assisted housing services or assisted living services. Residential care facilities provide housing and services to residents in private or semi-private bedrooms in buildings with common living areas and dining areas. "Residential care facility" does not include a nursing home licensed by the Department of Health and Human Services or a supported living arrangement certified by the former Department of Behavioral and Developmental Services, which is now part of the Department of Health and Human Services. (10-144 Department of Health and Human Services CMR Chapter 110).

Authorized Agent - Anyone having written authorization, signed by the property owner, to act on behalf of a property owner.

Automobile Graveyard - A yard, field, or other area used as a place of storage, other than temporary storage, which is not engaged primarily in doing auto body repair work for the purpose of making repairs to render a motor vehicle serviceable; or three (3) or more unserviceable, discarded, worn out, or junked motor vehicles as defined in Title 29-A, Section 101, Subsection 42, or parts of the vehicles.

Automobile Service and Repair Garage - 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 motor vehicles; collision service such as body, frame, or fender straightening and repair; overall painting; and undercoating of motor vehicles.

Back Lot - A lot that does not have frontage on a road or private way. Back lots are allowed only for one (1) single-family dwelling or one (1) two-family dwelling. Up to two (2) back lots are allowed.

Access to a back residential lot is through a driveway meeting the standards for a driveway as set forth in this ordinance.

Body of Water - Will include the following:

Pond - Any inland impoundment, natural or manmade, which collects and stores surface water, and which has a surface area in excess of one-half (1/2) acre.

Great pond - Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great pond classified GPA - Any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

River, Stream or Brook - A free-flowing drainage outlet that is either perennial or intermittent, with a defined channel lacking terrestrial vegetation. Also, a perennial free-flowing body of water where the body of water flows into another water body or wetland within a shoreland zone.

Tidal Water - All waters affected by tidal action during the maximum spring tide.

Building - Any structure and its attachments such as decks, breezeways, and porches which are supported by columns or walls for the housing or enclosure of persons, animals, or personal property, excluding mobile homes.

Campground - Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles, or other shelters, for which a fee is charged.

Change of Use - A change from one use to another use, or the addition of a new use to an existing use. (See Table 3.6.1, Land Uses)

Church - As used in this Ordinance, refers to a place of worship regardless of denomination that is tax exempt under the Internal Revenue Code.

Code Enforcement Officer (CEO) - A person duly appointed to administer this Ordinance.

Commercial Fishing Activity - The activity of catching or culturing fish and other seafood for commercial profit.

Commercial Complex - A building with space for more than one (1) commercial operation.

Commercial Use - The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying

and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Community Living Arrangement - A housing facility for eight (8) or fewer persons with disabilities that is approved, authorized, certified, or licensed by the State. A Community Living Arrangement may include a group home, foster home, or intermediate care facility. Disability has the same meaning as the term handicap in the Federal Fair Housing Act 42 United States Code Section 3602. Refer to Title 30-A M.R.S.A. Section 4357-A.

Single-Family Use - In order to implement the policy of this State that persons with disabilities are not excluded by municipal zoning ordinances from the benefits of normal residential surroundings, any community living arrangement is deemed a single-family use of property for the purposes of zoning.

Conditional Use - A use permitted only after review and approval by the Planning Board. A use that is appropriate within a zoning district but that has the potential for undue impacts on the public health, safety, and welfare; the natural environment; or on municipal services in the district. Such uses may be allowed if specific provision is made for them within the zoning district.

Conformance - Compliance with standards, rules, or laws.

Conservation Use - Land used for the purposes which include retaining or protecting natural, scenic, or open space; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining or enhancing air or water quality of real property. To meet applicable dimensional or area requirements, if any, such use must be on land owned by the Town and/or overseen by a qualified holder of a conservation easement.

Constructed - Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction including excavation, fill, paving, and drainage.

Contiguous Lots - Lots which adjoin at any line or point, except that lots on opposite sides of a public or private road will be each considered a separate tract or parcel unless such road was established by the owner of land on both sides thereof.

Daycare Center - A facility licensed by the State of Maine for the care or instruction of more than three (3) preschool-age children exclusive of children who may be living in a home which is serving as the daycare or nursery school facility. It also includes a facility licensed by the State of Maine for the care and instruction of adults.

Deck - An open, unroofed porch or platform extending from a structure.

De Novo Appeal - Procedure applied when the Board of appeals reviews the decision of the Code Enforcement Officer. This appeal is non-deferential to decision of the CEO. The process starts fresh from the beginning, meaning that it will require an evidentiary hearing before the Board of Appeals.

Dimensional Requirements - Numerical standards relating to spatial relationships, including but not limited to setback, lot area, shore frontage, road frontage, and height. See Table 3.7.1, Dimensional Requirements.

District - A specified portion of the municipality, delineated on the Official Land Use Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

Driveway - A vehicular access from a public or private way to a structure or use on a lot. The driveway shall be a maximum of twenty (20) feet in width. A driveway may cross front, side, and rear setbacks and may be used for parking. A driveway is less than five hundred (500) feet in length serving two (2) single-family dwellings, or one (1) two-family dwelling, or less.

Dwelling - Any building, structure, or portion thereof designed or used for residential purposes.

Single family - A building containing only one (1) dwelling unit for occupation by not more than one (1) family.

Two-family (Duplex) - A building containing two (2) dwelling units for occupancy by not more than two (2) families.

Multi-family - A building containing three (3) or more dwelling units, such as buildings being designed for residential use and occupancy by three (3) or more families living independently of each other, with the number of families not exceeding the dwelling units.

Dwelling Unit - 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. The term will include manufactured homes and tiny homes (less than four hundred (400) square feet) but will not include recreational vehicles.

Excavation - Digging and moving earth. Not including stockpiles and work in Town, State or private pits.

Expansion of a Structure - An increase in the square footage (floor area) or cubic footage (volume) of a structure, including all extensions such as, but not limited to attached decks, garages, porches, and greenhouses.

Family - One (1) or more persons occupying a premises and living as a single housekeeping unit.

Fence - A barrier generally constructed near property lines, consisting of rails, timber, stone walls, iron, wire, or hedges.

Flag Lot - Lots or parcels with less frontage on a public road than is normally required in the district in which the lot is located. The panhandle is a narrow access corridor to the bulk of the lot or parcel located behind lots or parcels with normally required road frontage.

Floodplain - Land area susceptible to being inundated by water from any source.

Floor Area - The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Footprint - The entire area of ground covered by the structures on a premises, including cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios, porches, steps, and decks. (MRSA Title 38, Chapter 3, Article 2B, section 436A)

Forest Management Activities - Includes timber cruising and other forest resource evaluation activities, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation, or maintenance of roads.

Fresh Pond Watershed Protection District – consists of that watershed area in which surface and subsurface waters ultimately flow or drain into Fresh Pond, a public water supply for the Town of North Haven.

Gravel Pit - A mining operation undertaken primarily to extract and remove sand, fill, rock, or gravel.

Great Pond - For the purpose of this Ordinance, any inland body of water which has a surface area in excess of ten (10) acres, Fresh Pond.

Height - The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar incidental protrusions which have no floor area.

Historic Resources - As assigned by the National Historic Preservation Act of 1966, as amended, that recognizes buildings, sites, districts, structures, and objects significant in American history, archaeology, architecture, engineering, or culture, and identifies them as worthy of preservation.

Home Occupation - An occupation, profession, or enterprise which is customarily carried on in a dwelling unit or in a building or other structure, accessory to a dwelling unit, carried on by a person residing in the dwelling unit, and clearly incidental and secondary to the use of the dwelling unit for residential purposes. Home Occupation may include retail, professional services, craft industries, etc.

Hospital - An institution licensed by the State of Maine to provide human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, or staff offices that are an integral part of the facility.

Impervious Surface - The area covered by buildings and associated constructed facilities; areas that have been or will be covered by a low-permeability material, such as asphalt or concrete; and areas such as gravel roads and unpaved parking areas that have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, oil, macadam, or other surfaces that similarly impede the natural infiltration of stormwater.

Incidental Protrusions - Will mean any structures attached or fixed to a building or structure which do not exceed more than five (5) percent of the square footage of the building or structure and do not exceed in height more than twenty (20) percent of the building or structure. Chimneys, antennas,

cupolas, towers, or steeples are examples of the type of structures that are usually considered incidental protrusions. Incidental protrusions will not include living space.

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

Land Use - The purpose for which land is intended to be or is used (e.g., inactive, agriculture, woodlot, dwelling, retail store, marine service).

Light Manufacturing - A manufacturing activity that uses moderate amounts of partially processed materials to produce items of relatively high value which typically produce smaller consumer goods. Light manufacturing requires less raw material, space, and power than other manufacturing uses, and typically causes no pollution.

Livestock - Cattle, horses, sheep, goats, swine, poultry, and similar animals kept for domestic use.

Lodging Facility - A building in which rooms are offered for overnight accommodations, with or without meals, for compensation. This definition includes motels, hotels, tourist homes, inns, bed and breakfasts, and boarding houses.

Lot - A parcel of land having distinct and defined boundaries, described in a deed, plot plan, or similar legal document. Land located on opposite sides of a public or private road, as set forth in Performance Standard 4.1.18 and with the same limitations therein, will be considered each a separate lot of land, even though the deed, plot plan, or similar legal document describes the land as a single lot.

Lot Coverage - The percentage of the lot covered by all buildings, structures, and impervious surfaces, including but not limited to driveways, walkways, parking areas, and patios.

Lot of Record - A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file in the Knox County Registry of Deeds.

Low Intensity Recreation - A non-commercial use, i.e. hunting, hiking, fishing, picnicking, swimming, or birding.

Manufactured Homes or Housing - Means a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis, to a building site. (Please see 30-A M.R.S. §4358)

Medical Clinic - A facility for diagnosis and treatment of out-patients. A group practice in which several physicians work cooperatively, and a facility that offers professional services or consultations usually at a discounted rate.

Mineral Exploration - Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral Extraction - Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location to transport the product removed away from the extraction site. A reclamation plan must be in place to restore the land to its original condition.

Mixed-use Building - A building that contains at least one (1) portion devoted to allowed nonresidential uses and at least one (1) devoted to allowed residential uses.

Mobile Home Park - A parcel of land under unified ownership approved by the municipality for the placement of three (3) or more mobile homes.

Nonconforming Lot of Record - A lot of record prior to the effective date of this Ordinance or amendment which does not meet the area, frontage, width, or depth requirements of the district in which it is located.

Nonconforming Structure - A structure which does not meet all of the dimensional requirements of setback, height, and lot coverage, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Nonconforming Use - The use of buildings, structures, premises, land, or parts thereof which is not allowed in the district in which it is located, or which does not meet the performance standards of this Ordinance, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal High Water Line - That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water, or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to great ponds, the normal high water line is the upland edge of the wetlands and not the edge of the open water, and in the case of land adjacent to tidal waters, the normal high water line is the maximum spring tide level based upon data from tide tables published by the National Ocean Service, i.e., 7.5 feet NGVD. (See "coastal wetland.")

Nursing Home/Facility - An institution or a distinct part of an institution which is primarily engaged in providing skilled nursing care and related services for residents who require medical or nursing care, rehabilitation services, or health-related care and services above the level of room and board.

Official Map - This is the Land Use District Map for the Town of North Haven. It defines the location of the zoning districts.

Parking Lot - An off-street area for more than three (3) cars.

Parking Space - An off-street space enclosed or unenclosed, sufficient in size to store one (1) motor vehicle together with a driveway connecting the parking space with a street, road, or alley and permitting ingress and egress of that motor vehicle without the necessity of moving any other motor vehicle.

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 that 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 North Haven.

Planning Board - The Planning Board of the Town of North Haven as created by 30-A M.R.S.A. Sections 3001, 4311, et. seq.

Principal Structure - The building in which the principal use of the lot is conducted.

Principal Use - The use to which the premises is devoted, and the main purpose for which the premises exist.

Private Way - A privately owned road for vehicle access to structures or uses on lots.

Public Sewer - A sanitary system leading to a treatment plant maintained by the Town.

Public Utilities - Government or private sector owned provider of energy, telecommunications, transportation, waste disposal, water, or other such basic goods or services.

Recreational Vehicle (RV) - A vehicle or vehicular attachment which is designed for temporary sleeping or living quarters for one (1) or more persons, and which is not a dwelling, including pickup campers, travel trailers, tent trailers, and motor homes. In order to be considered as a vehicle and not as a structure subject to the Land-Use Ordinance, the unit must remain with its tires on the ground, and must be roadworthy (i.e., possess a current registration sticker from any state Division of Motor Vehicles). A recreational vehicle will not be occupied as a dwelling for more than ninety (90) consecutive days, or more than one hundred twenty (120) days in any calendar year.

Restaurant - A business principally engaged in serving prepared foods and drinks to the public, including businesses serving groups, either on or off the premises.

Right of Way - The legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another.

Road - A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or by the repeated passage of motorized vehicles, excluding a driveway as defined.

Road Classifications

Private Road - A way that the general public has no right to pass over by foot or vehicle, and for which the Town has no maintenance responsibility.

Public Easement - An easement held by the Town for the purposes of public access for which the Town has no maintenance responsibility.

State or Town Road - A strip of land held by the State or Town for the passage and use of the general public by motor vehicles and for which the State or Town has maintenance responsibility.

Road Frontage - The linear distance between the sidelines of a lot, measured along the lot line that borders upon the road at the edge of the traveled way.

Rod - A linear measurement equal to sixteen and one-half (16.5) feet or five and three hundredths (5.03) meters.

School, Commercial - A place or institution for teaching and learning, which place or institution is established for commercial or profit-making purposes, including, by way of example only, schools for dance, music, riding, gymnastics, photography, driving, or business.

School, Public and Private - A place or institution for teaching and learning, which place or institution teaches courses of study sufficient to qualify attendance there as being in compliance with State compulsory education requirements. A public school, as differentiated from a private school, is operated by a municipal corporation or school administrative district or, for the purposes of this Ordinance, by a recognized religious organization.

Service Business - A commercial enterprise that provides work performed in an expert manner by an individual or team for the benefit of its customers. The typical service business provides intangible products, such as accounting, banking, consulting, cleaning, landscaping, education, insurance, treatment, and transportation services.

Setback - The minimum distance which a building or other structure must be set back from a lot line; street or road; a river, wetland or stream; a shore or floodplain; or any other place which is deemed to need protection.

Shoreland Zone - The land area located within two hundred fifty (250) feet, horizontal distance, of the mean high-water line of Fresh Pond; within two hundred fifty feet (250) feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; or within two hundred fifty (250) feet of the upland edge of a freshwater wetland.

Sign - Any structure, display, logo, device, or representation which is designed or used to advertise or call attention to a person, business, activity, or place, and is visible from any public way.

Site Plan - The development plan showing the existing and proposed conditions, including but not limited to topography, vegetation, drainage, floodplains, marshes, waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures, signs, lighting, and screening devices which are submitted along with building plans, elevations, building materials, and any other information that may be reasonably required to allow an informed decision to be made by the Planning Board.

Solar Farm - An installation or area of land in which a large number of solar panels are set up in order to generate electricity. Generally considered a utility-scale solar application.

Structure - Anything constructed or erected, the use of which requires a fixed location temporarily or permanently located on or in the ground, or an attachment to something having a fixed location on the ground.

Subdivision - As defined in 30-A M.R.S.A. § 4401. Please refer to the Subdivision Ordinance for North Haven, Maine.

Subsurface Sewage Disposal System - Any system designed to dispose of waste or waste water on or beneath the surface of the earth, including, but not limited to, septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. Section 414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system.

Timber Harvesting - The cutting and removal of trees for commercial purposes. This does not include the clearing of land for approved construction.

Tiny Home - A living space permanently constructed on a frame or chassis and designed for use as a permanent living quarters (30-A M.R.S. § 4363, LD 1530) and treated as a dwelling unit.

Variance - An approved change 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. Variances can only be issued by the Board of Appeals.

Wetland - A freshwater or coastal wetland.

A. Freshwater Wetland - freshwater swamps, marshes, bogs, and similar areas, other than forested wetlands, which are:

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

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

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

B. Forested Wetland – A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

C. Coastal Wetland - All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

Wind Energy System - A wind energy conversion system, consisting of a wind turbine, a tower, and associated control or conversion electronics, which is intended to primarily reduce on-site consumption of utility power. See separate Wind Turbine Ordinance.

System Height - The tower height plus the blade radius from the hub.

Tower - The structure on which the wind energy system is mounted.

Tower Height - The height above grade of the fixed portion of a tower, excluding the wind turbine.

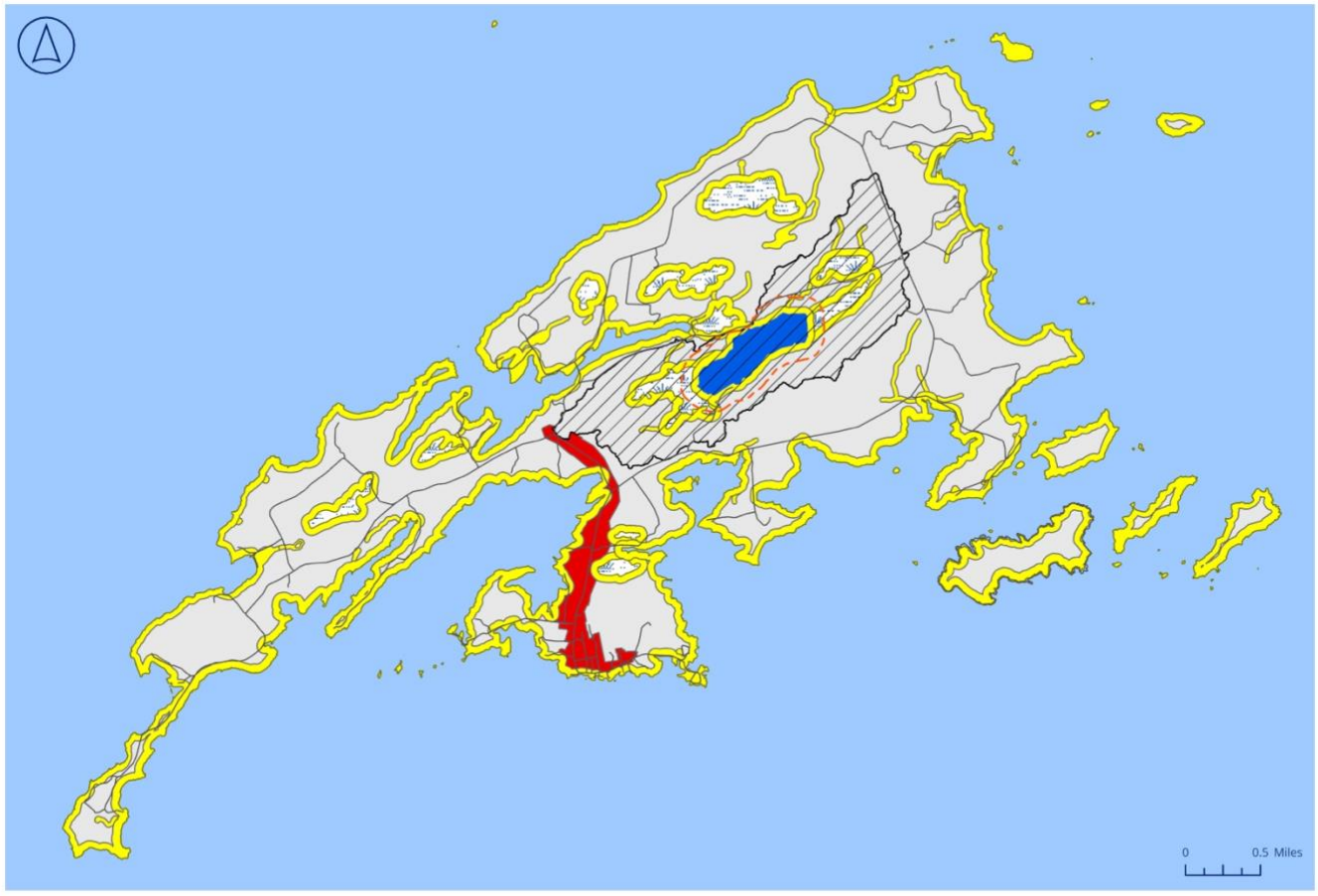
Turbine - The parts of the wind system including the blades, generator, and tail.

Wireless Telecommunications Facilities, Cell Towers, Antenna Towers - Structures that receive and/or transmit wireless communications or other signals, excluding emergency, temporary wireless telecommunications facilities, amateur (ham) radio stations, parabolic antenna less than seven (7) feet in diameter that are an accessory use of the property, or antennas as a residential accessory use. See separate Wireless Telecommunications Facilities Siting Ordinance for the Town of North Haven.

Appendix B removed, March 8, 2025

Appendix C: Maps

North Haven Land Use Districts Map



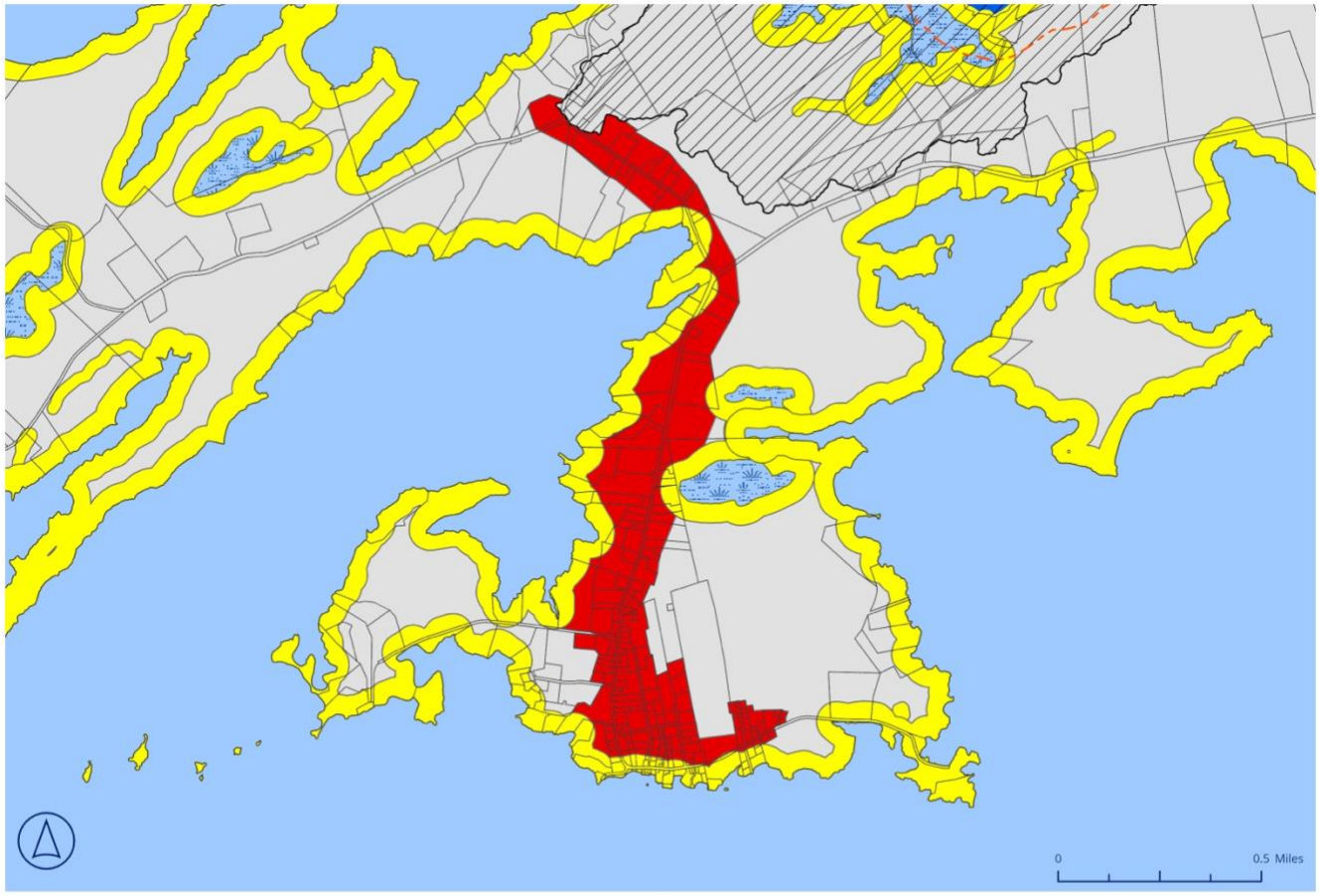
North Haven Land Use Districts *For Planning Purposes Only*

Shoreland Village Rural Fresh Pond Resource Protection Fresh Pond Watershed Fresh Pond Wetlands

Data Sources: Town of North Haven, ME Beginning with Habitat (BwH), US Geological Survey, ME Office of GIS. BwH data sourced March, 2022.

Map provided by
Knox County
Emergency Management Agency
GIS Program
301 Park Street, Rockland ME
207.594.5155

North Haven Village District Map



North Haven Village District *For Planning Purposes Only*

Shoreland Village Rural Fresh Pond Watershed Fresh Pond Resource Protection Fresh Pond Wetlands

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