Naples MAINE
Heart of The Lakes Region

TOWN OF NAPLES
LAND USE ORDINANCE

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Michelle Thibodeau, Town Clerk

Section 100 General **3**
101 Title 3
102 Authority 3
103 Purpose 4
104 Applicability 4
105 Conflicts with Other Ordinances 4
106 Validity and Severability 4
107 Amendments 4
200 Administration **5**
201 Administrative Bodies and Personnel 5
202 Permits Required 5
203 Permit Applications 5
204 Procedure for Administering Permits 6
205 Expiration of Permits 6
206 Installation of Public Utility Service 6
207 Enforcement Procedure 7
208 Appeals 8
209 Administrative Appeal Procedures 8
210 Variance appeals process 10
Section 300 Nonconfining Provisions **12**
301 General Provisions 12
302 Nonconforming Structures 12
303 Nonconfomling Uses 13
304 Nonconforming Lots of Record 15
Section 400 Definitions **16**
Section 500 Zoning Districts **35**
Section 600 Performance Standards **54**
Section 700 Signs **66**
Section 800 Street Vendor **75**
Section 900 Site Plan Review **85**
Section 1000 Subdivision **100**
Appendix A: Design and Construction Standards for Streets 127

Section 100 General

101 Title

This chapter shall be known and cited as the "Land Use Ordinance of the Town of Naples, Maine" and will be referred to herein as "this chapter," or, "this Ordinance."

102 Authority

This Ordinance is adopted pursuant the enabling provisions of Article VII, Part 2, Section 1 of the Maine Constitution, the provisions of title 30-A, l\1RSA Sections 3000-3006, Sections 4351-4358 (home rule), the State's growth management law, Title 30-A, l\1RSA, Sections 4311 et. seq.

103 Purpose

The purposes of this ordinance are:

1. To implement the provisions of the Town's Comprehensive Plan;
2. To encourage growth in the identified growth areas of the Community, and to guide growth in the rural areas;
3. To promote and protect the health, safety, and general welfare of the residents of the community;
4. To encourage the most appropriate use of land throughout the community;
5. To promote traffic safety;
6. To promote safety from fire and other elements;
7. To provide an a1lotment of land in new developments sufficient to allow reasonable growth while maintaining adequate enjoyment of community life;
8. To conserve natural resources;
9. To prevent and control water pollution;
10. To protect fish spawning grounds, aquatic life, bird, and other wildlife habitat;
11. To protect buildings and lands from flooding and accelerated erosion;
12. To protect archaeological and historic resources, and to protect the historic character of the Town of Naples;
13. To protect wetlands; to control building sites, placement of structures and land uses; and
14. To conserve natural beauty, rural character, and open space; and
15. To regulate the adverse secondary effects of adult entertainment establishments (including, without limitation, reduction in residential and commercial values, perceived or actual increased crime, adverse impacts of noise and traffic, and risk for minors from exposure) in order to promote the health, safety, and welfare of the Town's citizens by establishing reasonable and uniform time, place, and manner regulations on adult entertainment establishments. It is neither the purpose nor the effect of this Ordinance to limit or restrict the content of any communicative

materials, restrict or deny access by adults to sexually oriented materials protected by the First Amendment, deny access by distributors and exhibitors of sexually oriented entertainment to their intended market, or condone or legitimize the distribution of obscene materials.

104 Applicability

The provisions of this Ordinance will apply to all land and all structures within the boundaries of the Town of Naples in the area depicted on the official Land Use Map of the Town of Naples dated 6/27/98.

105 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, including the Naples Shoreland Zoning Ordinance, the more restrictive provision shall control.

106 Validity and Severability

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 the Ordinance.

107 Amendments

1. This Ordinance and the Official Zoning Map may only be amended by a majority vote at a Town Meeting.
2. The Selectpersons shall not place any proposed amendment to this Ordinance or to the Official Zoning Map on the Town Meeting Warrant until the Planning Board has held a public hearing on the proposed amendment. Notice of the public hearing shall be given pursuant to 30-A M.R.S.A. Sections 4352(9) and (10) as amended, and pursuant to 38 M.R.S.A. §438-A (1-B) in instances where property is being considered for placement in a resource protection zone.
3. Following the public hearing, the Planning Board shall recommend approval or denial of the proposed change.
4. Amendments to the text of this Ordinance or to the Official Zoning Map may be proposed by the Planning Board, the Board of Selectpersons, or by a written petition of the Town citizens pursuant to 30-M.R.S.A. Sections 2522 and 2528. A signed petition shall not be a prerequisite for the Planning Board to hold a public hearing when the Planning Board or the Board of Selectpersons initiate proposed amendment.

Section 200 Administration

201 Administrative Bodies and Personnel

1. Code Enforcement Officer. The Code Enforcement Officer shall be appointed in accordance with the provisions of State Law and is to enforce the provisions of this Ordinance.
2. Planning Board. The Planning Board shall ensure that all applicable standards of this Ordinance are met by all applications requiring Planning Board review under all applicable ordinances.
3. Board of Appeals. The Board of Appeals shall be responsible for deciding administrative and variance appeals in accordance with the requirements of subsection 208. Appeals.

202 Permits Required

1. After the effective date of this Ordinance, no building, sign or other structure shall be erected, altered, moved or demolished and no person shall, without first obtaining a building permit and/or certificate of occupancy, engage in any use of land or structure requiring a permit in the district in which said use would occur; or replace an existing use or structure; or renew a discontinued non-conforming use.
2. Building Permits and Certificates of Occupancy. The Code Enforcement Officer shall issue building permits and certificates of occupancy as required by this Ordinance.
3. Application Fee. An application fee for a building permit or for a certificate of occupancy shall be paid to the Town by the applicant according to an official fee schedule determined by the Board of Selectpersons, copies of which shall be available at the Town Office. Application fees shall be paid by a check payable to the Town of Naples and shall not be refundable. No building permit or certificate of occupancy shall be issued until the fee is paid.

203 Permit Applications

1. Every applicant shall submit to the Code Enforcement Officer a written application form with the application fee for the permit or permits required. The application forms will be provided by the Town.
2. All applications and the first page of any plans or supporting documentation must be signed by the owner or owners of the property, or by such other person authorizing the work, certifying that the information in the application is complete and correct. If the person submitting the application is not the owner or the lessee of the property, then that person must submit a letter of authorization from the owner or lessee.
3. Upon receiving the application for any permit, the Code Enforcement Officer will note the date the application was received on the application form. Within thirty (30) business days, the Code Enforcement Officer shall determine if the proposed use is an

allowed use under this Ordinance. If the incorrect form(s) and/or fee(s) have been submitted, or if the proposed use is not allowed by this Ordinance, the Code Enforcement Officer shall notify the applicant in writing of the proper forms and fees which must be submitted, or that the proposed use is not permitted.

204 Procedure for Administering Permits

1. Determination of Complete Application. Within thirty (30) business days of the date of receiving a written application, the Code Enforcement Officer shall notify the applicant in writing that the application has been accepted as a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete.
2. Timing of Actions. The Code Enforcement Officer shall approve, approve with conditions, or deny a permit application within thirty (30) business days of the date of acceptance of the application as a complete application.
3. Approval. Permits shall be approved if the proposed use of the structure is found to be in conformance with the purposes and provisions of this Ordinance.
4. Burden of Proof. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.
5. Applications Also Requiring Site Plan, Subdivision, or Planning Board Approval. Any applicant for a building permit or certificate of occupancy for a use or structure which is subject to review and approval by the Planning Board under the Site Plan Review Ordinance, the Subdivision Ordinance, or any other Town Ordinance shall first apply to the Planning Board for review and approval as required by those ordinances. Upon receiving the applicable Planning Board approvals, the applicant may then submit an application or a building permit or certificate of occupancy. If any Federal or State approvals are required for the project, they must also be obtained prior to submitting the application for a building permit or certificate of occupancy.
6. The Code Enforcement Officer may deny the issuance of a permit, or suspend, or revoke a permit of the owner or occupant for further development of the land on which a violation has occurred until the violation is removed, abated, or otherwise corrected, and any penalties and court-awarded fees are paid. [Adopted November 4, 2025]

205 Expiration of Permits

If no substantial start, as defined in this Ordinance, is made in construction or in use of the property within one year from the date of issuance of a building permit or certificate of occupancy, then that building permit or certificate of occupancy shall lapse and become void.

206 Installation of Public Utility Service

No public utility, water district, sanitary district, or utility company of any kind may install services to any structure located in the Shoreland Zone, or to any lot or dwelling unit in a subdivision as defined by Title 30-A, M.R.S.A., Section 4401, unless a written authorization attesting to the validity and currency of all local

permits required by this or any other Town Ordinance has been issued by the Code Enforcement Officer. Following installation of service, the company or district shall forward the written authorization to the Code Enforcement Officer indicating that the installation has been completed.

207 Enforcement Procedure

1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provisions of this Ordinance, or any of the terms and conditions imposed on any permit issued pursuant to this Ordinance are being violated, he or she shall notify in writing the person responsible for such violation and order the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and maintained as a permanent record.
2. The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
3. The Code Enforcement Officer shall keep a record of all essential transactions, including applications submitted, permits granted or denied, revocation actions, revocations of permits, appeals, court actions, violations investigated, violations found, and fees collected. In the case of violations, the Code Enforcement Officer shall, on an annual basis, submit a summary of the record of such violations to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.
4. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings that they deem necessary, either legal or equitable, including seeking injunctions of violations and the imposition of civil penalties, that may be necessary to enforce this Ordinance in the name of the Town of Naples. The Municipal Officers or their authorized agent are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations and imposing fines without court action.
5. Any person, including but not limited to a landowner, a landowner's agent, or a contractor, who orders, allows or conducts any activity in violation of this Ordinance shall be subject to civil penalties and other remedies in accordance with Title 30-A M.R.S.A. Section 4452.

208 Appeals

1. Administrative Body. The Naples Board of Appeals as appointed and composed pursuant to the Naples Shoreland Zoning Ordinance shall decide administrative and variance appeals under this Ordinance and in accordance with Title 30-A, MRSA Section 4353.
2. Powers and Duties. The Board of Appeals shall have the following powers and duties:
    a. Administrative Appeals. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the enforcement or administration of this Ordinance.
    b. Variance Appeals. To authorize variances upon appeal, within the limitations set forth in this Ordinance.

209 Administrative Appeal Procedures

1. Time Limit. If the Code Enforcement Officer or Planning Board disapproves an application or grants an approval with conditions that are objectionable to the applicant or to any abutting landowner or other aggrieved party, or when it is claimed that the provisions of this Ordinance do not apply, or that the true intent and meaning of this Ordinance has been misconstrued or wrongfully interpreted, the applicant, any abutting landowner, or other aggrieved party may appeal the decision of the Code Enforcement Officer or Planning Board in writing to the Board of Appeals within 30 days after the Code Enforcement Officer's decision is made.
2. Written Notice. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
    a. A concise written statement indicating what relief is requested and why it should be granted.
    b. A sketch drawn to scale showing lot lines, location of existing buildings and structures along with other physical features of the lot pertinent to the relief requested.
3. Record of Case. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
4. Public Hearing. The Board of Appeals shall hold a public hearing within thirty-five (35) days of its receipt of an appeal request. Notice of the public hearing of each appeal shall be published at least once in a newspaper of general circulation in the Town of Naples at least fourteen (14) days prior Jo the date of the hearing. Notice of the hearing shall also be mailed to the applicant, the Planning Board, the Municipal Officers, and to the abutting property owners at least fourteen (14) days prior to the hearing date.
5. Decision by the Board of Appeals
    a. A majority of the Board shall constitute a quorum for the purpose of deciding an appeal.

b. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or the Planning Board, or to decide in favor of the applicant on any matter which it is required by this Ordinance to decide.
c. The person filing the appeal shall have the burden of proof.
d. The Board of Appeals shall not conduct a de novo hearing but shall review the record that was before the Code Enforcement Officer or Planning board and may hear oral argument on that record. If the Code Enforcement Officer's or Planning Board's record is insufficient, the Board of Appeals may remand the matter to the Code Enforcement Officer or Planning Board for further proceedings. The Board of Appeals may reverse the decision of the Code Enforcement Officer or Planning Board only upon finding that the decision is contrary to the provisions of this Ordinance or that the decision is unsupported by substantial evidence in the record. Whenever the Board of Appeals does not affirm the decision of the Code Enforcement Officer or Planning Board, the case shall be remanded to the Code Enforcement Officer or Planning Board with instructions.
e. The Board shall decide all appeals within thirty-five (35) days after the close of the public hearing, unless that timeframe is not practical or the parties consent to a longer timeframe, and shall issue a written decision on all appeals. The Board of Appeals must issue written notice of its decisions to the petitioner, the petitioner's representative or agent, the Planning Board and the Municipal Officers within seven (7) days after the decision is rendered, as required by Title 30-A MR.SA, Section 2691 (3)(E), and to the Code Enforcement Officer.
f. All decisions shall become part of the public record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief, or denial thereof.

6. Appeal to Superior Court. Any party may take an appeal, within forty-five (45) days of the date of the vote on the original decision of the Board of Appeals to Superior Court from any order, relief, or denial in accordance with Maine Rules of Civil Procedure, Rule SOB.
7. Reconsideration. The Board of Appeals may reconsider any decision reached within thirty (30) days of its prior decision. A vote to reconsider and the action taken on that reconsideration must occur and be completed within thirty (30) days of the original decision. The Board may conduct additional hearings and receive additional evidence and testimony.

210 Variance appeals process

1. Variances may be granted only from dimensional requirements, including frontage, lot area, lot width, structure height, and percentage of lot coverage.
2. Setback Reduction Appeals: The Board of Appeals may grant reductions from the minimum setback requirements set forth in Section 504 of this ordinance according to all of the following criteria:
    a. Setback reduction appeals are only available to reduce the minimum requirements for setbacks of structures from Lot boundary lines. Setback reduction appeals shall not be used, and are not available, to reduce required minimum setbacks of structures from bodies of water as provided in this ordinance.
    b. Setback reduction appeals may only be granted and are only available for:
        i. Lots in existence as of November 1988;
        ii. Lots with a residential dwelling as the principal structure.
    c. The Board of Appeals shall grant a setback reduction appeal if the Board finds that granting the setback reduction will not result in unreasonable interference with the privacy interests of the abutting landowners.
    d. In granting a setback reduction the Board of Appeals may attach reasonable conditions. which it may deem necessary to serve the purpose of this ordinance.
    e. A setback reduction appeal shall not be granted to enable construction or renovation that will create additional dwelling units.
    f. A setback reduction appeal shall not be granted to enable construction or renovation that will result in more than one garage on the lot that is the subject of the appeal.
    g. Setback reduction appeals may only be granted the minimum extent necessary to accomplish the purpose of the appeal. Setbacks may not be reduced by appeal to less than the following absolute minimum setbacks:
        l. Side Yard: 10 feet
        ll. Front Yard: 15 feet
        m. Rear Yard: 15 feet

3. Setback Reduction Procedure
    a. A complete application with request.
    b. A survey showing current structures located on land and setbacks.
    c. All approved requests must be filed with the Cumberland County Registry of Deeds with forms supplied by the Code Enforcement Officer office before issuance of any building permit.
4. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
5. The Board shall allow for disability and handicapped variances that met the

requirements of Title 30-A MRSA Section 4353.4-A and 4-B.

6. A variance granted under this subsection shall be restricted 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. Conditions on such a variance may be imposed, including limited the variance to the duration of the disability or the time the person with the disability lives in the dwelling. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under 5 M.R.S.A Section 4553 and 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.
7. The Board shall not grant a variance unless it finds that:
    a. The proposed structure or use would meet the requirements of this Ordinance except for the specific provisions which have created the nonconformity and from which relief is sought; and
    b. The strict application of this Ordinance would result in undue hardship. The term "undue hardship" shall mean all of the following:
        i. That the land in question cannot yield a reasonable return unless the variance is granted;
        ii. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
        iii. That the granting of a variance will not alter the essential character of the neighborhood;
        iv. That the hardship is not the result of any action taken by the applicant, by the owner, by any prior owner, or by anyone with the consent of the owner or any prior owner.
8. The Board of Appeals shall limit any variances granted as strictly as possible to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and, in doing so, may impose such conditions for a variance as it deems necessary. The party receiving the variance must comply with the conditions imposed and the failure to comply with any conditions imposed is a violation of this Ordinance.
9. In areas subject to the Mandatory Shoreland Act, a copy of all variances considered by the Board of Appeals shall be submitted to the Department of Environmental Protection at least twenty (20) days prior to action by the Board.
10. Certificate of Variance. A certificate evidencing the variance shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days after it was granted in accordance with the provisions of Title 30-A MRSA, Section 4353, paragraph 5.

Section 300 Nonconforming Provisions

301 General Provisions

1. The use of land or structures that are existing and lawful at the time of adoption or subsequent amendment of this Ordinance may continue and be expanded subject to the provisions of this Section.
2. 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 use subject to the provisions of this Section.
3. Restoration of Unsafe Property. A nonconforming structure declared unsafe by the Code Enforcement Officer, or damaged by fire or other casualty, shall be permitted to be strengthened or restored to safe condition.

302 Nonconforming Structures

1. Nonconforming Structure Expansion. A nonconforming structure may be expanded, repaired, maintained, or improved subject to the provisions of this Section.
    a. The expansion shall be attached to the existing structure,
        i. If an Accessory Dwelling Unit is proposed to be created or expanded within a nonconforming structure, the expansion must not make the nonconforming structure more nonconforming.
    b. Nonconforming front, side, or rear yard setback: A structure may be expanded within a nonconforming yard area so long as the expansion does not further extend into a nonconforming front, side, or rear yard setback,
    c. Nonconforming height limit: Where a structure contains a portion that is nonconforming in its height at the time of the adoption of this ordinance, the height of the remaining portion of the building may be increased so long as the expansion does not extend further than the existing height of the structure.
    d. All other setback requirements in the appropriate zoning district shall be met.
    e. An expansion of a nonconforming use within an expanded nonconforming structure must meet the standards of Section 203,
    f. Expansion with a variance:
        1. An applicant for an expansion that cannot meet the standards of Subsection a. or c., above must seek a variance from the Board of Appeals.
        ii. The Board of Appeals shall use the appropriate variance standards of Section 208 for the review of applications under this Section.
2. Nonconforming Structure Reconstruction or Replacement: A nonconforming structure that is damaged or destroyed by any cause, or is demolished, may be

reconstructed or replaced, provided that a building permit is obtained within two (2) years of the date of damage, destruction, or demolition. The replacement or reconstruction of any nonconforming portion of the structure must be located within the original building footprint. The replacement or reconstruction may increase or decrease the number of square feet of floor area, but may not create any additional, or expand any existing, nonconformity, except as allowed by Section 302.2.

a. The Code Enforcement Officer shall grant a one (1) year extension for the reconstruction or replacement of structures that are involved in litigation.

303 Nonconforming Uses

1. Expansion of a Nonconforming Use. The structure(s) in which a nonconforming use is located may be cumulatively expanded subject to the provisions of this section.
   a. General Provisions. The following provisions shall apply to all non-conforming uses:
      i. The expansion shall not allow for the introduction of new, or increase the number of nonconforming uses on the property.
      ii. The expansion shall not cause a structure to become non-conforming according to the dimensional requirements of the applicable zoning district.
      iii. Expansion within an existing nonconforming structure shall meet the requirements of Section 302.

   b. Non-Residential Uses. A nonconforming non-residential use may be expanded as follows:
      i. By up to ten percent (10%) of the size existing on April 29, 2021 with approval from the Code Enforcement Officer,
      ii. Between ten percent (10%) and one-hundred percent (100%) of the size existing on April 29, 2021 with approval from the Board of Appeals. The Board of Appeals shall use the following standards in granting approval:
         1. That the expanded use shall not reduce the Level of Service, as defined, on adjacent roadways or intersections,
         2. That the property has adequate sight distance for the location and type of expanded use,
         3. That the amount of noise, odors, vibrations, smoke, dust, and air discharges of the expanded use shall be equal to or less than the present use,
         4. That the amount of surface water runoff from the site shall not be increased,
         5. That an adequate buffer has been provided to screen an expanded commercial or industrial use from any abutting residential use.

6. The Board of Appeals may impose conditions of approval that are specific to the standards in this subsection 303.2.a.

c. Residential Uses- A nonconforming residential use may be expanded as long as the building in which it is located meets either:
   i. The dimensional standards of the zoning district in which it is located, or
   ii. The nonconforming structures or buildings standards in Section 302, above.

2. Discontinued Nonconforming Use.
   a. A nonconforming use which is discontinued for a period of two (2) years may not be resumed. Use of the land, building or structure shall thereafter conform to the provisions of this chapter.
   b. When a nonconforming use is changed to a permitted use the following provisions shall apply:
      i. The use shall thereafter conform to the provisions of this Ordinance, and ii. The nonconforming use may not thereafter be resumed.

3. Change of a Nonconforming Use. The Board of Appeals may grant permission for the conversion of an existing nonconforming use into another nonconforming use subject to the following provisions:
   a. The new nonconforming use will be more conforming to the intent of the Land Use Ordinance,
   b. The existing non-conforming use shall be discontinued and shall not thereafter be resumed if the Board of Appeals approves the conversion.
   c. In determining whether the proposed use is in greater conformance with the Ordinance, the Board of Appeals must find:
      i. That the existing use was made non-conforming by the adoption or amendment of the Land Use Ordinance and is not a home occupation,
      ii. That the proposed use shall not reduce the Level of Service on adjacent roadways or intersections,
      111. That the property has adequate sight distance for the location and type of proposed use,
      iv. That the amount of noise, odors, vibrations, smoke, dust, and air discharges of the proposed use shall be equal to or less than the present use,
      v. That the amount of surface water runoff from the site shall not be increased,
      vi. That the hours of operations of the proposed use are compatible with the surrounding land uses.
      vii. That an adequate buffer has been provided to screen a proposed commercial or industrial use from any abutting residential use.
   d. The Board of Appeals may impose conditions of approval that are specific to the standards in Subsection 303.3.c.

304 Nonconforming Lots of Record

1. A single-family dwelling may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership and that all other dimensional standards of this chapter shall be met. In the event that all other dimensional standards cannot be met, the property owner may apply for a variance in accordance with Section 208 of this Ordinance.
2. If two (2) or more contiguous lots or parcels are in single ownership of record at the time of adoption or amendment of this chapter and if all or part of the lots do not meet the dimensional and area requirements of this chapter, the lands involved shall be considered to be a single parcel for the purpose of this chapter, and no portion of said parcel shall be built upon or sold which does not meet dimensional and area requirements of this chapter; nor shall any division of the parcel be made which creates any dimension or area below the requirements of this chapter. Two (2) contiguous lots in single ownership prior to April 29, 2021, which each have an existing residential structure(s) on them and which do not meet the requirements of this Ordinance are exempt from this section and may be divided. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.
3. Lots in subdivisions approved by the Naples Planning Board are exempt from the provisions of Section 304.1. and Section 304.2., above.
4. Alteration of Nonconforming Lots. A nonconforming lot, legally existing as of the effective date of this ordinance, may be further divided or have its lot lines altered provided that such action does not increase or extend the degree of, or create any new, non-conformity with regard to any applicable dimensional standard.

Section 400 Definitions

In this chapter, the following terms shall have the following meaning unless a contrary meaning is required by the text or is specifically prescribed. In addition to the following definitions performance standards regulating specified land uses should be reviewed in the, "District Standards,"' for each zoning district (Sec. 500) and the, "Performance Standards," (Sec. 600) that apply to all zoning districts in the Town.

Abutter: The owners(s) of a property sharing a common boundary with or within 500 feet of a given parcel of property, whether or not these properties are separated by a public or private way. For the purposes of this Ordinance, the owners of properties shall be considered to be those parties currently listed by the Tax Assessor of Napes as those against whom taxes are assessed. [Adopted May 20, 2025]

Accessory Dwelling Unit: A self-contained dwelling unit located within, attached to, or detached from a single-family dwelling unit located on the same parcel of land. Refer to Section 507 Accessory Dwelling Units for applicable standards and regulations.

Accessory Structure: A structure that is subordinate to and serves a Principal Use or building on the lot. A deck or similar extension of the principle structure or a garage attached to the principle structure by a roof or a common wall is considered part of the principle structure.

Accessory Use: A use customarily incidental and subordinate to a Principal Use and located on the same lot with such Principal Use. See Principal Use definition. A Medical Marijuana Registered Caregiver shall not be considered an Accessory Use.

Adult Book and Novelty Store: An establishment that offers for sale or rental, for any form of consideration, any one or more of the following: Books, magazines, periodicals, or other printed matter, or photographs, films, digital data, or other visual representations that are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas; or instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

Adult Cabaret: An establishment that regularly, commonly, habitually, or consistently features: (a) one or more persons who appear in a State of Nudity; or (b) live performances that are distinguished or characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities; or (c) films, motion pictures, video cassettes, slides, photographic reproductions, digital data, or other image producing devices that are distinguished or characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or (d) one or more persons who engage in exotic or erotic dancing or performances that are intended to appeal to the prurient interests or titillation of an audience or customers.

Adult Entertainment Establishment: An establishment, any portion of which consists of selling, renting, leasing, exhibiting, displaying, or otherwise furnishing or dealing in services, materials, devices, or paraphernalia of any kind which, when taken as a

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agricultural Buildings: Buildings that are used primarily for agricultural purposes i.e. crops and livestock. Agricultural Buildings could include barns or stables.

Agricultural Land Management Practices: Means those devices and procedures utilized in the cultivation of land in order to further crop and livestock productions and conservation of related soil and water resources.

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

Amusement Facility: Private commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public.

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Automobile Gas Station: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; and as an accessory use the sale of lubricants, tires, batteries, and similar vehicle accessories. The sale of additional items or services on the same site must also be allowed by the applicable zoning districts.

Automobile Sales: The use of any building, land area, or other premise principally for the display, sale, rental, or lease of new or used automobiles (but may include light trucks or vans, trailers, watercraft, or recreational vehicles), and including any vehicle preparation, warranty, or repair work conducted as an accessory use.

Automotive Repair Services and Garages: An establishment primarily engaged in furnishing automotive repair, Rental, leasing, and parking services to the general public.

Awning: A fabric or plastic cover mounted on a rigid frame and extending perpendicular to the side of a building.

Back Lot: A lot or parcel of land that conforms with current lot dimensional criteria, except for road frontage requirements. See Section 603, Performance Standards, Back Lots.

Banner or Flag: Any fabric or similar flexible material, usually attached to a staff or pole, which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Bed and Breakfast: An owner-occupied single-family residence that is licensed by the State of Maine to offer from three (3) to eight (8) rooms for overnight stay to the

general public. Breakfast may be offered to overnight guests, however, no evening meals shall be offered.

Bedroom: A room, whether or not combined with any functions, customarily used, or dedicated for the purpose of sleeping for one or more individuals, it shall include rooms used as dens, lofts, and the like. Boarding or Lodging Facility: Any residential structure where lodging or lodging and meals are provided for compensation for a period of at least two (2) weeks, and where a family residing in the building acts as proprietor or owner and where there are no provisions for cooking in any individual room other than the main.

Boarding Stable: A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises and for which the owner of the premises may receive compensation.

Building: Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals, goods, or property of any kind.

Building Height: Vertical Distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof. Height requirements do not apply to mechanical systems, flagpoles, chimneys, transmission towers, steeples, windmills, or similar structures usually erected at a greater height than the building, however, such accessory structures or appurtenances require a lot line setback distance of no less than its height. [Adopted November 4, 2025]

Campground: An area devoted to overnight recreational or educational use where the land is divided into sites or lots for which a charge is made, either on a short term basis, by sale, rent, lease or condominium type of financing or ownership; and/or 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.

Caregiver: A person who renders healthcare and/or gives assistance in living to those in residence who require the service in everyday living.

Cemetery: A private or public place set apart for the internment of the dead.

Cluster: Separate ownership of individual units in a multiple unit building or a group of three (3)or more individual units on a single parcel that meets the current minimum lot size.

Code Enforcement Officer (CEO): A Code Enforcement (CEO) is defined under 30-A M.R.S. § 4451 as a person employed by a municipality to enforce all enabling state laws and local ordinances in the following areas: shoreland zoning, land use regulation, internal plumbing, subsurface wastewater disposal, and building standards. CEOs must be certified in each area for which they have responsibility.

Commercial School: An educational institution, which is commercial or profit oriented. Examples thereof are dancing, music, riding, correspondence, aquatic schools, driving or business.

Commercial Tower: Includes radio, radar, television, or radiotelephone transmitting, repeating, or broadcasting towers and necessary accessory structures, but not studios or offices for such activities.

Commercial Use: The use of lands, buildings, or structures, other than a "home occupation", or Adult Entertainment Establishment, defined herein, 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. For the purposes of this ordinance, adult entertainment establishments are not considered a commercial use.

Commercial Vehicle: A vehicle used for commercial purposes including, but not limited to, trucks, buses, and trailers.

Community Garden: Any piece of land (publicly or privately held) that is cultivated by a group of people rather than a single family or individual. Community Gardens are often managed and controlled by a group of unpaid volunteers.

Community Living Facility: Community Living Facility shall be defined according to Title 30-A, M.R.S.A. Section 4357 28, as amended from time to time.

Comprehensive Plan: Any part or element of the over-all plan or policy for development of the Town as defined in Title 30 M.R.S.A. Chapter 239, Section 4961.

Condominium: Separate ownership of individual units in a multiple unit building or a group of three (3) or more individual units.

Construction: Structural changes or additions to a building or a structure other than repairs and modification in building equipment.

Construction Drawing: Means drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground fire alarm ducts, pavements, cross-section of streets, miscellaneous structures, etc.

Construction Sign: An on-premise sign located on a site where construction is occurring, providing the name, address or other identifying information for the contractor, architect, landscape architect, engineer, and/or other participants in the construction process. Signs to be removed upon completion of construction.

Contractor's Yard: A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. See performance standard Section 604.

Convalescent or Rest Home: A facility in which nursing care and medical services are performed under the general direction of persons licensed to provide medical care in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care, but who do require, on a 24-hour basis, nursing care, and related medical services.

Daycare Facility: An establishment, including a private residence, where three (3) or more children under the age of six (6) are cared for in return for compensation.

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

Drive-through Facility: Any portion of a structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. See Performance Standard 613.

Driveway: A vehicular access-way serving not more than one (1) lot. Duplex: A dwelling that has accommodations for two families without regard to whether such accommodations are identical or not. May be adjacent or separate floors.

Dwelling: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family, including provisions for living, cooking, and eating. The term shall include mobile homes but not recreational vehicles or tents.

Easements: The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of a property.

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

Entertainment: Shall include any amusement, performance, exhibition or diversion for the patrons or customers of the licensed premises whether provided by professional entertainers or by full- time or part-time employees of the licensed premises whose incidental duties include activities with entertainment value.

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

Family: One or more persons occupying a premise and living as a single housekeeping unit.

Flea Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale, barter, or exchange to the public.

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.

Forest Management Activities: Includes timber cruising and other forest evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands and other similar associated activities, but not the construction, creation, or maintenance of land management roads.

Foundation: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other

base consisting of concrete, block, brick, or similar material.

Frontage: The linear distance between the sidelines of a lot, measures along the lot line that borders upon whatever right-of-way serves as legal access to the lot.

Functionally Water-Dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that cannot be located away from these waters. These uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas. Navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage facilities are not considered to be a functionally water-dependent use. All functionally water-dependent uses shall meet all applicable dimensional and frontage standards in accordance with the underlying zoning district in which they are located.

Governmental Facility: Any facility, including but not limited to, buildings, property, recreation areas, and roads which are owned, leased, or otherwise operated, or funded by a governmental body or public entity, which is used for a governmental function.

Gross Floor Area: Equals the length times the width of any building.

Gross Floor Area (regarding aquatic structures): Means the "footprint" which the aquatic structure would make on the earth if viewed from above.

Ground Cover: Small plants, fallen leaves, needles, and twigs, and the partially decayed organic matter of the forest floor.

Home Occupation: Accessory use conducted within a dwelling or accessory structure by the residents thereof, which is clearly secondary to the dwelling, used for living purposes and does not change the character thereof. See Performance Standard 607.

Home Occupation, Major: An occupation or profession which is secondary to the dwelling use for living purposes, does not change the character thereof and is wholly occupied within the principle or accessory structure. A home occupation, major shall not utilize more than fifty (50%) of the total floor area of the dwelling unit in which it is located. There shall be no more than five (5) persons on premises, inclusive of residents, employed by the home occupation. The occupation or office must be wholly located within the principle or accessory structure. A home occupation, major requires review and approval by the Planning Board.

Home Occupation, Minor: An occupation or profession which is secondary to the dwelling use for living purposes, does not change the character thereof and is wholly occupied within the principle or accessory structure. A home occupation, minor shall not utilize more than twenty percent (20%) of the total floor area of the dwelling unit in which it is located. It shall be managed by a member of the family residing within the dwelling unit, with a maximum of two (2) employees on premises who do not reside in the dwelling unit. The occupation or office must be

wholly located within the principle or accessory structure. A home occupation, minor requires review and approval by the Code Enforcement Officer.

Hotel: A building in which lodging or meals and lodging are offered to the general public for compensation and in which ingress and egress to and from the rooms are made primarily through an inside lobby or office. The hotel may contain such accessory services and facilities as newsstands, personal grooming facilities, and restaurants.

Impervious Surface: Structures and other man-made improvements to land and material covering the land, which substantially reduce the infiltration of water. Impervious surfaces shall include, but not be limited to, roofs, paved areas, parking lots, and driveways, regardless of surface materials.

Increase in Intensity: Any sudden modification of use, which results in the increased traffic flow, increased noise levels or an increase in wastes generated.

Industrial Use: A use connected with the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods or the extraction of minerals.

Individual Private Campsite: An area of land which is not associated with a campground, but which is developed for repeated camping with a tent, recreational vehicle or otherwise by only one group not exceeding ten (IO) individuals and which involves site improvements which may include, but not be limited to, gravel pads, parking area, fire places or tent platforms.

Institutional Use: A non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipality owned or operated building, structure or land used for public purposes.

Kennel: Any place, building, tract of land, abode, enclosure, or vehicle where five (5) or more dogs, owned singly or jointly, are kept, sold, housed, breed, trained, or boarded including dog daycare, for a fee. Site Plan Review approval by the Planning Board is required for this use to be established. [Amended May 20, 2025]

Legal Family: Means legal by marriage, adoption, or blood relationship.

Legislative Body: Town Meeting.

Library: A place in which literary and artistic materials, such as books and periodicals are kept for reading, reference or borrowing; a collection of reading materials.

Licensee: Shall include the holder of a license issued under any Statute of the State of Maine.

Light Manufacturing: The manufacturing of products, the process of which does not create and emit fumes, gases, smokes, vapors, vibrations, noise or glare or other factors which are regarded as nuisances which would cause adverse effects to the users of adjacent land.

Lot: A legally recorded parcel of land which may either be conforming or legally nonconforming.

Lumber Yard: An area and structures used for the storage, distribution, and sale of

finished or rough-cut lumber and lumber products.

Manufactured Housing: Manufactured housing shall be defined according to 30-A, M.R.S.A. § 4358, as amended from time to time. See Performance Standards, section 608.

Marina: A business establishment having frontage on navigable water and as its principal use, providing for hire offshore moorings or docking facilities for boats and which must also provide accessory services, such as, boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Marine Sales and Services: A building, structure, or lot where boats, motors, and trailers may be kept for sale to the general public. As well, watercraft and accessories for boating in general are for sale to the public. Repairs, reconditioning, and maintenance to watercrafts may also be carried out in such a building, structure, or lot.

Medical Marijuana Plant Canopy: The total surface area within a Medical Marijuana Registered Caregiver Cultivation Area that is dedicate to the cultivation of mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation area that are used to cultivate immature marijuana plants and seedlings and that are not used at any time to cultivate mature marijuana plants.

Medical Marijuana Registered Caregiver: A caregiver, as defined in 22 M.R.S. § 2422, that is required to be registered with the state pursuant to 22 M.R.S. § 2425-A.

Medical Marijuana Registered Caregiver Cultivation Area: An indoor or outdoor area used by a Medical Marijuana Registered Caregiver for cultivation of medical marijuana that is enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area under Maine law.

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 and to transport the product removed away from the extraction site.

Mobile Home Park: An area designed or planned for the placement of two or more mobile homes with design and lot size standards as required in the Naples Subdivision Regulation. Manufactured housing shall be defined according to 30-A,

M.R.S.A. § 4358, as amended from time to time. See Performance Standards, section 609.

Mobile Vendor: A person, excluding artists and performance artists, as those terms are defined in the Naples Mobile Vendors Ordinance, who is engaged in selling or offering to sell goods, services, food, or beverages, out of doors on public or private property as allowed in the Mobile Vendors Ordinance. Mobile Vendors in conformance with the requirements of the Naples Mobile Vendors Ordinance are allowed to operate in every zoning district.

Moveable Structure: A structure that is not sitting on a foundation.

Multi-Family Dwelling: A residential structure consisting of three or more attached dwelling units.

Municipal Facility: A facility that is open to the public, owned or leased by the municipality and operated under its direct supervision, including but not limited to, schools, museums, libraries, offices, garages, and parking areas.

Municipality: Town of Naples, Maine.

Museum: An indoor or outdoor facility, public or private, for the preservation of items for antiquity, art, or natural history.

Native: Indigenous to the local forests.

Nature Preserve: An area in which human activities are very limited and where the natural environment is protected from human changes.

Nonconforming Lot: A single lot of record, at the effective date of adoption or amendment of the Shoreland Zoning Ordinance, Minimum Lot Size Ordinance, or Land Use Ordinance, which does not meet the area, frontage, or width requirements of the district in which it is located.

Nonconforming Structure: A structure which does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time the Shoreland Zoning Ordinance, Minimum Lot Size Ordinance, or Land Use Ordinance or subsequent amendments took effect.

Nonconforming Use: Use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time of the Shoreland Zoning Ordinance, Minimum Lot Size Ordinance, or Land Use Ordinance or subsequent amendments took effect.

Nudity or State of Nudity: The appearance of a human anus, pubic area, male genitals, or female genitals with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

Nursing Home: Any facility, which provides meals, lodging and twenty-four (24) hour nursing care for compensation.

Official Map: Any map adopted by the Municipality.

Person: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having joint or common interest, or other legal entity.

Personal Services: Establishment primarily engaged in providing services involving the non- medical care of a person or of his or her apparel, as exemplified by beauty shops, barber shops, shoe repair, photographic studios, coin-operated laundries, and similar establisl1i□ents.

Place of Worship: A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs.

Planning Board: The Planning Board of the Municipality created under Title 30, M.R.S.A., Chapter 239, Section 4952 or Chapter 201-A, Section 1917.

Premises: A lot, parcel, tract, or plot of land together with the building(s) and structure(s) thereon.

Primary or Legal Residence: A building or dwelling being currently used by the owner as his/her main place of dwelling or home. A person may have only one primary or legal residence.

Principal Structure: The primary structure on a lot or a structure that supports, shelters, or encloses the principal use on the lot.

Principal Use: The primary or predominant use. An activity that is conducted with the principle use and such activity that either constitutes only an incidental or insubstantial part of the total activity that takes place on a lot; or is commonly associated with the principal use and is integrally related to it, is regarded as "accessory to the principal *use:·* An accessory to the principal use is regarded as "incidental or insubstantial"' if it is both incidental and insubstantial in and of itself, and in relation to the principal use. Quantitative measures for consideration in this determination include the percentage and total amount of square footage attributed to the accessory to the principle use and sales or income derived from the accessory to the principal use.

Private Utility Substation: An area allowing for switching, transferring, or transmitting of utilities.

Professional Office: The place of business of, including, but not limited to, doctors, lawyers, accountants, architects, surveyor, banks, psychiatrists, psychologists, counselors, and financial advisors, but not including Personal Services.

Public Facility: Any facility, including, but not limited to, buildings, property, recreation areas, and roads which are owned, leased, or otherwise operated or funded by a governmental body or other public entity, such as a school district or other special purpose district or quasi-municipal entity.

Public Storage Facility: A building or group of buildings within a controlled access or fenced environment divided into separate compartments used for lease or rent of individual storage spaces which are available to the general public for a fee. This definition includes so called self-storage uses and structures, but does not include either boat storage uses or structures, or buildings used for the storage of goods and materials by the owner of the goods or materials.

Push Cart: A nonmotorized vehicle used for the sale of goods or services with dimensions no greater than forty-eight (48) inches in width, ninety-six (96) inches in length and ninety-six (96) inches in height.

Recreational Facility, Indoor: The use of a building for play, sports, games, and other similar diversions operated as a business and open to the public for a fee.

Recreational Facility, Outdoor: The use of land outside of a fully enclosed building, as defined, for play, sports, games, and other similar diversions operated as a business and open to the public for a fee.

Recreational Facility, Public: A not-for-profit recreational facility open to the general public at no charge or a subsidized charge.

Recreational Structures: Any commercial facility used for recreational purposes including, but not limited to, golf courses, driving ranges, batting ranges, tennis courts, swimming pools, and amusement rides.

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed and designed for temporary sleeping or living quarters for one or more persons and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be registered with the State Division of Motor Vehicles.

Refuse: Means all combustible or non-combustible putrescible or non-putrescible solid or liquid wastes.

Replacement Subsurface Wastewater Disposal System: A system intended to replace:

1. An existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
2. Any existing overboard wastewater discharge.

Residential Buildings: Single family dwellings, duplexes, cluster, apartments, and condominiums.

Residential Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless. s dwelling units.
of the time period. Recreational vehicles are not residential

Residential Institution: A use providing recreation, counseling education, and/or other rehabilitative services where the individuals commonly reside at the facility.

Restaurant: A place where meals are served, for payment, to members of the public. Both sit down and take out operations are included.

Resubdivision: The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in a subdivision.

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

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

Sanitary Facilities: A toilet, privies, lavatories, urinals, drinking fountains and any service building or room provided for installation and use of these units.

Sawmill: A facility where logs are cut into boards or timbers; a mill or machine for sawing logs or produced firewood that is in operation commercially.

School: Includes parochial, private, public, nursery school, college, university, and accessory uses; and shall exclude commercially operated schools of beauty culture, business, driving, music, dance, flight, and similar establishments.

Seasonal Dwelling: A dwelling that is not used as a permanent place of residence and occupied continuously for not more than seven (7) months in any calendar year.

Service Business: A business where the primary function shall be, but not limited to, work done for or conferred upon another individual, excluding retail sales of goods and including hotels, motels and bed and breakfasts.

Setback: Nearest horizontal distance from the property line to all structures and parking areas from the front, rear and side property lines of all lots.

Sign: Any permanent or temporary device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. For purposes of this ordinance, the term "sign" does not include (i) signs located completely within an enclosed building and not exposed to view from the exterior of the building is not a sign for purposes of this ordinance, or (ii) signs erected and maintained for public safety and welfare, or pursuant to and in discharge of any governmental function, or required by law, ordinance, or governmental regulation.

Sign, Abandoned: A sign that identifies or provides information pertaining to a business, lessor, lessee, service, owner, product, event, or other activity, and which no longer exists at the premises where the sign is located or for which no legal owner can be found.

Sign, A-Frame: A sandwich board sign that is connected at the top or bottom. Sign, Animated: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Sign, Awning: A sign that is painted on or affixed to an awning structure. An awning is a non- structural covering that projects from a wall, usually for the purpose of shielding a doorway or window. Sign, Balloon: A lighter-than-air, gas-filled balloon tethered in a fixed location that contains a message on its surface or attached to the balloon in any manner.

Sign, Changeable Copy: A sign on which the characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign. Also known as a reader board.

Sign, Directional or Traffic Safety: A sign identifying entrances, exits, parking areas, or other operational features of premises and/or providing directions for the safe and/or efficient flow of vehicular or pedestrian traffic. This includes municipal informational kiosks and signs.

Sign, Double-faced: A sign with two faces or panels, neither of which is visible at the same time.

Sign, Drive-through Menu: A sign associated with drive-through windows or kiosks, typically illustrating the menu or specials for an establishment, and directed to drive-through traffic.

Sign, Electronic Message: A sign on which the characters, letters, or illustrations can be changed automatically or through electronics. An electronic sign, typically comprising a liquid crystal diode (LCD), light-emitting diode (LED), plasma, or other digital illuminated display that contains one or more messages. An electronic message sign is different from an illuminated sign in that the illumination of the display creates the message, rather than an internal or external light source illuminating the message.

Sign, Event: A sign associated with an event being held in the Town of Naples or an event in a neighboring town which must be approved through the Event Ordinance by the Board of Selectmen

Sign, For Sale/Rent/Lease: An on-premises sign advertising the property as available for sale, rent or lease.

Sign, Free Standing: A self-supporting sign not attached to any building, wall, or fence, but in a fixed location. This does not include moveable, portable or trailer type signs.

Sign, Identification: A sign giving the name, logo, trademark, or other identifying symbol, the nature or type of business and address of an occupant of the building, business, complex or establishment on the premises where it is located, but containing no other advertising matter.

Sign, Illumination: Any sign lit by electric bulbs, fluorescent or neon tubes. Neon tubes used as abstract, graphic, decorative, or architectural elements shall not be considered an Illuminated Sign.

Sign, Internally Illuminated: A sign with an artificial light source incorporated internally for the purpose of illuminating the sign; includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes.

Sign, Landmark: Any sign of artistic or historic merit, uniqueness or extraordinary significance to the Town as identified by the local Historical Society or the Municipal Officers.

Sign, Moveable: A sign designed or constructed so as to be readily moved or relocated, including, but not limited to, portable signs or sandwich signs supported by legs.

Sign, Off-Premises: A sign which directs attention to a business, organization, product, service, event, cause, entertainment, or other activity conducted, sold,

or offered at a location other than the premises on which the sign is located.

Sign, On-Premises: A sign that advertises, calls attention to, or identifies the occupant of the premises on which the sign is maintained, or the business transacted thereon or advertises the property itself or any part thereof as for sale or rent.

Sign, Painted Wall/Roof: A sign painted directly on the surface of a structure.

Sign, Political: Temporary signs, political in nature, on public property or within public rights-of-way shall be permitted as provided by State law.- Political signs are prohibited from all Town-owned properties except rights-of-way as otherwise provided by State law. [Adopted May 20, 2025]

Sign, Posting: A sign related to trespassing or hunting, etc.

Sign, Preexisting Nonconforming: Any sign which was lawfully in existence prior to the effective date of this ordinance or conformed to the provisions of this ordinance at the time it was erected but does not conform to the provisions of this ordinance.

Sign, Projecting: An outdoor sign which is affixed to a building or other structure and which extends more than six (6) inches beyond the surface to which it is affixed.

Sign, Public Safety: A sign which has no advertising function but provides information or guidance to the public on potential safety hazards. Examples include: low clearance, high voltage, etc.

Sign, Roof: A sign painted on or attached to the roof of a building.

Sign, Sandwich Board: A self-supporting, double-paneled sign, whose panels are not parallel but are connected along one edge and separated along the opposite edge. If connected at the top or bottom, it is an A-frame sign.

Sign, Temporary: A sign constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like material and that appears to be intended to be displayed for a limited period of time.

Sign, Vehicle: A sign on or affixed to an inoperative bus, car, boat, trailer, or other motor vehicle that is used primarily for the purpose of advertising or messaging and not for the regular function of a motor vehicle. (Also known as mobile billboards.) This provision is not intended to prohibit signs painted upon or applied directly to a vehicle which is actively used in the regular function of a business, as long as it is parked within a legal parking space on the site.

Sign, Wall: A sign, which is attached directly on a building surface with the sign surface parallel or painted on the wall rather than perpendicular to the building surface.

Sign, Window: Any sign placed on, inside or enclosed within a window or door facing the outside and which is visible from the exterior.

Significant Wildlife Habitat: Includes habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland

Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding area as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery area for Atlantic Sea Run Salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting and feeding and staging areas as defined by the Department of Inland Fisheries and Wildlife.

Small Engine Repair: A commercial use that involves the maintenance and repair of low-power internal combustion engines or low-power electric engines, including but not limited to, chainsaws, trimmers, leaf blowers, lawn mowers, and wood chippers, but excludes an automobile repair shop.

Solar Energy System: A device or structural design feature for which the primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Energy System, Accessory: Solar Energy System generating power for on-site consumption or to offset electrical use for on-site accounts shall be considered accessory to the principal use when it is incidental and subordinate to the principal use or structure and located on the same lot.

Solar Farm, Medium: Solar Energy System, roof, or ground-mounted Photovoltaic Array, which generates electricity for off-site accounts and has an array area (including panel area and inter- panel space) smaller than 2 acres.

Solar Farm, Large: A Solar Energy System, roof, or ground mounted Photovoltaic Array, which generates electricity for off-site accounts, and has an array area (including panel area and inter- panel space) of 2 acres or more.

Specified Anatomical Area: (a) The human male genitals in a discernibly turgid state, even if fully and opaquely covered; or (b) less than completely and opaquely covered genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

Specified Sexual Activity: (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered; (b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; {c) masturbation, actual or simulated; or (d) excretory functions as part of or in connection with any of the activities set forth in (a), (b), or (c).

Street: Such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of- way. The term "street" shall also apply to areas on subdivision plans designated as "sheet", etc.

Structure: Anything constructed, erected, or placed on the ground, which is permanent, temporary, or mobile. Structure includes, but is not limited to building, mobile homes, recreational vehicles, commercial vehicles, piers and floats, storage, and processing facilities. Boundary walls, fences, flagpoles, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors are not considered structures. Temporary structures are allowed as long as they

do not stay a duration of more than one week.

Structure Height: The vertical distance between the mean original (prior to construction) grade at the uphill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances, that have no floor area.

Subdivision: A subdivision shall be the division of a tract or parcel of land into three (3) or more lots for the purpose, immediate or future, of lease, sale, development, or building, whether this division is accomplished by immediate platting of the land or by sale of the land by metes and bounds. The term subdivision shall include the subdivision of land for non-residential purposes, mobile homes parks and re--subdivision of land.

Subdivision, Major: Any subdivision containing more than four (4) lots, or any subdivision requiring any new public street extension or the extension of municipal facilities.

Subdivision, Minor: A subdivision containing not more than four (4) lots.

Substantial Start: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface Wastewater Disposal System: Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is 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 waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Temporary Structure: Limited to a certain period of time.

Timber Harvesting: The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15.P, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

Transportation Service: Businesses, which transport people for a fee, including but not limited to, limousine services, buses, taxicabs, airplanes, or trolleys.

Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Veterinary Clinic: Any facility providing medical or surgical treatment, clipping, bathing, and similar services to dogs, cats, and other small animals, but excluding

boarding or the keeping of animals on the premises other than those requiring emergency treatment or those recovering from anesthetic.

Wholesale Sales: Trade that involves the sale of merchandise to retailers for resale or to industrial, commercial, or institutional users.

Woody Vegetation: Live trees or woody, non-herbaceous shrubs.

Yard Sale (Garage, Barn Tag, etc.): A sale usually conducted out of doors, of new/used goods by a private home or groups of homes, or a non-profit organization or organizations. No more than three (3) consecutive days and not more than forty-five (45) days per year.

Section 500 Zoning Districts

501 Establishment of Zoning Districts

1. The Town of Naples is hereby divided into the following Districts:
2. Base Zones
    a. Rural Area
    b. Critical Rural Area
    c. Commercial Area
    d. Residential Growth Area
    e. Village District Area
3. Overlay Zones
    a. Causeway Overlay District

502 Establishment of an Official Zoning Map

1. The Official Zoning Map is hereby adopted as part of this Ordinance. It shall be located at the town office in paper and computer image formats and shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures of the town.
2. If action of the Town Meeting amends districts or district boundaries, such change shall promptly be entered on the Official Zoning Map and certified on the map as follows: "on (date), by the action of the Town Meeting, the following changes were made on the Official Zoning Map: (brief description of the nature of changes)," which entry shall be signed by the, Planning Board and attested by the Town Clerk.
3. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature of number of changes or additions, the Town Meeting may adopt a new Official Zoning Map, which shall supersede the prior Official Zoning map. The new Official Zoning Map which shall be identified by the signature of the Planning Board attested by the Town Clerk, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map (date of adoption of map being replaced) as part of the Zoning Ordinance of the Town of Naples, Maine." The superseded Official Zoning Map shall be preserved together with available records pertaining to its adoption or amendment.

503 Zoning District Boundaries

1. Where uncertainty exists with respect to the boundaries of any district as shown on the

Official Zoning Map, the following rules shall apply:

a. Where district boundaries are so indicated as to approximately follow lot lines, such lot lines shall be construed to be such district boundaries;
b. Where District Boundaries are indicated as approximately following the center lines of roads, streets, highways, streams, rivers or other public/semi-

private rights- of-way, such center lines shall be construed to be such boundaries;

c. Boundaries indicated as following shorelines shall be construed to follow such shores, and in the event of change in the shoreline shall be construed as moving with the actual shoreline;

d. Where uncertainty exists in determining the precise location of any district boundary line, or where physical or cultural features existing on the ground are in conflict with those shown on the Official Zoning Map, the Board of Appeals with advice from the Planning Board, shall interpret the district boundaries.

504 Zoning Districts

1. Rural Zone.

a. Purpose.

Limited Residential Area. Legal nonconforming home occupations and commercial activities in the rural zone are grandfathered for their present use. Forestry, agricultural activities, and residential uses except for mobile home parks are allowed in the rural zone. Excessive growth and sprawl should be discouraged in the rural zone.

b. Permitted Uses.

- Accessory Dwelling Unit
- Agriculture
- Boarding Stable
- Cemetery
- Commercial Tower
- Community Living Facility
- Condominium
- Contractor's Yard
- Day Care Facility
- Duplex
- Essential Services
- Home Occupation
- Individual Private Campsite
- Manufactured Housing
- Medical Marijuana Registered Caregiver (subject to the provisions of Section 614)
- Mobile Home
- Multi-family Dwelling
- Municipal Facility
- Place of Worship
- Public Facility
- Residential Dwelling Unit
- School
- Seasonal Dwelling
- Solar Energy System, Accessory
- Solar Fann, Medium
- Solar Fann, Large
- Timber Harvesting
- Yard Sale

c. Prohibited Uses

i. All uses not specifically noted as permitted in Section 504.1.b. are prohibited without an amendment to this ordinance. In addition, any

uses prohibited in the Naples Shoreland Zoning Ordinance are not permitted in the Rural Zone District if the use is also located within the Shoreland Zoning Overlay District.

d. Dimensional Standards.
   i. Minimum Lot Size: 40,000 sq ft
      - The minimum lot size is for the first single-family dwelling unit, with each additional single-family dwelling unit requiring an additional 40,000 sq ft.
   ii. Net residential density:
      - Duplex Dwelling: 30,000 sq ft per dwelling unit
      - Multi-family Dwelling: 20,000 sq ft per unit, plus 10,000 sq ft per unit for common space (including roads)
   iii. Minimum Road Frontage: 100 ft per lot
   IV. Setbacks:
      - Minimum Front Setback measured from the right-of-way: 20 ft
      - Minimum Side and Rear Setback: 20 ft
   v. Maximum Height: 35 ft [Amended November 4, 2025]
   vi. Back Lots - does not apply to subdivisions approved after 1986 a.
      - Access via Right-of-Way: 20 ft minimum in width
      - Minimum Setbacks: 20 ft
      - Maximum Height: 35 ft [Amended November 4, 2025]
   VII. District Standards.
      - [Reserved]

2. Critical Rural Zone.
   a. Purpose.

   Conservation land and easements, parks, critical habitat areas, significant wetlands and stream protection areas, lake and stream setbacks as shown on Shoreland Zoning Map, State of Maine Critical Wildlife Area Map, 100-year Floodplain Map (F.E.M.A.), National Wetlands Inventory Map, State, Regional and Local Public Land Trust Maps: this area shall remain undeveloped and not allow residential or commercial uses except for non-profit non-residential facilities. Legal nonconforming home occupations and commercial activities in the critical rural zone are grandfathered for their present use. Campgrounds are prohibited in the Critical Rural zoning district.

   b. Permitted Uses.
      - Essential Services
      - Medical Marijuana Registered Caregiver (subject to the provisions of Section 614)
      - Municipal Facility
      - Place of Worship
      - Timber Harvesting

   c. Prohibited Uses
      i. All uses not specifically noted as permitted in Section 504.2.b. are prohibited without an amendment to this ordinance. In addition, any uses prohibited in the Naples Shoreland Zoning Ordinance are not permitted in the Critical Rural Zone District if the use is also located within the Shoreland Zoning Overlay District.

   d. Dimensional Standards.
      i. Minimum Lot Size: 60,000 sq ft
      ii. Minimum Road Frontage: 100 ft per lot
      111. Setbacks:
         - Minimum Front Setback measured from the right-of-way: 20 ft
         - Minimum Side and Rear Setback: 20 ft.

      iv. Maximum Height: 35 ft. [Amended November 4, 2025]
      v. Back Lots - does not apply to subdivisions approved after 1986
         - Access via Right-of-Way: 20 ft minimum in width
         - Minimum Setbacks: 20 ft
         - Maximum Height: 35 ft. [Amended November 4, 2025]

      vi. District Standards.
         - [Reserved]

3. Commercial Zone.
    a. Purpose.

    The area where future commercial development outside of the village district shall take place. Legal nonconforming home occupations and commercial activities in the commercial zone are grandfathered for their present use. Residential use, except for mobile home parks, will be allowed in the Commercial zoning district. All commercial uses or services must meet the land area of the minimum lot size for a single-family residence.

    b. Permitted Uses.
        - Accessory Dwelling Unit
        - Adult Entertainment Establishment (subject to the provisions of Section 601)
        - Agriculture
        - Amusement Facility
        - Automobile Sales
        - Automotive Repair Services and Garages
        - Bed and Breakfast
        - Boarding and Lodging Facility
        - Boarding Stable
        - Campground
        - Cemetery
        - Commercial School
        - Commercial Tower
        - Community Garden
        - Community Living Facility
        - Condominium
        - Contractor's Yard
        - Convalescent or Rest Home
        - Day Care Facility
        - Drive-through Facility
        - Duplex
        - Essential Services
        - Flea Market
        - Home Occupation
        - Hotel
        - Individual Private Campsite
        - Library
        - Light Manufacturing (subject to the limitations set forth in Section 508)
        - Lumber Yard
        - Kennel
        - Manufactured Housing
        - Marina

- Marine Sales and Service
- Medical Marijuana Registered Caregiver (subject to the provisions of Section 614)
- Mobile Vendor
- Multi-family Dwelling
- Municipal Facility
- Museum
- Nursing Home
- Personal Services
- Place of Worship
- Private Utility Substation
- Professional Office
- Public Facility
- Recreational Facility, Indoor
- Recreational Facility, Outdoor
- Recreational Facility, Public
- Residential Dwelling Unit
- Residential Institution
- Restaurant
- Retail Use
- Sanitary Facilities
- Sawmill
- School
- Seasonal Dwelling
- Service Business
- Small Engine Repair
- Solar Energy System, Accessory
- Solar Farm, Medium
- Solar Farm, Large
- Timber Harvesting
- Veterinary Clinic
- Wholesale Sales
- Yard Sale

c. Prohibited Uses

1. All uses not specifically noted as permitted in Section 504.3.b. are prohibited without an amendment to this ordinance. In addition, any uses prohibited in the Naples Shoreland Zoning Ordinance are not permitted in the Commercial Zone District if the use is also located within the Shoreland Zoning Overlay District.

d. Dimensional Standards.

i. Minimum Lot Size: 40,000 sq ft
   - The minimum lot size is for the first single-family dwelling unit, with each additional single-family dwelling unit requiring an additional 40,000 sq ft.

ii. Net residential density:
   - Duplex Dwelling: 30,000 sq ft per dwelling unit
   - Multi-family Dwelling: 20,000 sq ft per unit, plus 10,000 sq ft per unit for common space (including roads). In addition to the requirements and regulations set forth in this ordinance, Multi-Family Dwelling developments designated as affordable housing and intended to meet the requirements of Title 30-A MRSA § 4364 are eligible for a density bonus. Refer to Section 611.11 for the affordable housing designation criteria and the associated density bonus.

iii. Minimum Road Frontage: 100 ft per lot

iv. Setbacks:
   - Minimum Front Setback measured from the right-of-way: 20 ft
   - Minimum Side and Rear Setback: 20 ft

v. Maximum Height: 35 ft [Amended November 4, 2025]

vi. Back Lots - does not apply to subdivisions approved after 1986 a.
   - Access via Right-of-Way: 20 ft minimum in width
   - Minimum Setbacks: 20 ft
   - Maximum Height: 35 ft [Amended November 4, 2025]

e. District Design Standards

All new commercial and multifamily buildings, additions, expansions, reconstruction, and/or structures in the Commercial Zone that are visible 4 feet above the high-water mark on a great pond or the Crooked River or Songo River, from a public road and from abutting properties shall adhere to the following design standards:

i. **Shall** create a variety of story heights along facades.

ii. **Shall** provide clearly visible and identifiable entrances that are recessed or articulated with projected coverings. In mixed use buildings, entrances shall distinguish between upper floor residential or commercial uses through different facade treatments.

iii. Windows and transparent openings along the front facade should be maximized to the extent possible.

iv. **Shall** use a variety of materials or patterns in the facade to add visual interest but limit the number to avoid visual overload.

v. Shadow lines and patterns using architectural elements such as overhangs, projections, reveals, etc. shall be encouraged.

vi. **Shall** strive for visual simplicity rather than complexity.

vii. **Shall** use durable and eco-friendly materials and be consistent with the traditional New England building vernacular.

viii. **Shall** use materials that have texture, pattern, or lend themselves to a high quality of detailing.
ix. Natural colors and earth tones for buildings are preferred.
x. Contemporary forms and materials are welcome as long as they reinterpret and echo the region's traditional design forms and materials.
xi. Roof lines shall have variation using gable, shed, and hip roofs.
xii. Roof forms shall be altered to break down large roof masses using dormers, chimneys, cupolas, etc.
xiii. Roofs shall incorporate overhangs and eaves.
xiv. Pitched roofs are encouraged. Low pitches are acceptable at small roof sections such as porches, arcades, entries, etc.
xv. Roofs shall have sufficient depth to appear as a functional roof. Mansard roofs are discouraged. Roofing materials should not be used as siding for a top story. Roofs should read as functional over a building and not as a decorative feature added to the facade.
xvi. Flat roofs with articulated parapets that become an expression of the building facade are permitted subject to review. False gable-end shaped parapets at flat roofs are strongly discouraged and should be avoided.
xvii. Rooftop equipment should be concealed from ground view.

f. When the installation of a sidewalk is not practical at the time of application, the applicant may enter into an agreement with the Town opting to escrow the total cost of materials and installation in the name of the Town of Naples and as agreed to by the Road Commissioner. Escrowed funds would then be used at the Town's discretion for a future sidewalk installation when and where it may be more practical for the Town's needs. The agreement and escrow would satisfy the sidewalk construction requirement for development application approval. If sidewalks exist on lots adjacent to the proposed job site or there is a near term (less than 3 years) plan for sidewalks on the primary road where the site driveway entry will be placed the developer shall deposit an amount equal to the amount required to install sidewalks along the entire frontage of their property. If sidewalks do not exist on lots adjacent to the proposed job site or there is no near term (less than 3 years) plan for sidewalks on the primary road where the site driveway entry will be placed the developer shall deposit an amount equal to 10 linear feet of sidewalk right and left of the driveway entry (totaling 20 feet) based on the prevailing rate per linear foot of sidewalk.

4. Residential Growth Zone.
   a. Purpose.

   The area of the town where residential growth shall be encouraged. Legal nonconforming home occupations and commercial activities in the residential growth zone are grandfathered for their present use. The area will allow all types of residential development including mobile home parks.

   b. Permitted Uses.
      - Accessory Dwelling Unit
      - Agriculture
      - Bed and Breakfast
      - Boarding and Lodging Facility
      - Cemetery
      - Commercial Tower
      - Community Living Facility
      - Community Garden
      - Condominium
      - Convalescent or Rest Home
      - Day Care Facility
      - Duplex
      - Essential Services
      - Home Occupation
      - Individual Private Campsite
      - Library
      - Manufactured Housing
      - Medical Marijuana Registered Caregiver (subject to the provisions of Section 614)
      - Mobile Home
      - Mobile Home Park
      - Multi-family Dwelling
      - Municipal Facility
      - Museum
      - Nursing Home
      - Place of Worship
      - Public Facility
      - Residential Dwelling Unit
      - Residential Institution
      - School
      - Seasonal Dwelling
      - Solar Energy System, Accessory
      - Timber Harvesting
      - Yard Sale
   c. Prohibited Uses

i. All uses not specifically noted as permitted in Section 504.4.b. are prohibited without an amendment to this ordinance. In addition, any uses prohibited in the Naples Shoreland Zoning Ordinance are not permitted in the Residential Zone District if the use is also located within the Shoreland Zoning Overlay District.

d. Dimensional Standards.

i. Minimum Lot Size: 40,000 sq ft

- The minimum lot size is for the first single-family dwelling unit, with each additional single-family dwelling unit requiring an additional 40,000 sq ft. ii.

ii. Net Residential Density:

- Duplex Dwelling: 30,000 sq ft per dwelling unit
- Multi-family Dwelling: 20,000 sq ft per unit, plus 10,000 sq ft per unit for common space (including roads). In addition to the requirements and regulations set forth in this ordinance, Multi-Family Dwelling developments designated as affordable housing and intended to meet the requirements of Title 30-A MRSA § 4364 are eligible for a density bonus. Refer to Section 611.11 for the affordable housing designation criteria and the associated density bonus.

iii. Minimum Road Frontage: 100 ft per lot

iv. Setbacks:

- Minimum Front Setback measured from the right-of-way: 20 ft
- Minimum Side and Rear Setback: 20 ft

v. Maximum Height: 35 ft [Amended November 4, 2025]

vi. Back Lots - does not apply to subdivisions approved after 1986 a.

- Access via Right-of-Way: 20 ft minimum in width
- Minimum Setbacks: 20 ft
- Maximum Height: 35 ft [Amended November 4, 2025]

5. Village District Zone

a. Purpose.

The Village District area shall be a mixed residential, commercial, and municipal service area. Legal nonconforming home occupations and commercial activities in the village district zone are grandfathered for their present use. Architectural design matching the historical character and small-town image of the area shall be applied to all new construction and maintenance of existing buildings.

b. Permitted Uses.

i. Residential Uses:

- Single family detached dwellings, which may include manufactured housing.
- Two family dwellings
- Multi-family dwellings.

ii. Commercial Uses:

- Retail businesses, street vendors with less than 64 square feet of sales area, pushcarts, service businesses, and professional offices.
- Municipal and Other Governmental Uses
- Institutional Uses

m. Mixed Uses Including Home Occupations:

- Residential use and non-residential use are permitted on the same lot in the Village District (this includes only those uses otherwise allowed in the Village District).
- Accessory Dwelling Unit
- Amusement Facility
- Aquaculture
- Bed and Breakfast
- Boarding and Lodging Facility
- Cemetery
- Community Living Facility
- Condominium
- Day Care Facility
- Duplex
- Essential Services
- Governmental Facility
- Home Occupation
- Hotel
- Library
- o Manufactured Housing

- Marina
- Marine Sales and Service
- Medical Marijuana Registered Caregiver (subject to Section 614)
- Mobile Vendor
- Multi-family Dwelling
- Municipal Facility
- Museum
- Place of Worship
- Professional Office
- Public Facility
- Residential Dwelling Unit
- Residential Institution
- Restaurant
- Retail Use
- Sanitary Facilities
- Seasonal Dwelling
- Solar Energy System, Accessory
- Timber Harvesting
- Veterinary Clinic
- Yard Sale

c. Prohibited Uses
   i. All uses not specifically permitted in 504.5.b are prohibited. In addition, commercial towers, new and used motor vehicle sales, unlicensed massage businesses, street vendors utilizing more than 64 square feet of sales area, flea markets, and any uses prohibited in the Naples Shoreland Zoning Section 15 G are not permitted in the Village District.

d. Dimensional Standards. The following space and bulk standards shall apply in the Village District:
   i Minimum Lot Size
      - Lots without access to public water and sewer: 40,000 sq ft. The minimum lot size is for the first single-family dwelling unit, with each additional single-family dwelling unit requiring an additional 40,000 sq ft.
      - Lots served by public water and sewer: 15,000 sq ft
   ii. Net Residential Density
      - Duplex Dwelling: 30,000 sq ft per dwelling unit
      - Multi-Family Dwelling: 20,000 sq ft per unit, plus 10,000 sq ft per unit for common space (including roads). In addition to the requirements set forth in this ordinance, Multi-Family Dwelling developments designated as affordable housing and intended to meet the requirements of Title 30-A MRSA § 4364 are eligible for a density

bonus. Refer to Section 611.11 for the affordable housing designation criteria and associated density bonus.

iii. Setbacks
- Minimum Front Setback measured from the right-of-way: 20 ft
- Minimum Side and Rear Setbacks: 20 ft

iv. Minimum Road Frontage: 100 ft per lot
v. Maximum Height: 40 ft [Amended November 4, 2025]
vi. Maximum building coverage: 50%
vii. Maximum impervious area: 75%

e. District **Design** Standards

All new commercial and multifamily buildings, additions, expansions, reconstruction, and/or structures in the Village Zone that are visible 4 feet above the high-water mark on a great pond or the Crooked River or Songo River, from a public road and abutting properties shall adhere to the following design standards:

i. **Shall** create a variety of story heights along facades.
ii. **Shall** provide clearly visible and identifiable entrances that are recessed or articulated with project coverings. In mixed use buildings entrances shall distinguish between upper floor residential or commercial uses through different fa9ade treatments.
iii. Windows and transparent openings along the front fa9ade should be maximized to the extent possible.
iv. **Shall** use a variety of materials or patterns in the facade to add visual interest but limit the number to avoid visual overload.
v. Shadow lines and patterns using architectural elements such as overhangs, projections, reveals, etc. shall be encouraged.
vi. **Shall** strive for visual simplicity rather than complexity.
vii. **Shall** use durable and eco-friendly-materials and be consistent with the traditional New England building vernacular.
viii. **Shall** use materials that have texture, pattern, or lend themselves to a high quality of detailing.
ix. Natural colors and earth tones for buildings are preferred.
x. Contemporary forms and materials are welcome as long as they reinterpret and echo the region's traditional design forms and materials.
xi. Roof lines shall have variation using gable, shed, and hip roofs.
xii. Roof forms shall be altered to break down large roof masses using dormers, chimneys, cupolas, etc.
xiii Roofs shall incorporate overhangs and eaves.
xiv. Pitched roofs are encouraged. Low pitches are acceptable at small roof sections such as porches, arcades, entries, etc.

xv. Roofs should have sufficient depth to appear as a functional roof. Mansard roofs are discouraged. Roofing materials should not be used as siding for a top story. Roofs should read as functional over a building and not as a decorative feature added to the facade.

xvi. Rooftop equipment should be concealed from ground.

6. Causeway Overlay District.
   a. Purpose.

   The Causeway Overlay District shall be a mix of commercial uses on the ground level and residential and/or commercial uses on upper levels. The Causeway Overlay District overlays the Shoreland Zoning Limited Commercial District, as shown on the Official Shoreland Zoning Map.
   b. See the Naples Shoreland Zoning Ordinance for Permitted Uses, Dimensional Standards and District Standards.

505 Existing Commercial Activities outside the commercial area

Such uses are grandfathered for their present use only, and home occupations will be allowed in all areas except the critical rural area.

506 Compliance

All activity in any of the Zoned area shall comply with all applicable Naples Ordinances and the Shoreland Zoning Ordinance and shall be in compliance with the Naples Comprehensive Plan.

507 Accessory Dwelling Units

The purpose of this Section is to encourage a diversity of housing options that help maintain a viable year round population; provide homeowners with a means of obtaining, through tenants in either the Accessory Dwelling Unit or the single family dwelling, rental income, companionship, security and services; develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in life; and protect neighborhood stability, property values and the single-family residential appearance of the property and the neighborhood by ensuring that Accessory Dwelling Units are installed under the conditions of this Section.

1. Within the Shoreland Zone: Accessory Dwelling Units are prohibited in the Shoreland Zone.
2. Outside the Shoreland Zone: The Code Enforcement Officer may issue a permit for the installation/construction of an Accessory Dwelling Unit provided the following standards and criteria are met:
    a. The owner must occupy either the single-family dwelling or the Accessory Dwelling Unit as his/her primary or legal residence. Continued occupancy of the Accessory Dwelling Unit upon sale or transfer of the property is conditioned upon the new owner agreeing to the owner occupancy requirement. Transfer of ownership requires a new Accessory Dwelling Unit permit be issued prior to occupancy if the new owner wants to continue the Accessory Dwelling Unit use.
    b. The Accessory Dwelling Unit shall contain a minimum total floor area of one hundred ninety (190) square feet and contain a maximum total floor area of eight hundred (800) square feet.
    c. An Accessory Dwelling Unit is allowed on a lot that does not conform to the municipal zoning ordinance if the Accessory Dwelling Unit does not further increase the nonconformity. [Amended May 20, 2025]
    d. Accessory Dwelling Units may be constructed/located only:
        i. Within an existing dwelling on the lot;
        ii. Attached to or sharing a wall with a single-family dwelling unit; or

iii. As a new structure on the lot for the primary purpose of creating an Accessory Dwelling Unit.

e. Proper ingress and egress shall be provided to the Accessory Dwelling Unit.

f. Only one (1) Accessory Dwelling Unit is allowed per lot.

g. Accessory Dwelling Units may not be leased/rented for a period of less than sixty (60) days. Evidence of such, such as a deed restriction recorded at the Cumberland County Registry of Deeds, shall be included with the required Registration Form submitted to the Code Enforcement Officer.

h. An application to the Code Enforcement Officer for an Accessory Dwelling Unit shall be accompanied by a Registration Form available from the Code Enforcement Officer, filled in by all owners of the property. Upon approval of the application by the Code Enforcement Officer, the.applicant shall record the Registration Form in the Cumberland County Registry of Deeds within ninety (90) days after the Code Enforcement Officer's approval of the permit, with a copy of the recorded document provided to the Code Enforcement Officer within thirty (30) days of it being recorded. Failure to do so shall void the Accessory Dwelling Unit permit, and the approval can only be revived by submission and approval of a new application.

1. The applicant shall have the burden to establish the lot area. The Code Enforcement Officer may require the lot area to be established by a survey signed and sealed by a Maine licensed land surveyor. The wastewater disposal system on the property in question shall be functioning properly at the time of application. In addition, the applicant must submit a new HHE- 200 form as documentation that the existing system can support the addition of an Accessory Dwelling Unit. The HHE-200 form, after review and approval by the Local Plumbing Inspector, shall be recorded by the applicant at the Cumberland County Registry of Deeds at the same time that the Registration form is recorded, with a copy of the HHE-200 form as recorded provided to the Code Enforcement Officer within ten (10) days of it being recorded. Failure to provide a copy of the HHE-200 form to the Code Enforcement Officer within ten (I 0) days of it being recorded shall void the Accessory Dwelling Unit permit. [Amended May 20, 2025]

J. The applicant shall comply with all applicable zoning, building, plumbing, electrical and fire safety codes in effect at the time of permit application.

k. No use, dimensional or other variances shall be granted for installation/construction of an Accessory Dwelling Unit.

I. An Accessory Dwelling Unit that complies with the requirements of this Section shall not be counted towards net residential density.

m. If the property is found to be in non-compliance with the standards contained in this Section, the non-compliance shall be considered a violation of this Ordinance and may subject the owner and/or occupant to further enforcement action and possible civil penalties.

508 Limited Allowance of Light Manufacturing in Commercial District

Light manufacturing use is allowed with Planning Board site plan review and

approval in those portions of the Commercial zoning district with (i) frontage along State Route 11 between US Route 302 and the Casco town line, and (ii) frontage on Route 302 and located south of the Village District between Harrison Road and the Casco town line, subject to the following standards;

1. Space and Bulk Standards
    a. Minimum lot size: 2 acres
    b. Minimum Frontage on State Route I: 200 feet
    c. Front setback for Principal and Accessory Structures and buildings: 50 feet
    d. Minimum side and rear setbacks for Principal and Accessory structures and buildings: 50 feet
    e. Maximum height for Principal and Accessory Structures and buildings: 55 feet buildings or structures
    f. Maximum footprint of Principal Structure or building: 20,000 square feet
    g. iiiiiii..Maximum combined total footprint of all Accessory Structures or buildings: I0,000 square feet
    h. Maximum Impervious Surface lot coverage area: 50 Percent
2. Development Standards
    a. Street line landscaped area
        i. A strip of land not less than 25 feet in width shall be maintained as a vegetated area adjacent to the front property line. This area shall be appropriately landscaped and maintained as a vegetated area. Where tree lines exist along existing streets or roads, an effort shall be made to preserve this feature and suitable provisions made to protect it through deed covenants or easements. This vegetated area shall not be used as parking, for the storage or display of materials, or for the location of dumpsters or similar items. Access drives may cross this area but drives or accessways providing internal circulation shall not be located within this area.
    b. Residential buffer
        i. A 50-foot buffer strip shall be maintained along any lot line adjoining a lot being used for residential purposes. This buffer strip shall be maintained as a vegetated area and shall not be used as parking, for the storage or display of materials, or for the location of dumpsters or similar items. A visual barrier shall be established within the buffer strip by landscaping and/or fencing.
3. Performance Standards

    Light manufacturing uses shall conform to all site plan review standards, plus the following:
    a. All production operations shall occur within a fully enclosed building or structure.
    b. No equipment, materials or derelict vehicles shall be stored on the site unless they are enclosed within a secure area and screened from view from public streets and adjacent properties.
    c. Equipment and other activities shall not produce vibration measured at the lot line which is perceptible without instruments. In no case shall vibration

at the lot line exceed .003 of one inch.

d. No offensive, harmful or noxious odors shall be emitted that create a public nuisance or hazard beyond the lot line of the parcel.

e. No electromagnetic interference shall be permitted that does not conform to

4. State and federal standards.

a. Off-street parking shall be located on the same lot with the principal building.

b. Parking areas shall be arranged so that it is not necessary for vehicles to back into the street.

c. Parking stalls and aisle layout shall conform to the standards in Table 1 of this subsection.

5. Table 1 - Parking Stall and Aisle Layout

Parking Angle (in degrees) .	**Stall Width**	**Skew Depth**	**Stall Depth**	**Aisle Width**
90	9'0"	0'O"	18' O"	24' 0" two-way
60	8' 6"	10' 6"	8" 0"	16' 0" one-way
45	8' 6"	12' 9"	17' 6"	12' 0" one-way
30	8' 6"	17' 0"	17' O"	12' 0" one-way

a. In parking lots utilizing a parking angle of 90 degrees, thirty percent (30%) of the spaces shall be created with a stall width of 10'-0" and a stall depth of20'-0". Remaining spaces shall be created with a stall width of at least 9'-0" and a stall depth of a least 18'-0".

b. In lots utilizing diagonal parking, the direction of proper traffic flow shall be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

c. A minimum of 1.5 parking spaces per 500 square feet of floor area shall be provided, but in no case less than one space for every two employees.

d. The closest boundary of the parking area shall be within 300 feet of the principal building for which the spaces are required.

e. Five percent (5%) of the total parking area, including maneuvering areas but not including access roads which are not a part of the parking area itself, shall be landscaped and maintained with trees, shrubs, and other natural vegetation, in a manner approved by the Planning Board.

f. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six (6) inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability to fine gravel.

g. A system of surface drainage and erosion control shall be provided in such a way that the water runoff shall be disposed of on the site of development and, to the extent practicable, done so through the wise use of the natural features of the site.
h. Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.
i. Off-street loading: Each loading bay shall have minimum dimensions of 50 feet by 14 feet and may be located either within a building or outside and adjoining an opening in the building. Every part of such loading bay shall be located completely off the street. In case trucks, trailers, or other motor vehicles larger than the dimensions of the minimum loading bay habitually serve the building in question, additional space shall be provided so that such vehicle shall park or stand completely off the street. All loading bays and waiting areas shall be screened.

Section 600 Performance Standards

601 Adult Entertainment Establishments

Adult Entertainment Establishments shall be permitted in the Commercial zoning district, provided that the following standards are met.

1. Age Restricted. No Adult Entertainment Establishment may permit any person under the age of 18 years onto the premises in which the Adult Entertainment Establishment is located.
2. Location Restricted. An Adult Entertainment Establishment may not operate or be located within 5,000 feet of any of the following structures or uses:
    a. A church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities.
    b. A public park or recreation area, a playground, nature trails, athletic field, basketball, or tennis courts, skating rink or other similar recreation area.
    c. A public or private educational facility, including but not limited to a child care facility, nursery school, preschool, kindergarten, elementary school, private school, intermediate school, junior high school, middle school, high school, vocational school, career and technical education center, career and technical region, secondary school, continuation school, special education school, day center, junior college, or university. "Educational facility" includes the school grounds.
    d. Any public or private facility that caters to minors, including but not limited to an ice cream store, toy store, summer camp, or nonprofit facility primarily serving youth such as the YMCA or the Boys and Girls Club.
    e. Another Adult Entertainment Establishment.
3. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the nearest property line of the premises where the Adult Entertainment Establishment operates to the nearest property line of the structures or uses identified in subsections 2.a through 2.d, above. For purposes of subsection 2.e, above, the distance between any two Adult Entertainment Establishments shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each Adult Entertainment Establishment is located.
4. A lawfully operating Adult Entertainment Establishment is not rendered nonconforming by the subsequent location of any structure or use identified in subsections 2.a through 2.d, above, within 5,000 feet of said lawfully operating establishment, provided the rights of said establishment have vested prior to the location of one of said structures or uses. Vesting shall have occurred if the owner of the Adult Entertainment Establishment: (i) exercised due diligence in attempting to comply with the law, (ii) demonstrated good faith throughout the review proceedings before the Board, (iii) expended substantial unrecoverable funds in reliance on the Board's approval, (iv) the period during which an appeal could have been taken from the

Board's approval of the application has expired, and (v) there is insufficient evidence to prove that individual property rights or the public health, safety, or welfare would be adversely affected by the project as approved.

5. No Co-Location. An Adult Entertainment Establishment may not operate in the same building or structure, or portion thereof, containing another Adult Entertainment Establishment.
6. No merchandise or activities of any Adult Entertainment Establishment shall be visible from a point outside of said establishment.
7. Signage. An Adult Entertainment Establishment shall install an 8.5 x 11-inch sign at each entrance to the establishment stating "No Admission Under 18" or similar wording accepted by the reviewing authority. No flashing lights, words, lettering, photographs, silhouettes, or drawings shall be used on the exterior of any building or be visible from the exterior of any building in which an Adult Entertainment Establishment is operating. All other signage for an Adult Entertainment Establishment shall comply with the requirements of Section 710 of this Ordinance.
8. No Adult Entertainment Establishment shall be open between the hours of 11PM and 9AM.
9. No Overnight Assembly. Overnight assembly or stay at the premises of an Adult Entertainment Establishment by any patron, customer, or employee (except security personnel) of said establishment is prohibited.
10. Prohibited Activities. Notwithstanding anything to the contrary in this Ordinance, the following uses and activities are prohibited:
    f. Public Indecent Conduct. All acts of public indecency, as defined in 17-A M.R.S. § 854, as may be amended from time to time, on the premises of an Adult Entertainment Establishment are prohibited.
    g. Adult Spas. Unlicensed massage parlors, also known as adult spas, are prohibited.
    h. Nude Entertainment. No person may appear in a state of nudity while acting as a salesperson, wait staff person, entertainer, dancer, performer, or in any other capacity as an owner, manager, agent, contractor, or employee in an Adult Entertainment Establishment that is licensed to serve liquor to its patrons. No person may cause, permit, procure, counsel, or assist any person to violate this prohibition.
    i. Public Displays of Specified Sexual Activities or Specified Anatomical Areas. No Adult Entertainment Establishment may display, facilitate the display, or cause or permit the display of Specified Sexual Activities or Specified Anatomical Areas in such manner that such Specified Sexual Activities or Specified Anatomical Areas are visible from any public or private right-of-way, roadway, highway, or sidewalk.
    j. Obscenity. Furnishing, offering to furnish, or advertising to furnish for any form of consideration any obscene materials or obscene performances, whether or not associated with an Adult Entertainment Establishment, is prohibited.

602 (RESERVED SECTION for Automotive Repair Services and Garages]

603 Back lots

1. Must conform to the current minimum lot size criteria, except for road frontage requirements.
2. A back lot may only be created on a lot in existence as of June 8, 2001.
3. No more than two (2) back lots are allowed on a parcel of land.
4. A back lot shall be accessed by a right of way of no less than twenty (20) feet in width.

604 Contractor's Yard

1. Visual Screening. All stockpiled materials, including sand, gravel, crushed rock, topsoil, mulch, and other similar materials, as well as outdoor storage areas for equipment, and vehicles must be screened from abutting properties and public rights-of-way with 6-foot fencing or screened with well-maintained evergreen vegetation a minimum of 6-feet high at the time of planting.
    a. Fencing or landscaping requirements may be reduced by the review authority where the Contractor's Yard is adequately screened through existing vegetated area, the position of the buildings on-site, or by using the site's topography to minimize view of the Contractor's Yard from abutting properties and public rights- of-way.
2. Solid Waste and Recycling. All dumpsters or similar large collection receptacles for waste materials and recyclables must be located on level compacted gravel or pavement. These receptacles shall be screened from view with opaque fencing or landscaping.
3. Lighting. Lighting may be used which serves security, safety and operational needs.
    a. All lighting shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.

605 (RESERVED SECTION for Event Center]

606 Frontage

The following ways shall constitute legal access to a lot along which frontage may be measured:

1. A way accepted by or established as belonging to the Town of Naples, Cumberland County, or the State of Maine, provided access is not specifically prohibited;
2. A way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;

3. A way which has not been accepted by a governmental unit which was established prior to the effective date of the Maine Subdivision Act (September 22, 1971) and is documented in a plan or deed recorded in the Registry of Deeds; and
4. A private way created by a deeded right-of-way which is a minimum of twenty (20) feet in width, which serves no more than two (2) lots, neither of which shall be part of a subdivision which meets all of the requirements for the district in which it is located, and which meets the following standards for improvement:
    a. The roadway shall be constructed with a minimum of fifteen (15) inches of aggregated subbase course MOOT Type D gravel with a maximum four (4) inch stone size, shall have six (6) inches of aggregated base course MOOT Type A gravel, shall have a minimum width of the surface of the travel way of sixteen (16) feet, and shall have adequate surface and subsurface drainage.
    b. A private way shall not serve as access to any lot in a subdivision nor shall any private way created after the date of adoption of this section be offered to the Town for acceptance as a Town way until it is brought up to the standards of the Town of Naples.
    c. In the case of a lot situated on a curve of a way or on a corner of two ways, the measurement of frontage may include the entire length of the property along such a way or way.

607 Home Occupation

1. Purpose. The purpose of this section is to ensure home occupations balance the economic and community benefits of allowing home-based businesses with the goal of protecting the quality of life of the surrounding residential neighborhood from unreasonable or unsafe intrusions and nuisances inappropriate to a residential setting. Regulation of home occupations should not prohibit beneficial and unobtrusive uses and should provide standards to protect health, safety, and general welfare of the surrounding neighborhood.
2. Applicability. These regulations take a two-tier approach to regulating home occupations. At the least intrusive level are business activities that by their nature and intensity will be compatible with a residential location. These types of businesses are considered minor home occupations and require only review by the Code Enforcement Officer for compliance with the standards. A major home occupation in a residential district has the potential to be incompatible with its neighborhood setting. Therefore, a public hearing with notification to abutting property owners and Planning Board approval is necessary. A more extensive business activity that does not satisfy the standards for a major home occupation is treated as a type of commercial use and does not qualify as an acceptable type of home occupation. Such businesses should be located in an appropriately zoned area of the Town.
3. A Home Occupation, Minor shall not utilize more than twenty percent (20%) of the total floor area of the dwelling unit. In the case the Home Occupation utilizes more than twenty percent (20%) of the total floor area of the dwelling unit; it should be considered a Home Occupation, Major.

4. A Home Occupation, Major shall not utilize more than fifty percent (50%) of the total floor area of the dwelling unit.

5. Home Occupation, Minor
    a. Permit Required. A permit must be obtained from the Code Enforcement Officer prior to the installation of a Home Occupation, Minor.•
    b. The granting of a home occupation shall apply to the applicant only while the applicant resides at the property.
    c. Standards.
        i. Compliance with the definition of Home Occupation. The Home Occupation, as an accessory use, must be secondary to the dwelling use for living purposes and does not change the character thereof. The occupation or the office must be wholly located within the principle or accessory structure.
        ii. Employment. Home occupation or office will be managed by a member of the family residing within the dwelling unit. Up to two
        (2) employees on premises at one time who do not reside in the dwelling may be employed in a home occupation.
        iii. Outdoor Storage and Exterior Displays. Outdoor storage, exterior displays, and exterior indication of the Home Occupation will not be permitted.
        iv. Business Hours. Business activities involving clients or customers on the premises or vehicular traffic to and from the premises must not be conducted between the hours of 7PM and 8AM, except for a Bed and Breakfast or Daycare Facility.
        v. Parking. A plan must be submitted to the Code Enforcement Officer showing sufficient and safe parking for customers, clients, and workers use during normal business operations.
        vi. Signage. Not more than one (1) sign will be permitted and not be more than three (3) square feet. Any Signage must meet the standards in Section 700.
        vii. Noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare will not be detectable beyond property limits.
    d. Conditions. The Code Enforcement Officer may place conditions on the Home Occupation to minimize impacts on area properties. The conditions must be related to the Code Enforcement Officer's findings on the standards of Home Occupation.

6. Home Occupation, Major
    a. Approval Required. Planning Board approval, including public notice and a public hearing, must be obtained prior to the installation of a Home Occupation, Major.
    b. The granting of a Home Occupation shall apply to the

applicant only while the applicant resides at the property.

c. Standards.

i. Compliance with the definition of Home Occupation. The Home Occupation, as an accessory use, must be secondary to the

dwelling use for living purposes and does not change the

character thereof. The occupation or the office must be wholly located within the principle or accessory structure.

ii. Employment. There must be no more than five (5) persons on premises at one time, inclusive of residents employed by the Home Occupation.

iii. Outdoor Storage and Exterior Displays should be minimized to the greatest extent possible. All outdoor storage of equipment, or items associated with the home occupation must be screened from view of abutting properties and from all streets.

iv. Business Hours. Business activities involving clients or customers on the premises or vehicular traffic to and from the premises must not be conducted between the hours of 7PM and 8AM, except for a Bed and Breakfast or Daycare Facility.

v. Parking. A plan must be submitted to the Planning Board showing sufficient and safe parking for customers', clients', and workers' use during normal business operations to prevent parking from overflowing off the site. The creation of more than four (4) off-street parking spaces must be located, designed, screened, and landscaped to minimize adverse impact on abutting properties.

vi. Signage. Not more than one (1) sign will be permitted and must not be more than three (3) square feet. Any signage must meet the standards in Section 700.

vii. Noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare will not be detectable beyond property limits.

d. Conditions. The Planning Board may place conditions on the Home Occupation to minimize impacts on area properties. The conditions must be related to the Planning Board's findings on the standards of Home Occupations set forth in Section 6.c. in this Ordinance.

608 Individual Private Campsites

1. Individual private campsites
    a. Within the Shoreland Zone: Individual private campsites not associated with campgrounds are allowed provided the conditions set forth in Section 15(F) of the Shoreland Zoning Ordinance are met.
    b. Outside the Shoreland Zone: Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:
        i. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
        ii. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year in any calendar year, all requirements for residential dwelling units shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.
        iii. Any recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

609 Manufactured Housing, Mobile Homes, and Mobile Home Parks

1. Manufactured housing shall meet all applicable standards of 30-A, M.R.S.A § 4358.
2. Standards for manufactured housing:
    a. All mobile home units must be manufactured after June 15, 1976 and shall have a manufacturer-installed sticker indicating HUD approval.
    b. All units must be manufactured with a pitched, shingled roof, with a minimum slope three inches on 12 inches (3:12).
    c. All units must have residential-type siding, such as clapboards, shakes, horizontally applied aluminum, or vinyl resembling clapboards.
    d. All units, excluding individual mobile home park installations, must have a permanent foundation, which may be either a full basement or a poured or block frost wall.
    e. All other sections of this title must be adhered to.

610 [RESERVED SECTION for Mineral Extraction)

611 Multi-Family Dwelling

The construction of any new multi-family dwelling or the conversion of an existing single-family or two-family dwelling into a multi-family dwelling shall be done in accordance with the following standards:

1. Multi-family dwellings in developed areas shall retain and respect the existing streetscape and character of the neighborhood. This shall include the size and massing of structures, the relationship of buildings to the street and the use and treatment of front yard areas.
2. For new construction, utilities shall either be placed underground or, if above the ground, designed so as to be visually compatible with the overall development.
3. All required yard area shall be retained as open, landscaped areas which are not occupied by buildings, structures, parking lots, storage, or similar uses. Access roads or drives and sidewalks may be located to allow vehicular and pedestrian traffic to cross yard areas.
4. A buffer shall be established between the multi-family housing and any abutting single- family or two-family dwellings. The buffering shall be sufficient to minimize any kind of potential nuisance, such as, but not limited to, headlights, noise, storage areas or waste collection and disposal areas. The buffering shall consist of landscaping, fencing, grading, or a combination of features.
5. All private access roads shall be located within a 50-foot dedicated right-of-way. No off-street parking shall be located within this right-of-way.
6. Outdoor Space: The developer shall provide a minimum of250 square feet of private, outdoor space for each dwelling unit.
7. The developer shall provide a minimum of 250 square feet of common, outdoor space for each dwelling unit which shall be developed with appropriate recreation facilities.
8. Any roads that are offered for public acceptance shall meet the standards for public roads contained in Section 1000 Subdivision. All roads shall remain private unless accepted by the legislative body of the Town at the annual Town Meeting.
9. All off-street parking and lighting must be adequately screened from view of public ways and from adjacent lots by buildings, topography, fencing or landscaping of reasonable opacity and at least four (4) feet high.
10. The number of dwelling units permitted on the site shall be determined by dividing the net residential acreage by the minimum lot area required per dwelling unit.
11. In accordance with Title 30-A **MRSA** § 4364, Multi-Family Dwelling developments designated as affordable housing shall be allowed a density bonus of 2.5 times the number of units allowed for a development not designated as affordable. The off-street parking requirements may also not exceed two spaces for every three units. In order to be designated as affordable housing, the development shall meet the following criteria:
    a. For rental units, a household with an income at no more than 80% of the area median income for the community, as defined by the U.S. Department of Housing & Urban Development, must be able to afford more than half the units in a proposed development. That means that rent and certain other

housing expenses will not require more than 30% of the household's income.

b. For homeownership projects, a household with an income at no more than 120% of the area median income for the community, as defined by the U.S. Department of Housing & Urban Development, must be able to afford more than half of the units in a proposed development. That means that mortgage payments (including mortgage insurance) will not require more than 30% of the household's income.

c. Units that will be affordable at these levels must be restricted through a restrictive covenant that is enforceable by a party acceptable to a municipality for at least 30 years, and states that the units must be restricted in rent or sales prices accordingly. The required covenant shall be recorded at the Cumberland County Registry of Deeds.

612 [RESERVED FOR Recreational Facilities]

613 Drive-through Facility

1. A Drive-through Facility shall only be allowed as an accessory use to a use permitted in the applicable zoning district.

614 Medical Marijuana Registered Caregiver

Medical Marijuana Registered Caregivers must operate in full compliance with applicable state laws and regulations and are subject to the following additional performance standards. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing Medical Marijuana Registered **Caregivers, tl1e stricter la\,;t Oi" regulatio11 sl1all coi1ttol.**

1. Only one Medical Marijuana Registered Caregiver or Medical Marijuana Registered Caregiver Cultivation Area may be located on a given lot, except to the extent that two Medical Marijuana Registered Caregivers are members of the same family or household and are authorized to cultivate medical marijuana within one Medical Marijuana Registered Caregiver Cultivation Area under 22 M.R.S. § 2423-A(3)(D).
2. No more than thirty (30) mature marijuana plants, or five-hundred (500) square feet of Medical Marijuana Plant Canopy may be cultivated within a Medical Marijuana Registered Caregiver Cultivation Area on any lot.
3. Marijuana cultivation by a Medical Marijuana Registered Caregiver is prohibited in the Shoreland Zone.

615 Solar Energy Systems and Solar Farms

1. Solar Energy Systems generating power for on-site consumption or to offset electrical use of on-site accounts shall be considered Accessory to the Principal Use.

    a. Solar Energy Systems, Accessory shall be permitted wherever Accessory Uses are permitted and shall conform to the standards for Accessory

b. Structures of the applicable district.
c. Solar Energy Systems, Accessory that is ground-mounted in the Shoreland Zone and Causeway Overlay districts must not be visible from any great pond or navigable water in town.

2. Solar Energy Systems generating power for off-site consumption or to offset electrical use of off-site accounts shall not be considered an Accessory Use and shall conform to the standards listed below.

a. Application Requirements for Solar Fann, Medium and Solar Farm, Large. Outside agency permitting must be completed prior to application submission. In addition to the site plan application requirements, when applicable, the Applicant shall submit the following supplemental information as part of a Planning Board application:
i. A fully executed and signed copy of the application for Site Plan Review. The application will be provided by the planning department.
ii. Name of the owner and operator of the facility, and the names of the owner of the property.
iii. A written lease agreement to demonstrate that the owner has right, title, and interest in the property.
iv. Cover letter describing the project, with details on the size and location of the proposed system and the subject property.
v. Plans (including location of proposed system, identifying the location of the facility on the property and physical dimensions of the system and the property. Location of any public road or right-of- way that is contiguous with the property. Location of overhead utility lines.
vi. A Maintenance and Operations Plan which should include revegetation monitoring, rehabilitation of disturbed soils, removal of invasive plants if applicable, infrastructure checks and safety provisions.
vii. A decommissioning plan which should include restoration measures to stabilize the site and mitigate erosion issues. The decommissioning plan should also address above-ground structure removal and disposal, below grade equipment, regrading, drainage structure repair, access roads, restorative work on adjacent lands, revegetation, and property owner notification.

b. Dimensional Standards
i. Minimum Lot Size = 5 acre minimum
ii. Solar Farms shall produce no more than 5MW of power.
iii. Maximum Developed Area/Area of Disturbance per Solar Farm = 60 acres.
iv. Maximum Height: 25 feet, measured from ground level to the highest point of the facility when oriented at maximum tilt.
v. Minimum Setbacks, Front, Side, and Rear: 50 feet

c. Solar Fann Performance Standards

i A sign shall be required to be installed on the property to identify the owner and provide a 24-hour emergency contact phone number. Additional signage may be required. All signs must conform to the standards of the Land Use Ordinance.

ii. All electrical and control equipment for a ground-mounted Solar Farm shall be labeled and secured to prevent unauthorized access.

iii. Solar Farms that have frontage on a public road must maintain a fifty (50) foot wooded buffer at the property's front, side, and rear lot lines.

iv. Existing trees, shrubs, and other vegetation within the buffer area shall be preserved. The Planning Board may require additional plantings to create a naturalized vegetated buffer.

v. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the Solar Farm. Removal of mature trees shall be avoided to the extent possible. Native, pollinator friendly seed mixtures shall be used to the extent possible. Herbicide and pesticide use shall be prohibited unless there is no feasible method to control an invasive species.

vi. Access drives may cross the buffer area, but parking areas or internal access drives may not be located within this area.

vii. Decommissioning and removal of the Solar Farm is required after twelve (12) consecutive months of no energy generation. The owner or operator and/or operator shall remove the system in its entirety from the Town of Naples no later than ninety (90) days after the end of the twelve-month period. No solar panels or demolition debris shall be stored on the project site.

viii. Removal surety required for all Solar Farms. Upon Site Plan approval, and prior to applying for any applicable building permits for a Solar Fann, Large the applicant shall submit to the Town a surety or performance guarantee to be approved by the Town Manager in the amount of 125% of the estimated removal costs. Such costs will account for physical removal of all structures, systems, equipment, security barriers and electrical lines, disposal of all solid and hazardous waste, and stabilization or re-vegetation of the site as necessary to minimize erosion. The surety or performance guarantee shall be kept in effect throughout the lifetime of the system, and the form and amount of the financial surety will be reviewed by the Town Manager or designee every five (5) years and renewed or adjusted as necessary.

ix. If the applicant sells the project to another party before

development or operation, the new owner must be reviewed by the Town Manager for financial and technical capacity before the new owner can begin development of the project.

x. Solar Farms shall be located outside of any portions of a property within a Shoreland or Stream Protection zone and must meet current standards. Additional plantings may be required to meet these standards.

xi. Applicant must demonstrate that the project is not viewable from 4 feet above the high-water mark on a great pond or the Crooked River or Songo River.

xii. Solar Farms must be sited on land with less than a 20% slope.

xiii The applicant must demonstrate that the Solar Farm is not viewable from a public road.

xiv. All Solar Farms must meet the standards of DEP Chapter 500 rules for stormwater management and must show that post- development stormwater conditions will not increase the flow above pre--development conditions.

xv. All electrical and mechanical equipment associated with the Solar Farm shall include acoustic shielding to mitigate noise levels.

xvi. As of the effective date of the Ordinance no more than five (5) active Solar Farms shall be issued building permits in the Town of Naples. Any Solar Farm projects on the following lots, formerly part of a Solar Overlay District, are exempt from this limit and will not count toward the limit: Map 04 Lot 02, Map RO? Lot 21, Map RO? Lot 65, Map ROS Lots 46, 46A, and 49, Map RI 1 Lot 75, Map R12, Lot 41.

Section 700 Signs

701 Purpose

The purpose of this ordinance is to regulate signs in order to promote and protect the public health, safety, and welfare; to protect property values; enhance and protect the physical appearance of the community; preserve scenic and natural beauty; reduce distractions and obstructions caused by signs that may contribute to traffic hazards and accidents; and implement the Naples Comprehensive Plan's objective to protect and enhance the rural character of the Town of Naples, by requiring new and replacement signage to be:

1. In keeping with Naples' unique small-town Maine character and the historic New England character of its Village District by (i) complementing, to the greatest extent possible, the unique aesthetics of the Naples location, with emphasis on natural materials and color schemes and traditional New England designs, and (ii) reflecting the Town's character, history, and its Western Maine lakes and mountains aesthetic;
2. Creative and distinctive in a way that is expressive of the individual identity of the proprietors and enhances an attractive economic and business climate;
3. In keeping with the use of intimate, traditional New England materials and finishes such as gold leaf, carved signs, wrought iron, stone and natural materials that invoke a historic look; and
4. Compatible with its surroundings and without adverse effects to nearby properties or the environment, including Naples' Dark Sky rural character.

702 Applicability

All signs within the geographic boundary of the Town of Naples must be designed, installed, and maintained in accordance with the provisions of this ordinance.

703 Sign Permits

1. Except as otherwise expressly provided herein, no person shall erect, display, enlarge, replace, relocate, physically reword, redesign, alter, or substantially repair a sign without first applying for and obtaining a permit from the Code Enforcement Officer.
2. Applications for a sign permit shall be on forms prescribed and provided by the Code Enforcement Officer and shall be submitted to the Code Enforcement Officer. Applications shall be accompanied by scaled drawing(s) and specifications. The drawing(s) shall include a rendering of the proposed sign and shall show the location of the sign on the premises, and the specifications shall include sufficient information to demonstrate compliance with the provisions of this ordinance. A record of such applications, drawings and specifications shall be kept on file in the Town Office. No sign permit shall be issued unless the

application, drawings, and specifications are in all respects in conformance with this ordinance.

3. All signs requiring a sign permit shall be properly maintained and shall not be erected within any State or Town right of way.
4. A sign permit shall lapse if the permitted sign is not installed within one (1) year of the permit date of issue.
5. The fee for sign permits, inspections and certificates shall be established by the Board of Selectmen.
6. The Code Enforcement Officer shall, within thirty (30) days from the date of filing a complete application for a sign permit, grant or deny the sign permit application in writing. In the case of denials, the Code Enforcement Officer shall provide, in writing, the basis for said denial.

704 Maximum Sign Area

For purposes of calculating the maximum size of a sign, the sign area shall be calculated as follows: Sign area shall include all sign surfaces that communicate a sign's message, except that sign area shall include only one side of a double-faced sign. Sign area shall not include any structural supporting elements, except if such elements are visually prominent, designed to attract attention, or otherwise integral to communicating the sign's message. Any physical address that is required to be an integral part of a freestanding sign shall not be counted as part of the maximum size of a sign.

705 Exempt Signs

The following signs are allowed in all zoning districts without a permit from the Code Enforcement Officer:

1. Temporary signs, not greater than 6 square feet in sign area and not displayed for more than six weeks per calendar year. Temporary signs shall not be attached or painted onto any fences, trees or other natural features, utility poles, or the like. Temporary signs shall not be placed so as to impair vision or traffic or in any manner create a hazard or disturbance to the health and safety of the public. All temporary event signs must be approved by the Board of Selectmen.
2. Directional or Traffic Safety Signs and Gas station Rate signs: signs identifying entrances, exits, parking areas or other operational features of premises and/or providing directions for the safe and/or efficient flow of vehicular or pedestrian traffic. This includes municipal informational kiosks and signs.
3. Signs identifying the name, address, and profession of a permitted residence or a home occupation, provided such sign does not exceed six square feet in sign area.
4. Signs located on or in the rolling stock of common carriers, or on registered motor vehicles, except vehicle signs.
5. Political signs as permitted by State law [Adopted May 20, 2025]

706 Prohibited Signs

The following signs and illuminations are prohibited in every zoning district:

1. Off-premise signs (also known as billboards).
2. Abandoned signs.
3. Beacon lighting.
4. Balloon signs.
5. Signs attached to utility poles, public benches, streetlights, rails, or fences.
6. Signs that obstruct pedestrian traffic or visibility.
7. Signs that limit motor vehicle drivers' or bicyclists' sight distance, that could be confused with official highway signs or signals, that unduly distract motor vehicle drivers' or bicyclists' attention, or that otherwise impair public safety.
8. Signs illuminated by, composed of, or containing flashing, intermittent, rotating, or moving lights, except for electronic message signs.
9. Signs that move or that incorporate any pennant, ribbon, streamer, spinner, balloon, inflatable, or other similar moving, fluttering, or revolving device.
10. Signs, flags, or banners greater than 35 feet in height or, if building-mounted, extending above the building's roofline.
11. Vehicle signs.
12. Any sign emitting sound, except drive-through menu signs.
13. Animated signs.
14. Roof signs.
15. Changeable copy signs.
16. Signs painted on a sidewalk or stairs.

707 Prohibited Signs

1. It shall be unlawful for any person to erect, repair, alter or relocate any sign, (except as exempted by other provisions of this ordinance) without first obtaining a sign permit from the Code Enforcement Officer. It shall be the duty of the Code Enforcement Officer to review and sign permit applications to determine conformance with the standards of this ordinance and with the standards of all other codes and ordinances of the Town of Naples.
2. Applications for a sign permit shall be available at the Town Hall.
3. Applications for sign permits shall include a sketch of the sign and a site drawing showing location of the sign on land or building with relevant measurements.
4. Once an application is determined by the Code Enforcement Officer to be complete it shall be acted upon by the Code Enforcement Officer within thirty (30) days of completion and receipt of appropriate fees.

708 Pre-existing Nonconforming Signs

1. Preexisting nonconforming signs, other than preexisting nonconforming temporary

signs, are allowed in all zoning districts without a permit, subject to the requirements of this Section 707.

2. Maintaining and removing preexisting nonconforming signs. Except as set forth in Section 707.E below, preexisting nonconforming signs may be maintained in their preexisting size, configuration, design, and location. Preexisting nonconforming signs which are altered, relocated, or replaced must comply with all provisions of this ordinance; provided, however, that if a preexisting nonconforming sign is involuntarily destroyed by any cause then the sign must be replaced, in-kind, within 12 months of the date of involuntary destruction in order to maintain its preexisting nonconforming status; otherwise, the sign shall be subject to all provisions of this ordinance. Preexisting roof signs, however, must be replaced, in-kind within 6 months of the date of involuntary destruction; otherwise, the roof sign shall be prohibited.
3. Documentation of preexisting nonconforming signs. To qualify as a preexisting nonconforming sign, documentation showing the existence of the sign before the effective date of this ordinance must be submitted to the Code Enforcement Officer within 1 (one) year of the effective date of this ordinance. Any person or entity owning or controlling any preexisting nonconforming sign shall be responsible for providing such documentation to the Code Enforcement Officer. Documentation shall include photographs, plans, drawings, news clippings, correspondence, affidavits, sworn statements, or other materials sufficient to establish, to the satisfaction of the Code Enforcement Officer, the legal existence of a sign.
4. The Code Enforcement Officer shall maintain files of preexisting nonconforming signs, as follows:
    a. Files of signs erected prior to the effective date of this ordinance shall contain documentation evidencing the legal existence of such signs.
    b. Files of sign erected after the effective date of this ordinance shall contain records of, or documentation evidencing, the issuance of a sign permit for such sign.
5. Notwithstanding the above Section 707.2. any sign existing as of the date of enactment of this ordinance is grandfathered in its existing configuration and therefore not subject to the provisions of this ordinance until such time as the primary use of the parcel changes or there is a change of ownership at which time the sign(s) must be replaced pursuant to a valid permit issued in conformance with the maximum size and all other requirements of this ordinance. All grandfathered signs must meet the lighting standards in Section 2.11.
6. Any existing business sign in the Rural Area and Residential Growth, outside of the commercial and village district, are grandfathered for their existing configuration and therefore not subject to the provisions of this ordinance until such time as the primary use of the parcel changes or there is a change of ownership at which time the sign(s) must be replaced pursuant to a valid permit issued in conformance with the Village District Standards.

709 Abandoned Signs

Abandoned signs in disrepair shall be removed by the sign permit holder and/or the owner of the building or premises at which the abandoned sign is located within ninety (90) days from the date the sign was abandoned. Where the owner of the property on which an abandoned sign is located fails to timely remove the sign, the Town may remove the sign.

710 Village District Sign Standards

Objective: In keeping with the goals of the Sign Ordinance and preserve Naples Character, freestanding sign structures should employ materials and finishes with natural color schemes, styles, and materials (timber, stone, etc.) that invoke a "Maine" look. To complement sign installations, traditional, native/non-invasive landscaping is recommended to accompany the installation and enhance the intimate town appearance.

1. Freestanding Signs within the Village District. The following standards shall apply to any freestanding sign located within the Village District:
    a. No more than one freestanding sign, not to exceed 24 square feet in size, shall be allowed on any parcel, except that a freestanding sign advertising multiple businesses or operations that are co-located on a parcel or in a building shall not exceed 32 square feet in size.
    b. The structural supporting elements for a :freestanding sign shall not exceed 8 feet in width or 10 feet in height.
    c. In addition to the freestanding sign:
        i. No more than a total of two banners or flags shall be allowed on any parcel, except that multiple businesses or operations co-located on a parcel or in a building may display up to four banners or flags. Each banner or flag shall· not to exceed 16 square feet in size. Banners and flags may only display during hours of operation. Banners and flags must be placed no farther than 10 feet from the primary structure on the parcel.
        ii. Per business: During business hours, no more than one sandwich board or one A-frame sign, not to exceed 6 square feet in size and 4 feet in height, shall be allowed on any parcel and are not allowed within the right of ways.
    d. No sign shall be internally illuminated externally lit signs shall employ warm white lighting.
    e. The physical address of the property where a freestanding sign is displayed must be an integral part of the freestanding sign and may not exceed two square feet in size. The physical address element of the sign shall not be counted in determining the maximum size of the sign.
    f. Changeable copy signs and electronic message signs are prohibited.
2. Wall, projecting, and Awning Signs within the Village District. The following standards shall apply to any wall or awning sign located within the Village District:

a. No more than one wall or projecting sign, not to exceed 24 square feet in size, shall be allowed on any parcel, except that a wall sign advertising multiple businesses or operations that are co-located in a building shall not exceed 24 square feet in size or 5% of the size of any exterior wall of the building, whichever is greater. No wall sign shall extend above the eaves of a building. All wall signs much be firmly attached to building.
b. Awning signs shall contain lettering no larger than 6 inches in height and shall only contain name and address of business.

711 Commercial and Light Industrial District Sign Standards

Objective: In keeping with the goals of the Sign Ordinance and preserve Naples Character, freestanding sign structures should employ materials and finishes with natural color schemes, styles, and materials (timber, stone, etc.) that invoke a "Maine" look. To complement sign installations, traditional, native/non- invasive landscaping is recommended to accompany the installation and enhance the intimate town appearance.

1. Freestanding Signs within the Commercial or Light Industrial District. The following standards shall apply to any freestanding sign located within the Commercial District or Light Industrial District:
    a. No more than one freestanding sign, not to exceed 32 square feet in size, shall be allowed on any parcel, except that a :freestanding sign advertising multiple businesses or operations that are co-located on a parcel or in a building shall not exceed the following maximum sign size: two businesses or operations - 48 square feet; three or more businesses or operations - 64 square feet. Directional or traffic safety signs containing logos or other advertising features shall count against the maximum sign area.
    b. The structural supporting elements for a freestanding sign shall not exceed 12 feet in width and 20 feet in height.
    c. In addition to the freestanding sign:
        i. No more than a total of two banners or flags shall be allowed on any parcel, except that multiple businesses or operations co-located on a parcel or in a building may display up to four banners or flags. Each banner or flag shall not to exceed 16 square feet in size. Banners and flags may only display during hours of operation. Banners and flags must be placed no farther than 10 feet from the primary structure on the parcel. No banners or flags are allowed for Adult Entertainment Establishments.
        ii. No more than one drive-through menu sign, not to exceed 24 square feet in size, 20 feet in height, and 12 feet in width shall be allowed on any parcel.
        iii. Per business: During business hours, no more than one sandwich board or one A-frame sign, not to exceed 6 square feet in size and 4 feet in height, shall be allowed on any parcel and are not allowed

within the right of ways. No A-frame or sandwich board signs are allowed for Adult Entertainment Establishments.

iv. No more than one electronic message sign, not to exceed 12 square feet in sign and co-located on the freestanding sign, shall be allowed on any parcel. No electronic message signs are allowed for Adult Entertainment Establishments.

d. Signs may be internally illuminated, except that no internally illuminated signs are allowed for Adult Entertainment Establishments.

e. The physical address of the property where a freestanding sign is displayed must be an integral part of the freestanding sign and may not exceed two square feet in size. The physical address element of the sign shall not be counted in determining the maximum size of the sign.

f. Freestanding changeable copy signs are prohibited.

2. Wall, projecting, and Awning Signs within Commercial or Light Industrial District. The following standards shall apply to any wall or awning sign located within the Commercial District or Light Industrial District:

a. No more than one wall or projecting sign, not to exceed 32 square feet in size, shall be allowed on any parcel, except that multiple businesses or operations co-located on a parcel or in a building may each display a wall sign not to exceed 32 square feet in size. No wall sign shall extend above the eaves of a building. All wall signs much be firmly attached to building.

b. Awning signs shall contain lettering no larger than 6 inches in height and shall only contain name and address of business.

712 RESERVED

713 Illumination of Signs

Within the Village District, internally illuminated signs and electronic message centers are prohibited, except grandfathered signs in Section 707 (E). All illuminated signs must meet the following standards:

1. No sign shall be illuminated more than 0.3-foot candles above ambient light as measured using a foot candle (Lux).meter at a preset distance. Brightness shall be controlled to be in keeping with an intimate small town, in scale with its surroundings and other signage. In accordance with ISA illuminance and/or Veridian luminance brightness specifications may be employed and enforced at the discretion of the Code Enforcement Officer pursuant to Article III.
2. Internally lit signs shall not exceed 0.3-foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance.
3. Any externally lit sign shall be warm white and shall be downward lit and must be fully shielded.
4. All lighting and illumination shall:

a. Be effectively shielded so as to Illuminate the sign surface only and prevent beams or rays of light from being directed at any portion of the traveled way

of a public roadway skyward or onto any residential property;

b. Be of such low intensity or brilliance so as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

5. All illuminated freestanding ground signs shall have underground electrical service unless the local electric utility will not permit such underground service.
6. The display on each side of the changeable sign may be changed no more frequently than once every one (1) minute.
7. All electronic signs must be shut off no later than 10:00 p.m. and may be turned on no earlier than 7:00 a.m. the following day in the Village District.
8. No live or pre-recorded videos, transitions, scrolling, or animations are allowed.
9. Upon power reset or malfunction, electronic message signs must return to the proper program and correct brightness or go to blackout.
10. Certification of the illuminated sign by a certified brightness compliance tester must be submitted to the Code Enforcement Officer after installation, or upon request from the Code Enforcement Officer.

714 General Sign Standards

The following sign standards shall apply to all signs allowed, with or without a permit, under this ordinance:

1. Signs must be kept clean, neatly painted, and free from hazards (including, without limitation, faulty wiring, and loose fastenings).
2. Signs must be designed, installed, and maintained at all times in such safe condition so as to not be detrimental to the public health, safety, and welfare; not be detrimental to the physical appearance or scenic or natural beauty of the community; or constitute a distraction or obstruction, or impair vision or traffic; or results in a nuisance due to illumination, placement, display, or manner of construction.
3. Construction Signs; signs to be removed upon completion of construction.

715 Enforcement

1. This ordinance shall be administered and enforced by the Code Enforcement Officer or such other individual as designated by the Town of Naples Board of Selectmen.

2. Violations and penalties. If the Code Enforcement Officer finds that any provision of this ordinance is being violated, the Code Enforcement Officer shall notify by registered or certified mail the person determined to be responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it. Any person, corporation or entity found in violation of any provisions of this ordinance shall be punished by a fine pursuant to 30-A M.R.S. § 4452, each day that the violation continues shall constitute a separate offense.

3. The Board of Selectmen may order the removal of any sign which represents a hazard to public health or safety, or which is found to be in such disrepair that it fails to perform its function. The owner of a sign ordered removed shall have 30 days to conform with this ordinance before removal of the sign by the Town. In

the event a sign poses a serious and imminent threat to the public health and safety, the Town may remove the sign immediately and promptly thereafter shall provide notice to the owner of the sign.

716 Appeals; Variances

1. Appeals. Any party aggrieved by a decision of the Code Enforcement Officer may appeal to the Board of Appeals within 30 days after the Code Enforcement Officer's decision is rendered by filing an appeal at the Town Office on forms approved by the Board of Appeals and accompanied by a fee as established by the Board of Selectmen. Appeals from decisions of the Code Enforcement Officer shall be de novo. The Code Enforcement Officer shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based, which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of this ordinance. The burden of proof shall be upon the applicant for the permit. The Board of Appeals shall have authority to grant or deny a permit or to remand the matter to the Code Enforcement Officer for further proceedings. The Board of Appeals shall not continue a public hearing except for good cause. Any aggrieved party may appeal a decision of the Board of Appeals to the Maine Superior Court in accordance ,with 30-A M.R.S.A. § 2691 and Rule SOB of the Maine Rules of Civil Procedure.
2. Variances. Upon application therefor, the Board of Appeals may grant a variance upon making a finding of undue hardship as defined in 30-A M.R.S.A. § 4353(4).

718 Miscellaneous

1. Amendment. This ordinance may be amended from time to time by a majority vote at any Town Meeting.
2. Validity; Severability. The invalidation of any section or provision of this ordinance by a court of competent jurisdiction shall not invalidate any other section or provision thereof.
3. Conflicting Provisions. The provisions of this ordinance are minimum requirements. Whenever the application of this ordinance is at variance with the requirements of any other statute, rule, regulation, ordinance, deed restriction or covenant, the more restrictive provision shall govern.
4. Substitution. Notwithstanding any provision of this ordinance to the contrary, to the extent that this ordinance allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent.
5. Effective Date. This ordinance shall become effective on the date of adoption at Town Meeting.

Section 800 Street Vendor

801 Purpose

The purpose of this Ordinance is to regulate mobile vending and other activities on property owned or under the control of the Town of Naples and mobile vending on private property in order to create a vibrant, attractive, and diverse use of the Town's commercial areas and green spaces.

802 Definitions

The definitions used in this section are specific to this Ordinance. The other words used in this Ordinance shall have the meaning provided by the Town of Naples Definitional Ordinance or Webster's Dictionary, unless the context clearly dictates another meaning or interpretation.

Artist means a person creating works of art, or selling, offering to sell, or displaying for sale, works of art created by the artist who is offering it for sale.

Ice cream truck means a motorized vehicle utilized for the sale of ice cream, gelato, Italian ice or frozen yogurt products or novelties.

Kiosk means a small, light structure with one or more open sides.

Mobile food service establishment means an establishment that stores, prepares, serves, or sells food for human consumption and is capable of movement on a daily basis, having all facilities contained within the unit and is not fixed to a location for operation or transaction of business. Food trucks are considered a mobile food service establishment.

Performance Artist means a person engaged in performance activity on public property for the purpose of providing public entertainment and self-expression, such as playing a musical instrument, dancing, singing, pantomime, juggling or magic.

Mobile vendor means a person, excluding artists and performance artists, who is engaged in selling or offering to sell goods, services, food, or beverages, out of doors on public or private property as allowed in this Ordinance.

Special event: means an event outside of the host property's normal business or activity and is being held as a celebration, a promotion and/or marketing. Special events may be on public or private property.

Street, except where the language is more specific, means any public street, sidewalk, alley, path, park, playground or other Town-owned or Town-controlled property, or any portion thereof, which is open for use by the public as a matter of right or privilege.

Works of Art means materials or objects with expressive content such as paintings, prints, photography, or sculpture.

803 Insurance and Indemnification required

1. Insurance. All persons who receive a license from the Town pursuant to this Ordinance shall be required, to the Town's satisfaction, to maintain in full force and effect at all times, a policy of comprehensive public liability insurance with limits of no less than $400,000 for bodily injury, death and property damage, naming the Town of Naples as additional insured. A certificate of insurance must be provided before a mobile vendor's license is issued.
2. Indemnification. All persons who receive a license from the Town pursuant to this Ordinance shall be required to defend, indemnify, and hold the Town harmless from any claims resulting from licensed activities.

804 Licenses for Mobile Vendors and Artists

1. Mobile vendor's license required.
    a. With the exception of the activities described in Section 2.1.B, all mobile vendors are required to have a license from the Town.
    b. Mobile vendor's licenses shall be issued for a period of one year.
    c. Temporary mobile vendor's licenses for participation in sidewalk sales, street festivals or other special events may be issued for a period of no less than one (1) day and no more than five (5) days.
    d. No temporary mobile vendor's licenses shall be issued for vendors on private property.
2. License not required for certain activities. No mobile vendor's license shall be required for:
    a. Conducting business on Town-owned property pursuant to a lease, contract, or other agreement with the Town;
    b. Operating a licensed farmer's market stall;
    c. Activities conducted by Municipal departments.
    d. Events on private residential or commercial lots where mobile vendors are the caterer for a private gathering and where the host of the event is responsible for all expenses and where tickets are not sold to attend the event.
3. Compliance with regulations. Mobile vendors exempted from the license requirement must still comply with all federal, state, and local laws and ordinances and with any time, place, and manner restrictions applicable to licensed mobile vendors such as, for example, hours of operation. Any license issued under this Ordinance shall contain such terms, conditions, and restrictions as the Municipal Officers shall require. Said licenses may be subject to such terms and conditions as the Municipal Officers or their designee deem advisable, including restrictions on the time, place, and manner of operation.
4. Revocation. Licenses authorized under this Ordinance may be revoked at any time for cause by the Municipal Officers or their designee upon actual notice to the holder and an opportunity to be heard.

805 Mobile Vendors on Public Property

The following provisions shall apply to mobile vendors operating on property owned or controlled by the Town during street festivals, sidewalk sales and other special events approved by the Town

1. Street festivals, sidewalk sales, and special events.
    a; Mobile vendors licensed for operation on public property may operate in designated vendor locations within and during street festivals, sidewalk sales, or other special events.
    b. The Town may issue temporary mobile vendor licenses for operation within street festivals, sidewalk sales or other special events, provided that the applicant meets all of the requirements set forth in this Ordinance and that the organizer of the street festival, sidewalk sale or other special event has approved the street vendor's participation in the event.
2. Location.
    a. For street festivals, sidewalk sales and other special events, the Town may establish designated mobile vendor locations on public property for assignment to qualifying applicants through the issuance of temporary licenses.
    b. There may be a limited number of mobile vendor locations established by the Town.
    c. In the event that the Town receives more qualified applicants than available mobile vendor locations, the Town shall create a waiting list for said qualified applicants and administer the waiting list in a manner that is in the best interest of the Town.
3. Operation.
    a. Mobile vendors shall operate in compliance with this Ordinance, with any rules or regulations adopted by the Municipal Officers, and with any license conditions.
    b. Mobile vendors shall operate only from a designated vendor location established by the Town, pursuant to a temporary license approved by the Municipal Officers.
    c. Mobile vendors shall operate only from a location that is approved by the Town and shall display at all times a numbered license issued by the Clerk's office.
    d. No license issued under the provisions of this Ordinance shall be used at any time by any person other than to whom it was issued.
    e. Unless otherwise authorized by the Town, the mobile vendor shall be removed at the end of each event and the space shall be cleaned of all debris by the mobile vendor.
4. Sale of goods. Mobile vendors who sell or offer to sell goods or services are prohibited from using any equipment, or selling or offering to sell, any goods or services not specifically authorized by the license and shall not operate in any manner that would constitute an unfair or deceptive trade practice under state law.

5. Sale of food or beverages.
    a. The sale of food or beverages by mobile vendors shall only be permitted from a fully licensed mobile food service establishment.
    b. Mobile vendors shall provide approved waste paper receptacles for use by customers, shall maintain the immediate area free of litter generated by customers, and shall arrange for proper disposal of waste.
    c. The sale of food and beverages by mobile vendors shall only be permitted from a fully licensed mobile food service establishment.

806 Mobile Vendors on private property

The following provisions shall apply to mobile vendors operating on private property.

1. Location.
    a. Mobile vendors, offering their products to the general public, shall only operate in the Commercial District.
    b. Mobile vendors, offering their products to the general public, shall be allowed in any District during a special event.
2. Operation.
    a. Mobile vendors shall operate in compliance with this Ordinance, with any rules or regulations adopted by the Municipal Officers, and with any license conditions.
    b. Mobile vendors shall only operate pursuant to an annual license approved by the Municipal Officers.
    c. Mobile vendors shall display at all times a numbered license issued by the Clerk's office.
    d. No license issued under the provisions of this Ordinance shall be used at any time by any person other than to whom it was issued.
3. Sales and display area.
    a. Mobile vendors shall operate in an area located entirely on private property.
    b. The owner of the property shall provide toilet facilities to the vendor.
4. Sale of goods. Mobile vendors who sell or offer to sell goods or services are prohibited from using any equipment, or selling or offering to sell, any goods or services not specifically authorized by the license and shall not operate in any manner that would constitute an unfair or deceptive trade practice under state law.
5. Sale of food or beverages.
    a. The sale of food or beverages by mobile vendors shall only be permitted from a fully licensed mobile food service establishment.
    b. Mobile vendors shall provide waste paper receptacles for use by customers, shall maintain the immediate area free of litter generated by customers, and shall arrange for proper disposal of waste.

807 Artists

Artists and performance artists shall operate in compliance with this Ordinance and with any rules or regulations adopted by the Municipal Officers.

1. Display. Artists and performance artists shall not create, perform, sell, or display art:
    a. Within any area designated by the Municipal Officers for a sidewalk sale, street festival, farmers' market, or other special event, except as authorized by the Municipal Officers;
    b. On any sidewalk or in any other location so as to impede the free passage of vehicles or pedestrians, obstruct the entrance to or exit from private property, jeopardize public safety, or otherwise inconvenience the public;
    c. On a public street or on public benches, monuments, or structures; or
    d. In a manner that uses private property to display artwork without the permission of the property owner.

808 Ice Cream Trucks

1. No ice cream truck shall stop at any time for the purpose of making sales on or along that portion of Route 302 between Goodridge Drive and Lake House Road, commonly known as the Causeway.
2. No ice cream truck shall stop at any time for the purpose of making sales if such stop is located within five hundred (500) feet of a licensed fixed or mobile food service establishment.
3. No ice cream truck shall stop for the purpose of making sales if such stop prevents the safe passage of other motor vehicles on the public street.

809 Prohibited operations

I. Location of operations. No mobile vendor shall operate:
    a. On public property, except during festivals or other special events approved by the Municipal Officers pursuant to a temporary mobile vendor's license;
2. Licensed persons. No license issued under the provisions of this Ordinance shall be used at any time by any person other than to whom it was issued.
3. Hours of operation. No mobile vendor shall operate between the hours of 12:00 a.m. and 8:00 a.m. unless authorized by the Town.
4. Generators. The use of generators by mobile vendors shall be prohibited unless authorized by the Town.

809 Application

1. Contents of application. Applicants for a mobile vendor's license under this Ordinance must file with the Municipal Officers a sworn application in writing on a form to be furnished by the Town Clerk which shall supply, at a minimum, the following information:
    a. Name and business description of the applicant.
    b. Address (legal and local).
    c. A brief description of the nature of goods, services, food, or beverages to be sold.
    d. The length of time for which the license is desired.
    e. If a vehicle is to be used, a description of the same, with proof of current registration and insurance.
    f. A current photo ID.
    g. Proof of current Maine resale certificate, where applicable.
    h. If on private property, the name of the property owner, location, and written permission from the property owner.
    i. If on private property, a description of the sales area location and dimensions.
    J. A description and design of any kiosk and its dimensions.
    k. Proof of required state and local licenses and approvals for mobile food service establishments.
2. When filed.
    a. For vendors on Public property, the application shall be filed with the Municipal Officers not less than 21 days before the date on which it is proposed to commence mobile vending operations.
    b. For vendors on Private property, the application shall be filed with the Municipal Officers not less than 21 days before the date on which it is proposed to commence mobile vending operations.
3. Application fee.
    a. At the time of filing the application the following fees shall be paid to the Town Clerk as established by Order of the Board of Selectpersons.
    b. Non-profit organizations are exempt from the application fee.
    c. The Municipal Officers may waive, in their sole discretion, application fees for temporary licenses.
4. One license per applicant. Mobile vendor's licenses shall be limited to one per applicant.

810 License and appeal procedures

1. Public hearing.
    a. The Municipal Officers shall, prior to granting a license and after reasonable notice to the municipality and the applicant, hold a public hearing at which the testimony of the applicant and that of any interested

members of the public shall be taken. Public hearings shall not be required for temporary licenses.

2. Notification of denial or approval.
    a. Any applicant requesting a mobile vendor's license from the Municipal Officers shall be notified in writing of the Municipal Officers' decision no later than fifteen (15) days after the decision. In the event a license is denied or approved with conditions, the applicant shall be provided with the reasons for denial or conditions in writing. The applicant may not reapply for a license within thirty (30) days after an application for a license that has been denied.

811 Occupancy of publicly owned or controlled lands

1. Authorization required for occupancy of streets.
    a. No person shall place or cause to be placed in or on, or shall suspend over, any street in the Town any article or thing whatsoever, including but not limited to buildings or structures, permanent signs, or portable signs, except as duly authorized by the Municipal Officers. The Town is in no way required or obligated to grant such authorization, and any authorization will take into consideration its effects on public health, safety, welfare, and aesthetics of the Town. Authorizations are nontransferable and unassignable. All Federal, State, or local permits or licenses must be in place and in good standing at all times of operations.
    b. The Municipal Officers or their designee is hereby authorized to issue revocable licenses for the location, protection, maintenance and use of articles, structures, trees, and other installations placed in, on, above, or beneath streets or other public property, upon receipt of proof of insurance in **a form in an amount satisfactory to the tov/n.**
    c. Except during declared festivals or other approved events that require a mobile vendor's or occupancy license under this Ordinance, this section shall not apply to a table or other structures used by:
        i. Artists to create or sell works of art;
        11. Persons engaged in an activity protected by the First Amendment to the United States and Maine Constitutions, including but not limited to the distribution of political or religious literature or the gathering of signatures on petitions.
    d. Business owners may not place benches or flower pots on Town sidewalks or in public spaces without obtaining authorization from the Municipal Officers.
2. Outdoor dining license required.
    a. No person shall expand a food service establishment to the outside on any street, way, or public place in the Town except under a duly authorized outdoor dining license issued by the Municipal Officers.

b. The Municipal Officers or their designee is hereby authorized to issue revocable licenses for outdoor dining in Town parks or other Town owned or controlled spaces.

3. Sidewalk signs and other structures regulated.
   a. The Municipal Officers are hereby authorized to promulgate from time to time such reasonable rules and regulations governing the design, construction, size, and location of portable sidewalk signs as may be consistent with this Ordinance or other applicable ordinances; and in furtherance of the public interest.
   b. The Municipal Officers are further authorized to promulgate such other regulations as may be required for the location of other installations or structures in or use of the public ways, and for outdoor dining on streets, ways, or other public places.

812 Festivals and Special Events

1. Nonprofit and for profit sponsors of special events.
   a. Organizations (private, nonprofit, or for profit) wishing to use public property for festivals or other special events shall apply to the Town for a permit pursuant to the Town of Naples Outdoor Entertainment Ordinance. As part of the application process, the applicant shall describe the intended properties that will be used as part of the event as well as any vendors that may participate during the event.
2. Festival area designated; permission from festival organizer required.
   a. The Municipal Officers may designate an area for a street festival or other special event. In the event of such festival designation, mobile vendors shall be required to obtain necessary licenses. Mobile vendors, other than those operating pursuant to an annual license for a designated vendor location, must obtain the permission of the festival organizer to conduct business within the festival area.

813 Farmers' Market

1. Farmers' Market Stalls. Persons wishing to operate a stall during a Town Farmers' Market shall apply to the Town for authorization.
2. Farmers' Market Rules. The Municipal Officers are hereby authorized to promulgate from time to time such reasonable rules and regulations governing the Town Farmers' Markets.

814 Prohibitions

1. Vehicle restrictions. No vehicle engaged in the conveyance of passengers over regular routes shall be operated on any roadways within public parks except those that may be designated for such purposes by the parks authority.

2. Vandalism prohibited. No person shall in any manner cut, mar, deface, injure, or destroy any growth, buildings, fences, or other structures in or upon streets or public property.
3. Littering prohibited. No person shall deposit or leave refuse of any kind in or upon any of the parks or public grounds except in containers specifically provided for such refuse.
4. Skating, skateboarding, or bicycling. Skating, skateboarding, or bicycling shall not be allowed on any portion of the areas known as the Boardwalk or sidewalks in areas designated as the Causeway.

815 Fees for Street Occupancy

1. Fees for licenses issued under this Article shall be established by Order of the Board of Selectpersons.
2. Fees for the issuance of a revocable outdoor dining license. Outdoor dining on streets, sidewalks or other public ways or public spaces shall be established by Order of the Board of Selectpersons.
3. Waiver. The Municipal Officers may waive, in their sole discretion, license fees for nonprofit entities and participants in farmers' market, festivals, and other special events.

816 Enforcement and penalties

1. Authorization of Code Enforcement Officer and Town Manager, The Code Enforcement Officer and Town Manager or his or her designee is authorized to enforce this ordinance.
2. Violation notification. If the Code Enforcement Officer finds that any provision of this Ordinance is being violated, the Code Enforcement Officer shall provide **notification in writing to the person responsible for the violation, indicating the** nature of the violation and ordering the action necessary to correct it.
3. Commencement of enforcement action. The Code Enforcement Officer may commence an enforcement action requesting, among other things, correction of the violation, civil penalties, attorney's fees, and costs; such enforcement action may see injunctive relief.

817 Penalties

Violation of any provision of this Ordinance or any lawful order relating to this Ordinance by the Code Enforcement Officer shall be subject to a fine established by Order of the Board of Selectpersons. In the event that the Town incurs any expense in the enforcement of this Ordinance, including but not limited to court costs and attorney's fees, the Town shall be entitled to collect such costs from the violator. Any penalties or costs assessed shall be payable to the Town of Naples.

818 Appeals

1. Appeal to Municipal Officers. Whenever a person shall deem themselves aggrieved by an order made by the Code Enforcement Officer or Town Manager or designee, the person may file an appeal to the Municipal Officers within ten (10) days of the date of the order, and the person shall be afforded a hearing on the matter before the Municipal Officers. Unless by their authority the order is revoked or amended, such order shall remain in force and be forthwith complied with by the person in its original form or as amended.
2. Revocation or amendment. In cases of applicability or interpretation of the rules or regulations, the Municipal Officers may revoke or amend such order made by the Code Enforcement Officer or Town Manager or designee.
3. Extensions or exceptions. In cases where compliance with such order made by the Code Enforcement Officer or Town Manager or designee would cause a disproportionate burden on the appellant, the Municipal Officers may extend the time limit or grant exceptions to the order, or waive requirements of this Ordinance or any applicable rules or regulations, provided that the Municipal Officers shall give due consideration to the purposes of the rules or regulations in preserving public safety and convenience, integrity of public infrastructure, and the operational safety and function of the public right-of-way.

819 Severability

The invalidity of any provision of this Ordinance shall not invalidate any other provision.

820 Inconsistency

If provisions of this Ordinance conflict or are inconsistent with other provisions of this Ordinance, with the provisions of other ordinances of Town of Naples, or with laws, ordinances, rules or regulations of the federal government or the State of Maine, the stricter requirements shall apply and control.

821 Repeal of Street Vendor Ordinance

As of the effective date below, the Town of Naples Street Vendor Ordinance adopted June 16, 2010 is hereby repealed by the enactment of this Ordinance.

822 Effective Date

The effective date of this Ordinance shall be when enacted by the Town of Naples.

Section 900 Site Plan Review

901 Purpose

The Town of Naples determines that large scale development or major land use changes have a profound effect upon the cost and efficiency of municipal services, upon the environment of the Town of Naples, and upon the general health, safety, and welfare of the residents of the Town. Unplanned development may result in overcrowded schools and highways, increased costs of municipal services and degraded air and water quality. The purpose of this ordinance is to ensure an orderly growth of the Town and to minimize the detrimental effects of that growth, which is caused by development, by way of but not limited to: commercial, industrial, retail, or institutional buildings, structures and/or uses, campgrounds and mobile home parks.

902 Applicability

This section of the Ordinance shall apply to all development proposals and changes of use defined herein in the Town of Naples. No building permit shall be issued for any development requiring Site Plan Review until the plans, drawings, sketches, and other documents required under this Ordinance have been reviewed and approved by the Planning Board.

1. Development means and includes:
    a. Proposals for new construction of commercial, retail, industrial, utility, institutional and recreational buildings, and structures of more than 1600 square feet of floor space or additions of more than 800 square feet of floor space. New construction or additions may either be additions of units within an existing structure or the expansion of an existing structure or the construction of additional buildings on the same lot.
    b. Such requirements of construction shall be cumulative. Review shall be required if the new construction, alteration or addition results in a building or buildings that exceeds 1600 square feet of floor space or a total expansion (whether the addition of units within an existing structure or added floor space or added floor space in additional buildings on the same lot) of 800 square feet after June 28, 1997.
    c. Proposals for new construction of buildings and structures for campgrounds, rental cottages or cabins, motels or hotels, and multifamily dwellings that exceed 2,500 square feet of floor space or additions in excess of 1,600 square feet of floor space either by addition of units within an existing structure or by expansion of an existing structure or by added floor space in additional buildings on the same lot. Such requirements of construction and addition shall be cumulative.
    d. Proposals to convert residential uses to nonresidential uses other than those defined as home occupations, or to convert single family dwelling to multi--family dwellings.

e. Proposals to pave, remove earth materials or grade areas of more than 15,000 square feet of non-vegetated area within a five-year period.
f. A change in the use of land or structures that meets either of the following criteria shall require at least limited site plan review:
g. A proposed change in use that is located on a site or in a building that originally received site plan review; or
h. A proposed change in use that is located on a site or in a building that meets the review thresholds in Section 902.1.a - d, inclusive and is a use that would require site plan review if it were proposed as a new development.
i. A change in use requiring site plan review occurs when a project that has site plan approval changes to a use that was not considered in the original site plan approval or, if there was no prior approval, changes to a use different from what was originally constructed or has historically been implemented. Examples include a change from an office to a retail store or from a retail store to an industrial use or from a retail store to a restaurant. A proposal to change one retail use to a different kind of retail use, such as a change from a drug store to a candy store or a convenience store would not be considered a change in use. A proposal to increase the number of residential units in a structure would be considered a change in use.

2. This section of the ordinance does not apply to:
    a. Construction of one detached single-family or one duplex dwelling on a lot and customary outbuildings for the use of the residents thereof.
    b. Construction of barns, stables, and other agriculturally related buildings other than buildings for the purpose of processing agricultural related products.
    c. Land management practices for agricultural or forestry purposes.
    d. Legally existing buildings, structures and uses as they existed and to the extent they were used at the time of adoption of this Ordinance.
    e. Home occupations, including yard sales.
    f. Fairs, bazaars, sales, and festivals, temporary in nature, conducted by nonprofit organizations.
    g. All new and existing municipal facilities of the Town of Naples are exempt from Planning Board Review but must meet all of the conditions as specified in the Ordinance and all other town ordinances.
3. Construction, site development, and landscaping shall be carried out in accordance with the plans, drawings, sketches, and other documents approved by the Planning Board unless altered with Planning Board approval. Nothing in this Section shall be construed to prevent ordinary maintenance and improvement of existing structures and facilities.

903 General Provisions

The Planning Board may require the filing of a performance bond, a certified check payable to the Town, an irrevocable letter of credit or the execution of a conditional agreement assuring the applicant's performance of the applicant's obligations under its permit. Such measures may be required to properly completion of some or all site improvements including, but not limited to roads, parking areas, sewage systems, water lines, open areas, and sedimentation and erosion control systems.

1 The Planning Board shall require the applicant or the applicant's authorized agent to deposit in escrow with the Town an amount of money to cover the costs for any professional review of the site plan documents which the Board may feel is reasonably necessary to protect the environmental quality or general welfare of the Town.
2. Maximum amounts for this escrow payment shall be established by the Board of Selectmen. Amount to be deposited shall be shown on the Fee Schedule in accordance with The Naples Planning Board Land Use Fee Schedule.
3. This escrow payment shall be made before the Board engages any outside party to undertake this review and make recommendations to the Board.
4. Any part of this escrow payment is excess of the final costs for review shall be returned to the owner or the owner's agent.
5. Any proposed development shall be in conformity with the Comprehensive Plan of Naples and with the provisions of all local codes or regulations or any State Law which the municipality is responsible for enforcing.

904 General Regulations

The following regulations shall be complied with in addition to the performance standards contained in Section 903, Criteria and Standards, of this Land Use Ordinance for residential, institutional, industrial, and commercial developments.

1. All uses requiring federal, state and/or local licensing shall obtain such license before a Site Plan Review Permit is granted by the Planning Board.
2. The Planning Board, as a condition of approval, may require a performance guarantee to protect the health, safety, and general welfare of the community.

905 Waivers

1. Upon the request of the applicant, the Planning Board may waive any of the site plan review submission requirements or performance standards if the Planning Board determines that:
    a. there will be no adverse effects on the neighborhood or the site.
    b. that the purposes of site plan review continue to be met.
    c. the scale or nature of the project is of a size that makes the information unnecessary

d. there are special circumstances of the site that make compliance with specific application requirements or standards an unnecessary burden upon the applicant, as long as such a waiver will not adversely affect the abutting landowners and the general health, safety, and welfare of the Town.

2. Any waivers or exceptions granted must be listed on the final plan.
3. There will be no waivers on road paving standards.

906 Administration

1. The following procedures and requirements shall apply to all applications for Site Plan
    a. Prior to formal application, the applicant or his authorized agent may request a pre-application conference with the Planning Board or its designated staff to discuss the plan and its compliance with town standards. Comments made at such a meeting shall be advisory in nature. The Planning Board may request that the applicant arrange for a site inspection with the Board, and make a determination on whether or not to hold a public hearing.
    b. The Town may require the applicant or his authorized agent to deposit funds in escrow sufficient to cover the costs for any professional review of the site plan documents which the Planning Board determines is reasonable to protect the Town as authorized by the Town of Naples Land Use Fee Schedule. This escrow payment shall be made before the Planning Board engages any outside party to undertake this review and to make recommendations to the Planning Board. Any part of this escrow payment in excess of the final costs for the review shall be returned to the applicant or his agent.
    c. All applications for Site Plan Review shall ,be made in writing to the Planning Board on forms provided for this purpose. The application shall be made by the owner of the property or his agent as designated in writing by the owner and shall be accompanied by the payment of an application fee to cover the administrative costs of processing the application.
    d. Eight (8) paper copies and one (1) electronic copy of the completed application as a PDF file for Site Plan Review, together with the documentation required in these regulations shall be submitted at least twenty-eight (28) days prior to the Planning Board meeting at which the applicant wishes to be heard.
        i. Within seven (7) days of receipt, the Code Enforcement Officer or their designee will review the materials to determine whether or not the application is complete and notify the applicant in writing of the finding of completeness.
        ii. If the application is incomplete, the written notice shall specify the additional material required to make the submission complete. Any additional materials or documentation required by these regulations

must be received at least fourteen (14) days prior to the Planning Board meeting for which it is to be scheduled.

iii. If the application is complete, the application will be placed on the Planning Board agenda. A determination of completeness does not preclude the Planning Board from requiring the submission of additional materials that it finds necessary for review of the project.

e. Notice will be provided to property owners within five hundred (500) feet of the property under review at least ten (10) days prior to the first Planning Board meeting at which the project is to be reviewed. Notices will be sent by the Town via first class mail and shall include:
   i. A brief description of the project;
   ii. The date, time, and place of the Planning Board meeting at which the project will be reviewed; and
   iii. Advise that a copy of the application is available for inspection at the Town Office, and that all materials are generally posted on the Town website seven (7) days prior to the Planning Board meeting.

f. The Planning Board shall be empowered to administer application fees as set by the Selectmen and listed in the Town of Naples Fee Schedule.

g. Preliminary review of the application for completeness shall be done by the Code Enforcement Officer or their designee. The Planning Board shall be the ultimate authority on the completeness of an application and shall make a finding of fact during its initial review as to whether the application is complete. If the Board finds the application is incomplete, the Planning Board shall inform the applicant of what information is necessary to complete the application.

h. Prior to taking final action on any Site Plan Review application, the Planning Board may hold a public hearing to afford the public the opportunity to comment on the application. Notice of the date, time and place of such hearing shall be published in a newspaper of local circulation at least ten (10) calendar days prior to the public hearing meeting the requirements of 1 M.R.S.A., Section 60.

1. Within forty-five (45) days after the public hearing or sixty (60) days after receiving a complete application, the Planning Board shall either approve, approve with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

J. When a development is subject both to Site Plan Review and to Subdivision Review, the Planning Board shall conduct a concurrent review. Criteria and standards of the Site Plan Review. Ordinance shall be employed in addition to the requirements and standards of the Subdivision Ordinance.

907 Submission Requirements - Site Plan Review

1. A formal application for Site Plan Review shall contain eight (8) paper copies and one (1) electronic copy as a PDF file of at least the following exhibits and information:
    a. Written Information
        i. A fully executed and signed copy of the application for Site Plan Review
        ii. Owner's name, address, and signature.
        iii. Name and addresses of all abutting property owners plus a description of the project, to be used by the applicant to notify the abutters by first class mail of the proposed project, proof of mailing receipts to be kept on file at the Town Office. Owners of abutting properties shall be those listed in the most recent tax records of the Town of Naples. The applicant must provide evidence that letters for public notice have been mailed.
        iv. If the site is not to be served by a public sewer line, then an on-site soils investigation report by a Department of Human Services licensed site evaluator shall be provided.
        v. A list of waivers of any town requirements or ordinance provisions requested. Waiver requests shall state the basis and reasons for granting the waiver.
        vi. A statement from the Fire Chief that the property is accessible by present fire apparatus and detailing any additional on-site fire protection facilities required.
        vii. Copies of any proposed or existing easements, covenants, and deed restrictions.
        viii. Copies of all required state approvals and permits, provided however, that the Planning Board may approve site plans subject to the influence of specific state licenses and permits in cases where it is not feasible for the applicant to obtain at the time of Site Plan Review.
        ix. A description and design of proposed temporary and permanent signs, including location, size, and lighting.
        x. A phosphorus analysis is required if proposed project is within the Shoreland Zone or the non-vegetated area exceeds 40,000 square feet. The analysis of phosphorus loading shall utilize the methods contained in the latest revised edition of the manual Phosphorus Control in Lake Watersheds, published by the Maine Department of Environmental Protection, and shall require third party review.
        xi. A soil and erosion control plan showing:
            1. The existing and proposed method of handling stormwater run-off.
            2. The direction of flow of the run-off through the use of arrows
            3. The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
        xii. Engineering calculation used to determine drainage requirements based upon a 25-year storm frequency if the project will significantly alter the existing patterns due to such factors as the amount of new impervious surfaces (such as paving and building area) being

proposed.

b. Site Plan Information

i. A site plan drawn at a scale sufficient to allow review of the items listed under Criteria and Standards, but not more than one hundred (I 00) feet to the inch for that portion of the total tract of land being proposed for development.

ii Perimeter survey of the parcel made and certified by a registered land surveyor relating to reference points showing true north point, graphic scale, comer of parcel, date of survey and total acreage.

iii. The lot area of the parcel, street frontage and the Town Land Use Ordinances requirements for minimum lot size and frontage.

iv. Existing and proposed topography of the site at two (2) foot contour intervals if major changes to the existing topography are being proposed.

v. Existing land cover and vegetation conditions.

VI. Proposed landscaping and buffers.

vii. The location of all "Limit of work areas" labeled on the Site Plan. v111.

viii. Soil types and location of soil boundaries as certified by a registered engineer or certified soil scientist.

IX. Zoning classifications(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts.

x. Total area of any land within 500 feet of the proposed project which is owned by the applicant.

xi. The location of all buildings within fifty (50) feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.

xii. All surface water features within 500 feet of the project boundaries, including perennial streams and wetlands.

xiii. Location of all wells and septic systems within 150 feet of the property boundary.

XIV. The location of all existing and proposed buildings (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping

xv. The location of all building setbacks as required by the Town Land Use Ordinances.

xvi. The location, size, and character of all signs.

xvii. A lighting plan showing the location of each current and proposed lighting fixture with projected hours of use.

xviii. A photometric plan at 20-foot scale or larger showing the extent of areas designed and intended for lighting.

XIX. Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading, and unloading facilities, snow storage areas, design of entrances and exits of vehicles to and from the site on to public streets, curb, and sidewalk.

xx. Drainage plan to describe the location and size of road culverts, road drainage ditches, phosphorus, and runoff control measures and other

similar features.

xxi. A utility plan showing provisions for water supply and wastewater disposal including the size and location of all piping, holding tanks,. leach field, etc.

xxii. Building plans showing plans of all floors and all elevations.

908 Criteria and Standards

The following criteria and standards are to be used by the Planning Board in judging applications for Site Plan Review and shall serve as minimum requirements for approval of a site plan. In all instances, the burden of proof shall be on the applicant to demonstrate compliance with each standard.

1. Preservation of Landscape.
    a. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation, historic stone walls, or other significant resources and site features when and where desirable, and keep any grade changes in character with the general appearance of neighboring areas. Existing vegetation, buffering, landscaping, and building siting are potential methods of preserving scenic vistas.
    b. All development shall preserve and protect significant natural features including endangered trees and plants, habitat for threatened or endangered species, high and moderate value waterfowl and wading bird habitat, significant aquifers, and waterbodies including wetlands, floodplains, and significant vernal pools.
2. Buffers and Landscaping.
    a. The purpose of a buffer is to provide aesthetically acceptable visual and spatial separation between adjacent land uses, thereby enabling the juxtaposition of land uses of different types by minimizing negative impacts that a land use will impose on its neighbors. Buffers can be either landscaped, hardscaped, and/or naturally vegetated. Where a buffer is landscaped or naturally vegetated, the applicant may not need to show additional landscaping efforts on the plan unless the Board deems it necessary.

    Classification of buffers.

    - Class I Buffer: a buffer at least ten (10) feet wide consisting of densely planted shrubs or trees of at least a three (3) inch caliper **width** and/or fencing such as picket or split rail fencing, or a combination thereof. The size of the buffer may be reduced to five (5) feet in **width** in the Village District. The purpose of this buffer is to provide visual screening.
    - Class II Buffer: a buffer at least twenty-five (25) feet wide of which a ten (10) foot width shall be a naturally vegetated buffer or a landscaped buffer with shrubs and/or trees of at least a three (3) inch caliper **width.** The purpose of this buffer is to separate incompatible uses.

- Class III Buffer: a buffer at least fifty (50) feet wide of which a twenty-five (25) foot width shall be a naturally vegetated buffer or a landscaped buffer with shrubs and/or trees of at least a three (3) inch caliper **width.** The purpose of this buffer is to minimize the visual impact of large structures and the impact on natural resources.

b. Landscaping shall be designed to minimize the visual effect of the bulk and height of buildings, structures, parking areas, lights, and signs, as well as to minimize the impact on natural resources. Landscaping shall consist of a majority of native vegetation in the form of flowers, trees, shrubs, etc. designed to improve biodiversity and enhance the physical design of the development(s). Flower boxes and planters are also encouraged.
c. Landscape buffers shall consist of a combination of deciduous, coniferous, and ornamental trees and shrubs at a density that provides a year-round screen.
d. If structural materials are used for screening, such as walls or fences, such structures must be augmented with vegetation to soften the appearance of the structure.
e. Chain link fencing and other fencing of similar materials as determined by the Planning Board are not permitted in the Village District between the edge of the right of way and building. Other fencing options must be used for security or screening purposes.
£ In the Commercial Zone, a Class III Buffer shall be required between commercial and residential properties using plantings or other screening methods as shall be reasonably required to prevent the commercial use from being incongruous with the existing or contemplated environment and the surrounding properties. The Planning Board may require buffer zones between commercial properties where differences in the use of the properties or the natural features of the properties make buffers appropriate. All buffers and screening must be maintained indefinitely by the property owner.
g. All parking areas containing five or more spaces must provide a Class I Buffer on each property line abutting any residential district or any public or private street or way.
h. Loading and servicing areas, trash and recycling areas, storage areas, shipping containers and roof or ground mounted utility structures shall be located away from primary visual corridors and must be completely screened from public sidewalks, streets and adjacent properties using plantings, fences and other building design techniques and shall be in a location that reduces visibility and noise intrusion.
i. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking, and buffering requirements. Landscaping must include a variety of trees, bushes, shrubs, ground cover, plants, and the use of building and materials in an imaginative manner.

j. For any development in the Commercial and Village District, the area between the roadway and the front of the building or development shall be attractively landscaped with a variety of natural and hardscaped elements such as trees, flowering shrubs, fencing, stone walls, and other elements. Existing healthy trees and shrubs shall be preserved or transplanted to another area of the site wherever possible.

k. The development shall provide one 3" caliper tree of varied species for every 30 feet of street frontage. Trees should have 50 square feet of permeable area for growth. Retaining existing trees within the right-of-way or front setback area may substitute for new street trees. In areas of overhead power lines, ornamental trees or other shrubbery shall be substituted.

l. Natural features and landscape berms consisting of plant materials of different size, species, and textures to give depth to the screen shall be provided to screen buildings.

m. Plant materials shall be selected for durability and hardiness to seasonal changes.

n. Proposed shrubs and trees installed as part of the landscaping plan shall be comprised of at least 50% native species. The use of invasive species shall be prohibited.

o. In the absence of a soil test indicating a phosphorus deficiency, only non-phosphate fertilizers shall be used for plantings.

3. Relation of Proposed Building to the Environment

a. Proposed structures shall be related harmoniously to the terrain, and to existing buildings in the vicinity which have a visual relationship to the proposed building. Special attention shall be paid to the scale of the proposed building(s), massing of the structure, and natural features such as slope, orientation, soil type, and drainage courses. Architectural features of the proposed structures shall be considered for all developments fronting on Route 302 from the fire station to the Crooked River Bridge to conform as close as practical to existing structures in the surrounding area.

b. Buildings shall be oriented to create usable, safe, accessible, and attractive pedestrian spaces, preserve significant site features, and minimize the appearance of parking areas.

c. Single story buildings should be articulated with design features as referenced in Section 504.

d. Generally, building front facades should be parallel with the edge of the right-of- way.

e. The building footprint shall be varied so there are pronounced changes in wall planes (5 feet or greater) so there are no straight walls longer than 75 feet facing the public street or parking area.

f. Unarticulated and monotonous facades that create blank walls shall be avoided. Columns, arcades, porches, windows, etc. shall be incorporated to prevent uninterrupted lengths of fa9ade greater than 30 feet.

g. The main architectural treatments of the building's front facades, including materials used, around all sides of the building that are visible from the

street or pedestrian access shall be continued.

h. Flat roofs are not permitted **in** the Village District. Roof pitch shall be at least 5/12.

i. Flat roofs are permitted in the Commercial District, provided that their design creates no horizontal line greater than 50 feet.

j. New England regional prototypes, from national franchises, are permitted provided they meet the design guidelines from the Commercial District.

4. Vehicular Access

a. The proposed layout of access points shall be designed so as to avoid adverse impact on existing vehicular and pedestrian traffic patterns. The proposed site layout shall give special consideration to the location, number and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, pedestrian-vehicle contacts and existing or proposed traffic signalization.

b. No more than two driveways shall be permitted for ingress and egress purposes to any commercial, industrial, or residential site.

c. Wherever possible, driveways on the opposite sides of the road shall be aligned.

d. Where appropriate, the development shall provide for separate right and/or left turning lanes to facilitate entry and exit from the site through road arrows and appropriate directional signage.

e. Where a lot has frontage on two or more streets, the primary access from the lot must be provided from the street where there is less potential for traffic congestion.

f. Entrances shall be designed so that no delivery vehicles will back into the site or back out onto a public road.

g. Vehicle access to delivery areas should be located away from the primary face of buildings.

h. Sidewalks shall be required on all new commercial and multifamily developments on public streets and shall tie into existing pedestrian networks when feasible. Sidewalks shall be installed along the sides of the property that abut a public street, even if sidewalks do not presently exist on such streets to permit the extension of sidewalks in the future. Sidewalks should be at least 5 feet in width.

   i. The Planning Board may, in consultation with the Road Commissioner, accept a fee in lieu of sidewalk construction. The sidewalk fee must be deposited in a dedicated sidewalk escrow account.

i. Emergency access lanes shall not be obstructed by other vehicles or uses.

j. Drive-through Facilities are permitted in the Commercial District only.

   i. Drive-through Facility windows and service areas must be located on the side or rear of the principal structure.

   ii. Safe pedestrian movement must be incorporated into the Drive-through Facility design. Safe crossing and pathways must be clearly marked.

5. Parking and Circulation
    a. Parking facilities shall be safe and convenient and, insofar as practicable, shall not detract from the proposed buildings and neighboring properties. Sufficient off- street parking must be provided for both employees and customers of the newly constructed facility. All parking areas must be set back a minimum of 10 feet from the property line on any State numbered route.
    b. Parking areas must be located at the rear or side of commercial buildings.
        1. When parking is located to the rear **or side** of a building, additional windows, lighting, and an entrance to create a favorable impression of the uses within shall be provided.
    c. Parking areas for five or more cars shall be designed with enough maneuvering space so that vehicles need not back into a public way.
    d. All developments shall include areas for snow storage or provide an acceptable snow removal plan. Snow storage areas may not encroach on areas designed to meet minimum parking requirements or on pedestrian walkways and shall not be located where they would adversely impact the functionality of stormwater management systems.
    e. Large parking areas with 16 or more parking spaces shall be divided into smaller spaces to reduce their mass and scale through the use of trees, landscaped islands, grade changes, or other features.
    f. Shade trees shall be provided in parking lots to reduce pavement heat gain and help keep vehicle interiors cool.
        1. The development shall provide one 3" caliper tree for every 10 parking spaces. Trees shall have at least 50 square feet of permeable area for growth.
    g. To ensure safety of vehicles and pedestrians, the site plan shall clearly delineate internal traffic patterns using directional arrow, crosswalks, and other ground markings.
    h. Abutting properties may share off-street parking spaces, provided both property owners sign a cross-access/shared parking agreement and the Planning Board finds there will be no detrimental impact on abutting properties not involved in the shared parking arrangement.
6. Stormwater Management
    a. Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream conditions or the public storm drainage system and shall be held to a zero percent or less off-site increase after development. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a twenty-five (25) year storm frequency.
    b. Any stormwater draining onto or across the lot in its pre-improvement state will not be impeded or redirected so as to create ponding or flooding of adjacent lots.
    c. Any development required to obtain approval under site plan review that proposes a cumulative land disturbance of greater than 20,000 square feet

and less than one acre must comply with the DEP Chapter 500 water quality requirements and provide post development runoff locations.

d. Site plans proposing greater than 40,000 square feet of impervious area, shall submit a stormwater management plan that complies with Section 4B(2) and Section 4B(3) of the General Standards of the DEP Chapter 500 Stormwater Management, as amended.
e. All natural drainage ways shall be preserved at their natural gradients and shall not be filled or converted to a closed system unless approved as part of the site plan review.
f. All sanitary sewer lines, storm drains, water lines, and other utilities proposed as part of the development shall be designed to conform with the sanitary sewer and storm drain and water supply standards from the Maine Department of Environmental Protection Chapter 500 Rules for Stormwater Management.
g. The design of the storm drainage systems shall adequately provide for the movement of upstream runoff which shall pass over or through the site to be developed.
h. Stormwater runoff shall be infiltrated naturally wherever possible in the form of bioretention, grass filter strips, green roofs, rain gardens, and vegetated swales that mimic existing hydrologic patterns.
i. Landscaping in the form of vegetation, organic mulch and/or erosion control mix shall be incorporated to stabilize slopes between 5% and 15%.
J. For any development that consists of slopes greater than 20%, landscaping shall consist of biotechnical and/or structural methods including but not limited to terracing rip rap or retaining walls.

7. Utilities and Public Safety
    a. The development shall not overburden storm drains, water lines or supply, or other public infrastructure and utilities. The development shall provide adequate utility infrastructure on-site and in connection to surrounding locations and facilities.
    b. Electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.
    c. Any structure with an automatic fire alarm system or automatic suppression system shall comply with the Town of Naples Key Lock Box Ordinance.
    d. New structures built after June 1, 2016 shall be equipped with an approved fully addressable monitored fire alarm system installed, maintained, operated, and transmitted in compliance with the requirements of National Fire Protection Association.
8. Exterior Lighting
    a. All lighting and illuminated signs on a non-residential site must be turned completely off within one hour of closing. For lights that can be dimmed, brightness should be reduced by 50% within one hour of closing.
    b. Security lighting shall be permitted during closed hours to activate additional lighting above the 50% threshold for the purpose of public safety.
    c. All lighting shall be directed downward with full cut-off fixtures.

d. No unshielded lights shall be placed in view of any public roadway.
e. No rotating or flashing lights are permitted.
£ Direct or indirect illumination shall not exceed 0.5 footcandles at the lot line or upon abutting residential properties.
g. Light poles in the Village District shall have a maximum height of 20 ft.
h. Light poles in the Commercial District shall have a maximum height of 30 ft.

9. Hazards and Nuisances.
   a. Adequate provision shall be made to control noise, vibrations, smoke, heat, glare, fumes, dust, toxic matter, odors, and electromagnetic interference generated by proposed uses or activities on the site such that these impacts shall not be readily detectable at any point along lot lines so as to produce a public nuisance or hazard.
   b. The development will not result in undue air pollution. In making this determination, the applicant shall, if required by the Planning Board, consult federal and state authorities to determine applicable air quality laws and regulations, and furnish such evidence to the board.
   c. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least 75 feet from any lot line, or 40 feet in the case of underground storage.
   d. Outdoor storage is prohibited in the Village zone, though outside retail sales displays accessory to a retail use are allowed in areas that do not impact pedestrian mobility.
   e. All heating, ventilation, and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, and similar equipment shall meet applicable state and federal emissions requirements and shall be located to the interior of the site, away from abutting residential properties.
   f. The development will not result in violation of any noise control provisions in effect in the Town of Naples or the State.
   g. The following are exempt from noise standards:
      1. Registered and inspected vehicles while operating on public ways.
      11. Warning signals and alarms.
      111. Emergency maintenance and repairs.
      1v. Operations necessary for public works projects.

10. Signs.
    a. All signs shall comply with the standards set forth in this Ordinance from Section 700.
    b. Sign location and design shall be integral components of the site plan proposal.

11. Municipal Services.
    c. The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, emergency medical unit, solid waste program, municipal services, and facilities.

909 Expiration of Approval

Following a project approval by the Planning Board, if no substantial start is made in construction or in the use of the property within two (2) years of the date of the Notice, the Authority granted in the approval shall lapse and become void. A one-year extension may be granted by the Planning Board, in its sole discretion, only upon written application by the owner of the property. A written request for an extension from the applicant must be submitted to the Code Enforcement Officer prior to the expiration of the site plan approval. The applicant must also demonstrate whether or not substantial building and construction progress has been made for the approved project before being grant4d an extension.

910 Appeals

If the Planning Board disapproved an application or grants approval with conditions that are objectionable to the applicant or to any abutting landowner or other aggrieved party, or when it is claimed that the provisions of this Land Use Ordinance do not apply, or that the true intent and meaning of the Land Use Ordinance has been misconstrued or wrongfully interpreted, the applicant, any abutting landowner, or other aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within 30 days after the Planning Board's decision is rendered. The Board of Appeals may reverse the Planning Board's decision after holding a public hearing, and upon application, therefore, may grant a variance upon making a finding or undue hardship as defined in 30-A M.R.S.A. §4353(4). Public hearings shall be held according to Title 31A, M.S.R.A., Section 2691.

Section 1000 Subdivision

1001 Purpose and Review Criteria

The purpose of these standards shall be to assure the comfort, convenience, safety, health, and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Naples, Maine, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

1. Will not result in undue water or air pollution. In making this determination it shall at least consider:
    a. The elevation of land above sea level and its relation to the flood plains,
    b. The nature of soils and subsoils and their ability to adequately support waste disposal;
    c. The slope of the land and its effect on effluents;
    d. The applicable State and local health and water resources regulations.
    e. The Planning Board requires that allocations for phosphorus loading are to be based on the most current data available in the Code Enforcement Office;
2. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
3. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
6. Will provide for adequate solid and sewage waste disposal;
7. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
8. Will not place an unreasonable burden on the ability of the local governments to provide municipal or governmental services;
9. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas;
10. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any; and
11. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water and will meet all the requirements of the Naples Shoreland Zoning Ordinance.

1002 Authority and Administration

1. 1. Authority
    a. These standards have been prepared in accordance with provisions of Title 30-A M.R.S.A., Sections 4401-4406.
    b. These standards shall be known and may be cited as "Subdivision Ordinance of the Town of Naples, Maine".
2. Administration
    a. The Planning Board of the Town of Naples, hereinafter called the Board, shall administer these standards.
    b. The provision of these standards shall pertain to all the land proposed for subdivision as herein defined within the boundaries of the Town of Naples.
    c. The Planning Board shall require the applicant or his/her authorized agent to deposit in escrow with the Town an amount of money to cover the costs for any professional review of the plan and documents which the Board may feel is reasonably necessary to protect the environmental quality or general welfare of the Town. Maximum amounts for this escrow payment shall be established by the Board of Selectperson.
        i. This escrow payment shall be made before the Board engages any outside. party to undertake this review and make recommendations to the Board.
        ii. Any part of this escrow payment in excess of the final costs for review shall be returned to the owner or his agent.
        iii. Maximum amount to be deposited shall be as shown on the Fee Schedule.
    d. The Planning Board will not process an application or a new subdivision or for an amendment to an approved subdivision for any subdividing party currently in default of any requirement of a previously approved subdivision.

1003 Preapplication

1. Submissions
    a. Submission deadline. Submissions for Preapplication/Sketch Plan review must be submitted to the Code Enforcement Office twenty-eight (28) days ahead of the meeting for which the applicant would like to be scheduled.
    b. A Sketch Plan shall be submitted to the Planning Board for informational purposes only.
    c. Notice will be provided to property owners within five hundred (500) feet of the property under review at least seven (10) days prior to the first Planning Board meeting at which the project is to be reviewed. The Town must provide evidence that letters for public notice have been mailed. Notices will be sent via first class mail and shall include:
        i. A brief description of the project;

ii. The date, time, and place of the Planning Board meeting at which the project will be reviewed; and

m. Advise that a copy of the application is available for inspection at the Town Office, and that all materials are generally posted on the Town website seven (7) days prior to the Planning Board meeting.

d. At the Preapplication/Sketch Plan meeting, the Board may provide guidance on potential waiver requests, request a site inspection, and make a determination on whether or not to hold a public hearing.

e. The Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand penciled sketch, should include the data listed in Section 804.3 or such of it as the Planning Board determines is necessary for its consideration of the proposed Sketch Plan.

f. General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawing required above. This information shall include data on existing covenants, medium intensity soil survey and soil interpretation sheets and available community facilities and utilities and information describing the subdivision proposal such as, number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas and other public areas, proposed protective covenants and proposed utilities and street improvements.

1004 Review Procedure and Submissions for Minor Subdivision

1. General
   a. The Planning Board may require, where it deems it necessary for the protection of public health, safety, and welfare that a Minor Subdivision comply with all or any of the requirements specified for Major Subdivisions.
2. Procedure
   a. Within six months after submission of the Sketch Plan, the applicant shall submit an application for approval of a Final Plan at least twenty-eight (28) days prior to a scheduled meeting of the Board. Failure to do so shall require re-submission of the Sketch Plan to the Planning Board for reclassification. The Final Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.
   b. All applications for Plan approval for Minor Subdivisions shall be accompanied by a fee as shown on the Town of Naples fee schedule, payable by check to the Town of Naples, Maine, stating the specific purpose of the fee.
   c. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Final Plan.

d. The Planning Board shall, within sixty (60) days from the date of submission of a complete plan, approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its reasons for any such modification or disapproval. If the Board fails to take action within sixty (60) days as specified above, the Final Plan shall be deemed disapproved.

3. Submissions
   a. Submission deadline. Submissions for Final Plan review must be submitted to the Code Enforcement Office twenty-eight (28) days ahead of the meeting for which the applicant would like to be scheduled.
   b. The subdivision plan for a Minor Subdivision shall consist of 8 paper copies and I electronic copy as a PDF file of drawn to a scale of not more than one hundred (100) feet to the inch, which shall be legibly reproduced and the size of the sheets shall be 8 inches x 11 inches or a multiple thereof, but in no case larger than 34 x 44 inches. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies.
   c. The application for approval of a Minor Subdivision shall include all the information presented on the Sketch Plan plus the following:
   d. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
   e. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The comers of the tract shall be located on the ground and marked by monuments as herein required and shall be referenced as shown on the Plan.
   f. A soils report identifying the soils boundaries and names in the proposed development with the soil's information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification. The intensity of this study must identify changes in soil conditions down to one eighth acre or as determined by the Planning Board. A lot by lot soils suitability determination for house building with septic sewage disposal or, if appropriate, house building with public sewage disposal will accompany the plot plan soils study.
   g. All on-site sewage and water supply facilities shall be shown designed to meet the minimum specifications of these standards and all pertinent State and local ordinances. Compliance shall be stated on the Plan and signed by a licensed engineer.
   h. Proposed name of the subdivision or identifying title.
   1. The date, north point, graphic map scale, name and address of record owner and subdividing party, and names of adjoining property owners.

1005 Review Procedure and Submissions for Major Subdivision, Preliminary Plan

1. Procedure
    a. Within six months after submission of the Sketch Plan, the subdivider shall submit an application for the consideration of a Preliminary Plan* for a major Subdivision. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.
    b. The application for conditional approval of the Preliminary Plan shall be accompanied by a fee as shown on the town of Naples fee schedule payable by check to the Town of Naples, Maine, stating the specific purpose of the fee.
    c. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plan.
    d. Within sixty (60) days after formal submission of a complete Preliminary Plan or within forty-five (45) days of the public hearing, the Planning Board shall take action to give preliminary approval, with or without modifications or disapprove such Preliminary Plan. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board, and the subdivider shall be notified in writing. Failure of the Planning Board to act within such time period shall constitute disapproval of the Preliminary Plan. Prior to preliminary approval the Planning Board shall hold a public hearing.
    e. When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if any, with respect to:
        i. the specific changes which it will require in the Final Plan;
        ii. the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare, as decided by the Selectmen;
        iii. the amount of improvements or the amount of all bonds, therefore which it will require as prerequisite to the approval of the Final Subdivision Plan. The decision of the Planning Board plus any conditions imposed shall be noted on three (3) copies of the Preliminary Plan. One copy shall be returned to the subdivider, one retained by the Planning Board and one forwarded to the Municipal Officers.
    f. Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of

the Final Subdivision Plan, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

g. After review of the Preliminary Plan, the Planning board may require a site walk

2. Submissions

a. Submission deadline. Submissions for Preliminary Plan review must be submitted to the Code Enforcement Office twenty-eight (28) days ahead of the meeting for which the applicant would like to be scheduled.

b. The Preliminary Subdivision Plan shall be submitted in eight (8) paper copies and one (I) electronic copy in PDF form of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of I-inch equals not more than one hundred (I 00) feet, showing or accompanied by the information below.

c. Location Map*. The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over fifty (50) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show: 1) all the area within two thousand (2,000) feet of any property line of the proposed subdivision, or; 2) any smaller area between the tract and all surrounding existing streets, provided any part of such a street used as part of the perimeter for the Location Map is at least five hundred (500) feet from any boundary of the proposed subdivision.

Within such area the Location Map shall show:

1. All existing subdivisions and approximate tract lines of acreage parcels together with the names of the record owners of all adjacent parcels of land, namely, those directly abutting or directly across any street adjoining the proposed subdivision.

11. Locations, widths, and names of existing, filed, or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in Paragraph I, above.

111. The boundaries and designations of zoning districts, school districts and parks or other public spaces.

1v. An outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider's entire holding.

d. Proposed subdivision name or identifying title and the name of the Municipality.

e. Name and address of record owner, subdivider, and designer of Preliminary Plan.
f. Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses, and other essential existing physical features.
g. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
h. The provisions of the Zoning Ordinance applicable to the area to be subdivided and any zoning district boundaries affecting the subdivision.
i. The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.
J. Location, names and present widths of existing and proposed streets, highways, easements, building envelopes, buffers, stormwater and/ or phosphorus control measures, alleys, parks, and other public open spaces.
k. The width and location of any streets or other public ways or places shown in the Comprehensive Plan, if any, within the area to be subdivided, and the width, location, grades and street profiles of all streets or other public ways proposed by the subdivider.
1. Contour lines at intervals of not more than five (5) feet or at such intervals as the Planning Board may require, based on United States Geological Survey datum of existing grades where change of existing ground elevation will be five (5) feet or more.
m. A soils report identifying the soils boundaries and names in the proposed development with the soil's information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification. The intensity of this study must identify changes in soil conditions down to one eight acres, or area as determined by the Planning Board. A lot-by-lot soils suitability determination for house building with septic sewage disposal or, if appropriate, house building with public sewage disposal will accompany the plot plan soils study.
n. Typical cross sections of the proposed grading for roadways (and sidewalks, if included in plans).
o. Date, true north point and graphic scale.
p. Deed description and map of survey of tract boundary made and certified by a registered land surveyor, tied into established reference points.
q. Connection with existing water supply or alternative means of providing water supply to the proposed subdivision.
r. Connection with existing sanitary sewage system or alternative means of treatment and disposal proposed.
s. If a private sewage disposal system is proposed, the applicant shall submit the location and results of tests to ascertain subsurface soil and ground water conditions, depth to maximum ground water level, location, and results of percolation tests.

t. The applicant shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough for a disposal area on soils which meet the Disposal Rules.
u. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
v. A drainage plan showing provisions for collecting and discharging storm drainage.
w. Preliminary designs of any bridges or culverts which may be required.
x. The proposed lot lines with approximate dimensions and suggested locations of buildings.
y. The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
z. All parcels of land proposed to be dedicated to public use and the conditions of such dedication, or land to be left permanently unused.
aa. The location of all natural features or site elements to be preserved.
bb. A soil erosion and sediment control plan.

1006 Review Procedures and Submissions for Major Subdivision, Final Plan

1. Procedure
   a. The subdivider shall, within six months after the preliminary approval of the Preliminary Plan, file with the Planning Board an application for approval of the Final Subdivision Plan* in the form described herein. If the Final Plan is not submitted to the Planning Board within six months after the approval of the Preliminary Plan, the Planning Board may refuse without prejudice to act on the Final Plan and require re-submission of the Preliminary Plan.
   b. A public hearing may be held by the Planning Board within thirty (30) days after the time of submission of the Final Plan for approval. This hearing shall be advertised in a newspaper of local circulation at least ten (10) days before such hearing and notice of said heating shall be posted in at least three (3) prominent places at least ten (10) days prior to the hearing. and to the clerk of the appropriate adjacent municipality in the case of a Plan located within five hundred (500) feet of a municipal boundary, at least ten (1O) days prior to the hearing.
   c. The Planning Board shall, within sixty (60) days from the submission of a complete final plan or the public hearing, approve, modify, and approve or disapprove the Final Plan. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within such sixty (60) day period shall constitute disapproval of the Final Plan.
   d. Outside agency approvals must be submitted in writing with the Final Plan.

2. Submission
    a. Submission deadline. Submissions for Final Plan review must be submitted to the Code Enforcement Office twenty-eight (28) days ahead of the meeting for which the applicant would like to be scheduled.
    b. The Final Plan submission shall consist of eight (8) paper copies and one (1) electronic copy in PDF form of one (1) or more maps or drawings, which shall be printed or reproduced in the same manner as the Preliminary Plan. Space shall be reserved thereon for endorsement by all appropriate agencies. The Final Plan shall show:
    c. All of the information presented on the Preliminary Plan and Location Map and any amendments thereto suggested or required by the Board.
    d. The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan.
    e. Street names and line, pedestrian ways, lots, easements, and areas to be reserved for or dedicated to public use.
    f. Sufficient data acceptable to the Municipal Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practical these should be tied to reference points previously established.
    g. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances, and tangent bearings for each street.
    h. By proper designation, all public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.
    i. Lots and blocks within the subdivision numbered in accordance with local practice.
    j. Permanent reference monuments shown thus: "X". They shall be constructed in accordance with specifications herein and their location noted and referenced upon the Final Plan.
    k. Estimated cost of all elements of the subdivision that will be public or held in common among owners of subdivision lots, including streets, stormwater infrastructure, lighting, landscaping, and other improvements.

1007 General Requirements

In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances the burden of proof shall be upon the person proposing the subdivision.

1. Any proposed subdivision shall be in conformity with a Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.
2. Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Final Plan shall include a list of the construction items that will be completed by the subdivider prior to the sale of lots;

and the list of construction and maintenance items that must be borne by the municipality, which shall include, but not be limited to:

a. Schools, including busing.
b. Road Maintenance and snow removal.
c. Police and fire protection.
d. Solid waste disposal.
e. Recreation facilities.
f. Runoff water disposal drainage ways and/or storm sewer enlargement with sediment traps

3. The Board shall further require the subdivider of a Major Subdivision to provide accurate cost estimates to the town for the above services and the expected tax revenue of the subdivision.
4. The Board shall require the subdivider to provide a minimum of 10% of his total area for open space. Areas reserved for open space shall be easily accessible from all lots within the subdivision.
5. The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (10" or more), the replacement of trees and vegetation, graded contours, streams, and the preservation of scenic, historic, or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.
6. The Board shall not approve such portions of any proposed subdivision that:
    a. Are located within the 100-year frequency flood plain as identified by an authorized Federal or State agency, or when such identification is not available, are located on flood plain soils identified and described in the National Cooperative Standard Soil Survey.
    b. Are located on land which must be filled or drained or on land created by diverting a watercourse; except the Board may grant approval if a central sewage collection and treatment system is provided. In no instance shall the Board approve any part of a subdivision located on filled or drained Great Ponds (natural body of water ten (10) acres or more in size).
    c. Employs septic sewage disposal and is located on soils rated poor or very poor by the Maine State Plumbing Code. Where soils are rated fair for septic sewage disposal, the minimum lot size shall be forty thousand (40,000) square feet.7. Wherever situated, in whole or in part, within two hundred-fifty (250) feet of the high- water line of any pond, lake, river, a proposed subdivision shall conform to the Naples Shoreland Zoning_ Ordinance.
7. Wherever situated, in whole or in part, within two hundred-fifty (250) feet of the high-water line of any pond, lake, river, a proposed subdivision shall conform to the Naples Shoreland Zoning Ordinance.
8. No division of land shall be approved if it is determined by the Planning Board that the parcel has been harvested in violation of rules of "Liquidation Harvesting", pursuant to 12 MRSA Section 8866, et. Seq ("Forest Practices").
9. Lot Size and Layout

a. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
b. Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.
c. The subdividing of the land shall be such as to provide that all lots shall have a minimum frontage of one hundred (100) feet on a street and two hundred (200) feet on water.
d. Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
e. Side-lot lines shall be substantially at right angles or radial to street lines.
f. Where a tract is subdivided into lots substantially larger than the minimum size required in the Zoning District in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future Resubdivision in accordance with the requirements contained m these standards.

10. Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all stormwater can be disposed of properly. Such easement or right-of-way shall be not less than thirty (30) feet in width.
11. The size, type, and location of public utilities, such as, streetlights, electricity, telephones, gas lines, fire hydrants, etc., shall be approved by the Board and installed in accordance with local practice.
    a. Utilities shall be installed underground except as otherwise approved by the Board.
12. Street trees, esplanades, and open green spaces may be required at the discretion of the Planning Board. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.
13. The subdivision design shall minimize the possibility of noise pollution either from within or without the development (from highway or industrial sources) by providing and maintaining a green strip at least twenty (20) feet wide between abutting properties that are so endangered.
14. The following are required improvements: monuments, street signs, streets, sidewalks, water supply, sewage disposal, and storm drainage, except where the Board may waive or vary such improvements in accordance with the provisions of these standards.

1008 Design Standards

1. Monuments.
    a. Permanent monuments shall be set at all comers and angle points of the subdivision boundaries and at all street intersections and points of curvature.
    b. Monuments shall be stone or iron post with engineer's cap, located in the ground at final grade level and indicated on the Final Plan. If stone monuments are set, drill holes, one half inch (1/2") deep shall locate the point or points described above.
2. Street Signs.
    a. Streets that join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, or bare phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.
    b. Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be consistent with other Naples street signs.
3. Streets.
    In accordance with a Comprehensive Plan of the municipality and for the purposes of these standards, streets are classified by function, as follows:
    a. Major Streets The term· "Major Streets" includes Arterial Streets which serve primarily as major traffic ways for travel between and through towns; and Collector Streets, which serve as feeders to arterial streets, as collectors of traffic from minor streets and for circulation and access in commercial and industrial areas.
    b. Minor Streets. Local streets, which are used primarily for access to abutting residential, commercial, or industrial properties.
4. Street Layout.
    a. Proposed streets shall conform, as far as practical, to such Comprehensive Plan or policy statement as may have been adopted, in whole or in part, prior to the submission of a Preliminary Plan.
    b. All streets in the subdivision shall be so designed that, in the opinion of the Board; they will provide safe vehicular travel while discouraging movement of through traffic.
    c. The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades or streets shall conform as closely as possible to the original topography.
    d. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty (20) foot wide easement in the line of the street to provide continuation of pedestrian traffic or utilities to the next street.

e. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Town or in a designated Association, under conditions approved by the Planning Board.

f. In front areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased by such amount on each side as may be deemed necessary by the Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district. In no case shall the street have a right-of-way width less than fifty (50) feet nor have less than two (2) nine (9) foot travel lanes and two (2) three (3) foot parking lanes.

g. Where a subdivision borders an existing narrow road (below standards set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the Plan, marked "Reserved for Road Realignment (or Widening) Purposes". It shall be mandatory to indicate such reservation on the Plan when a proposed widening or realignment is shown on the Official Map. Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Minimum Lot Size or Land Use Ordinance.

h. Where a subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access streets (street parallel to arterial street providing access to adjacent lots), reverse frontage (that is, frontage on a street other than the existing or proposed arterial street) with screen planting contained in a non-access reservation, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

I Subdivisions containing fifteen (15) lots or more shall have at least two (2) street connections with existing public streets or streets shown on the Official Map if such exists, or streets on an approved Subdivision Plan for which a bond has been filed.

J. Entrances onto existing or proposed collector streets shall not exceed a frequency of one per four hundred (400) feet of street frontage. Entrances onto existing or proposed arterial streets shall not exceed a frequency of one (1) per one thousand (1,000) feet of street frontage.

k. Minor Streets in the subdivision shall be so laid out that their use by through traffic will be discouraged.

5. Street Design and Construction Standards.

a. All streets in a subdivision shall be designed and constructed to meet the standards for streets in Appendix 1, according to their classification as determined by the Planning Board:

b. Grades of all streets shall conform in general to the terrain and shall not be less than one-half (I /2) of one (1) percent nor more than five (5) percent for

arterial streets. Six (6) percent for collector streets or ten (10) percent for minor streets in residential zones, but in no case more than three (3) percent within fifty (50) feet of any intersection.

c. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Board so that clear visibility shall be provided for a distance of two hundred (200) feet.

d. Intersections of streets shall be at angles as close to ninety (90) degrees as possible and in no case shall two (2) streets intersect at an angle smaller than sixty (60) degrees. To this end, where one (1) street approached another between sixty- ninety (60-90) degrees the former street should be curved approaching the intersection.

e. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between centerlines of offset intersecting streets.

f. Street lines at intersections shall be cut back to provide for curb radii of not less than twenty-five (25) feet for ninety (90) degree intersections and thirty (30) feet for intersections less than ninety (90) degrees.

g. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. That portion of any corner lot which is necessary to allow twenty-five (25) foot sight lines between intersecting streets shall be cleared of all growth (except isolated trees) and obstructions above the level three (3) feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

h. A dead-end street or cul-de-sac shall be reviewed by the Fire Chief and approved at the discretion of the Planning Board after advisement from the Fire Chief and shall be provided with a suitable tum-around at the closed road. When a turning circle is used it shall have a minimum outside curb radius of sixty-five (65) feet.

i. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces.

J. Side slopes shall not be steeper than three (3) feet horizontal and one (1) foot vertical, graded, loamed, (six (6) inches compacted) and seeded as required.

k. Street curbs and gutters shall be required on all streets within Maine Department of Transportation defined urban compact areas and shall be required at the discretion of the Planning Board in rural areas.

l. Where curb and gutter are not required, stabilized shoulders and proper drainage shall be the responsibility of the subdivider in compliance with the requirements herein.

m. All roadways within the subdivisions shall be constructed according to road specifications herein as overseen by the municipal road commissioner or third- party inspector.

n. Sidewalks shall be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major street and at such locations as the Board may deem necessary.

6. Parking.
   a. Adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.
7. Planting and Landscaping
   a. All esplanade or planting strip areas at sides of streets shall receive at least six (6) inches of compacted topsoil (loam) free of stones over one (1) inch in diameter, sods, and clay. Base materials shall be removed prior to placement of topsoil.
   b. Planting strips to be limed at the rate of one (I) pound per ten (I 0) square feet and fertilized at the rate of one (1) pound of 10-10-1 0 fertilizer per fifty (50) square feet or equivalent and seeded with a conservation mix endorsed by the Cumberland County Soil and Water Conservation District.
   c. When required by the Planning Board, street trees shall be planted in the esplanade areas of all new streets.
      1. Trees of the 15[1] magnitude: (Birch, Beech, Linden, Oak, Pine, Sugar Maple, Basswood) shall be planted at forty-sixty (40-60-foot intervals.
      11. Trees of the 2nd magnitude: (Hawthorn, Flowering Crabapple, etc.) may be planted at intervals of less than forty (40) feet.
8. Public Water
   a. When a subdivision is to be served by a public water system, the complete water supply system within the subdivision including drinking water and fire suppression supply must be installed meeting all national, state, and local standards at the expense of the applicant.
9. Private Water
   a. Drinking Water
      i. When a proposed subdivision is not served by public water, drinking water supply shall be from individual wells. Due to the increased chance of contamination from surface water, dug wells shall not be permitted.
      ii. The drinking water supply shall be designed and installed in accordance with the requirements of the Maine Department of Health and Human Services.
      iii. Lots shall be designed to accommodate the placement of wells and septic systems meeting the requirements of the State of Maine Subsurface Wastewater Disposal Rules and Well Driller and Pump Installer Rules, which generally require a one hundred (100) foot separation between wells and septic systems. Additional restrictions on well locations may be required per hydrogeologic assessments and other applicable regulation.
      iv. The Planning Board may require the subdivider to demonstrate by

engineering reports prepared by a civil engineer registered in the State of Maine that the proposed subdivision will not result in an undue burden on the source.

v. If a central water supply system is provided by the subdivider, location and protection of the source and design, construction and operation of the distribution system and appurtenances and treatment facilities shall conform to all state and local requirements and to the recommendations included in the EPA Manual for Evaluating Public Drinking Water Supplies, Public Health Service as amended from time to time.

b. Fire Suppression

i. The developer shall provide adequate Fire Protection by one or more of the following methods meeting all applicable national, state, and local standards and approved by the Naples Fire Department:

- Fire Hydrant(s) and/or;
- Underground reservoir-cistern(s); and/or
- Sprinkler systems(s)

ii. Hydrants or other provisions for drafting water shall be located within the subdivision in a manner that meets the requirements of the Naples Fire Department.

iii. A suitable accessway to the hydrant or other water source shall be constructed meeting the requirements of the Naples Fire Department. An easement shall be granted to the Town of Naples granting access to hydrants and reservoirs.

iv. For underground reservoirs, a minimum storage of 10,000 gallons shall be provided. Additional storage may be required by the Planning Board upon recommendation of the Naples Fire Department based on factors such as distance to a secondary water supply. The initial fill of a cistern is the responsibility of the developer.

v. The cost associated with maintenance or replacement of all fire protection components is the responsibility of the developer, individual lot owners, or homeowner's association.

10. Sewage Disposal

d. If a private sewage disposal system is proposed, the subdivider shall submit locations and results of tests to ascertain subsurface soil and ground water conditions, depth to maximum ground water level, location, and results of percolation tests for review and approval under the State of Maine Subsurface Wastewater Disposal Rules.

11. Surface Drainage

e. Where a subdivision is traversed by a watercourse, drainage way, or future sewer line, or where the Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided an

f. easement or drainage right-of- way and culverts, catch basins or other means of channeling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width and location as an engineer deems adequate.

g. The subdivider shall provide a statement from a Civil Engineer, registered in the State of Maine, that the proposed subdivision will not create erosion, drainage, or runoff problems either in the subdivision or in adjacent properties. The subdivider shall submit a surface drainage plan showing ditching culverts, easements, and other proposed improvements.

h. Topsoil shall be considered part of the subdivision. Except for surplus topsoil for roads, parking areas and building excavations, it is not to be removed from the site.

i. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a subdivider to take measures to correct and prevent soil erosion in the proposed subdivision.

1009 Performance Guarantee and Post Approval Activities

1. Before the submission of a Final Plan, the subdivider shall provide the Town with improvement guarantees if road construction, offsite improvements, utilities, common water and/or sewer, recreational land, phosphorus or stormwater controls or drainage work is planned.
2. Improvement guarantees must be established for a time period of two and a half years from Final Plan approval.
3. Improvement guarantees shall be in the form of one or more of the guarantee options listed below that will cover at least 100% of the cost of completion, as estimated by a registered professional engineer.

   a. Performance Bonds. Under this improvement guarantee option, the subdivider shall obtain a subdivision bond from a surety bonding company authorized to do business in the State of Maine in a form satisfactory to the Planning Board. The bond shall be payable to the Town of Naples and shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered Professional Engineer and as approved by the Planning Board.

   b. Letter of Credit. Under this improvement guarantee option, the subdivider shall provide as a guarantee an irrevocable letter of credit from a bank or other reputable institution satisfactory to the Planning Board, such letter of credit to be in a form satisfactory to the Planning Board. The Letter of Credit shall be deposited with the Planning Board and shall certify the following:

      i That the creditor does guarantee funds in an amount equal to the costs of completing all required improvements as estimated for the subdivider by a Registered Professional Engineer approved by the Planning Board,

      ii. In case of failure on the part of the subdivider to complete the specified

improvements satisfactorily within the required time period, the creditor shall pay to the Town of Naples immediately, and without further action, such funds as are necessary to finance the proper completion of these improvements, up to the credit limit stated in the letter;

iii. That the letter of credit is valid for the period of time required by the Planning Board. The period of time, not less than two (2) years and six (6) months from the date of subdivision approval, shall be stated in the letter. During that time, the letter may not be withdrawn or reduced in amount except with the approval of the Planning Board.

c. Cash Escrow. Under this improvement guarantee option, the subdivider shall provide as guarantee cash held in an account at a bank or other reputable institution subject to the approval of the Planning Board. The subdivider shall enter into an agreement with the Town that shall stipulate the terms under which the Town may accept a cash escrow.

4. Phasing of Developments

The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases and with posting of a new performance guarantee for the next phase. Preliminary subdivision approval of all development phases shall establish vested rights against future ordinance changes provided that adequate design documentation is submitted to verify that all project phases meet all ordinance requirements in effect at the time of final approval of the first project phase.

5. Procedure

a. The subdivider shall file with the Planning Board a proposed improvement guarantee, a plan by a professional engineer for the required improvements and estimates to complete the required work by at least two contractors.

b. The Planning Board may request an opinion of the improvement plan and the cost of the improvements from a third party, cost to be incurred by subdivider. The third party shall also recommend what types of inspections would be required to guarantee the standards of this Ordinance and the approved plan are met. The recommended inspections shall become part of any improvement guarantee accepted by the Planning Board.

c. The Planning Board shall determine whether the form, amount and duration of the improvement guarantee are sufficient.

d. In the event the Planning Board refuses to approve the proposed improvement guarantee as filed by the subdivider, they shall notify the subdivider in writing. The Planning Board shall not grant final approval until it has received a sufficient guarantee. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plan.

e. The burden of submitting improvement guarantees in compliance with this Ordinance shall at all times remain with the subdivider.

6. Time Limit for Project Completion
   a. All required improvements within a subdivision shall be completed within two (2) years of final subdivision approval. The improvement guarantee must provide performance protection to the Town during said two (2) year period plus at least six (6) months following the expiration of the two (2) year period. The additional six (6) month period is required as protection to the Town in the event the subdivider fails to complete the required improvements or fails to complete them satisfactorily.
7. Extension of Project Completion Deadline
   a. The Planning Board may extend the completion deadline for two (2) additional years at one-year increments only where the subdivider presents substantial reason for doing so.
   b. No request for extension shall be considered until at least six (6) months prior to the original or extended completion deadline.
   c. Before extending the initial deadline or the initial extension, the Planning Board shall require that the improvement guarantee be extended in duration to cover the extended period of time plus an additional six (6) month period. Before extending the initial deadline or the initial extension, the Planning Board shall review the form and amount of the improvement guarantee to make certain it remains adequate.
8. Inspection and Certification
   a. The subdivider shall notify the Planning Board in writing of the time when he proposes to commence construction of such improvements so that the Planning Board can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

   b. For road construction, the following inspections are required by, and must be approved by, the Road Commissioner or third-party inspector, at the subdivider's expense, before work may continue:
      i. Stumping and grubbing;
      ii. Sub-grade preparation, and drainage;
      iii. Application of the base gravel;
      iv. Application of final grade;
      v. Hot top and seeding.
   c. If the Road Commissioner or third-party inspector shall find, upon inspection of the improvements performed before expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the

Code Enforcement Officer and Planning Board. The Code Enforcement Officer

shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the bond.

9. Incomplete or Unsatisfactory Work
   a. If the Planning Board determines, according to the procedures laid out in Section 810.7, Inspection and Certification, that the improvements have not been satisfactorily Competed according to the accepted subdivision plan within the agreed upon time, they shall inform the subdivider in writing of the Town's intent to exercise its rights against the improvement guarantee. They shall cause the incomplete or unsatisfactory work to be completed and paid for from the improvement guarantee assets.

   b. Any guarantee assets unused in the completion of the unsatisfactory or incomplete work, and associated costs, shall be returned to the subdivider at the discretion of the Planning Board.

10. Upon completion of the improvements, the subdivider shall file the following with the Code Enforcement Officer:

    f. A sworn statement from the subdivider' s engineer that all required improvements are completed in strict compliance with all applicable construction standards and the approved subdivision plan and that the engineer knows of no defects from any cause in the improvements;

    g. A sworn statement from the subdivider that the improvements are free and clear of any encumbrance or lien and that the subdivider knows of no defects from any cause in the improvements.

11. As soon as the subdivider has filed the statements required in Section 810.8 of this Ordinance and the Planning Board or their authorized representative have inspected the improvements and certified that they are satisfactorily completed, the Planning Board shall release the previously required improvement to the subdivider.

12. Reduction of Guarantee. The Town may release, at planning staff or Road Commissioner's discretion, the guarantee subject to the following provisions:
    a. An itemized cost estimate is provided by the project's consulting, Maine registered engineer for all remaining subdivision improvements.
    b. The project or phase is 90% complete as determined by the planning staff or Road Commissioner.
    c. There are no deficiencies in the project.
    d. A cash bond performance guarantee is agreed to for one hundred fifty percent (150%) of the remaining cost of the project.1010 Final Approval and Filing

1010 Final Approval and Filing

1. Upon completion of the requirements in Section 806 and 807 above and notion to that effect upon the Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the applicant with the Municipal officers.
2. The Plan shall then by filed with the Cumberland County Registry of Deeds. Any Subdivision Plan not so filed or recorded within ninety (90) days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two (2) additional periods of ninety (90) days.
3. At the time the Planning Board grants Final Plan approval, it may permit the Plan to be divided into two (2) or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. The applicant may file a section of the approved Plan with the Municipal Officers and the Registry of Deeds if said section constitutes at least 10% of the total number of lots contained in the approved Plan. In these circumstances, Plan approval of the remaining sections of the Plan shall remain in effect for three years or a period of time mutually agreed to by the Municipal Officers, Planning Board, and the subdivider.
4. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the Plan is first re-submitted and the Planning Board approves any modifications. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Municipal Officers and the Registry of Deeds.
5. Public Acceptance of Streets, Recreation Areas
   a. The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, or other open space shown on such Plan.
   b. When a park, playground, or other recreation area shall have been shown on the Plan, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Planning Board shall require the Plan to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

1011 Enforcement

Any person violating this Ordinance or 30 M.R.S.A. sections 4401-4406, shall be subject to the enforcement provisions of 30M. R. S.A. section 4452.

1012 Appeals

An appeal from a decision of the Planning Board may be taken to the Board of Appeals if one has been established by the municipality in accordance with Title 30, M.R.S.A. Chapter 213, Section 24i l.

1013 Amendments to previously Approved Subdivision Plans

1. Minor Subdivision Plans
   Prior to making any proposed revision to a Minor Subdivision Plan approved by the Planning Board, the plan must be resubmitted to the Planning Board for their review and approval of the proposed modification. If the proposed modifications result in five or more lots or dwelling units, the procedures for a Major Subdivision shall be followed.
2. Major Subdivision Plans
   Prior to making a proposed revision to a Major Subdivision Plan approved by the Planning Board, the plan must be resubmitted for their review and approval. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary and final plan approval shall be followed. If the revision involves only modification of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed.
3. Scope of Review
   The scope of the review shall be limited to the proposed changes in the Minor or Major Subdivision plan and any related impacts or ordinance.

Appendix A: Design and Construction Standards for Streets

Design and Construction Standards for Streets				
		Arterial Streets	Collector Streets	Minor Streets
1	Minimum Width	80'	50'	50'
2	Minimum width of pavement	44'	/18'	18'
3	Minimum grade	0.50%	0.50%	0.50%
4	Maximum grade	5%	10%	10%
5	Maximum grade at intersections	3% within fifty (50) feet of intersection		
6	Minimum angle of intersections	60°		
7	Width of shoulders	9'	4'	3'
8	Minimum centerline radii on curves	800'	200'	200'
9	Minimum tangent length between reverse curves	300'	200'	100'
10	Road base minimum	24"	18"	18"
	Sub-base (bank gravel)	18"	15"	15"
	Upper base surface gravel	6"	6"	6"
11	Asphalt paving	2.5"	2.5"	2"
12	Road crown minimum	1/4" per 1'	1/4" per 1'	1/4" per1'
13	Sidewalk width (where required)	8'	4'	4'
	Base course (gravel)	8"		
	surface	2" bituminous hot-top		
14	Dead-end or cul-de-sac streets			
	Width	50'		
	Length	as approved by the Fire Chief		
15	Radii of turn-around at enclosed end or other turn around as approved by the Fire Chief			
	Property line (minimum)	65'		
	Pavement (minimum)	50'		
	Property line radii at intersection (minimum)	10'		
16	Curb radii at intersections			
	90-degree intersections	25'		
	Less than 90-degree intersections	30'		

Sidewalks

Sidewalk construction and materials refer to Appendix A.

Sidewalks shall be hot mix asphalt.

Sidewalk Design for Accessibility

The minimum sidewalk width shall be 4 feet, including the pedestrian access route through driveway aprons. Where obstructions, such as utility poles, are located in

sidewalks, a minimum clear path width of 5 feet shall be required between the obstruction and one edge of the sidewalk. The maximum allowed vertical level change at any point is ¼ inch. A level change of l/4 inch to ½ inch shall be formed with a beveled slope no steeper than 26.6 degrees (2:I). Level changes greater than ½ inch shall be designed as ramps. Sidewalks shall be designed with a running slope no greater than the adjacent street slope. Sidewalks shall be designed with a cross slope of 2%, including the pedestrian access route through driveway aprons. Accessible sidewalk ramps shall be required on all projects involving construction of new streets or new sidewalks and all projects involving major alteration, including repaving of existing streets and sidewalks.

Sidewalk Ramp Design

Ramps, flare, landings, and approaches shall be designed as follows:

- Maximum ramp running slope shall be 8.33% for new construction. In retrofit situations, ramp slope may be between 8.33% to 10% for a rise of up to 6 inches and 10% to 12.5% for a rise of up to 3 inches. Ramp cross slope shall be 2% or less.
- Minimum ramp width shall be 4 feet.
- Sidewalk ramps adjacent to all public streets shall be constructed with truncated dome detectable warning surface panels. The detectable warning panel shall be located so that the edge nearest the curb line is 6 inches minimum or 8 inches maximum from the curb line. The panel shall be oriented to the direction of travel as identified by the point of egress. The panel shall extend 24 inches minimum up the ramp in the direction of travel. The panel shall extend the full width of the ramp.
- The tactile warning surface panel shall be cast-in-place (wet set) replaceable detectable warning plates (fiberglass reinforced composite material) manufactured by ADA Solutions, Inc. (Refer to Figure B). The tactile warning surface shall be set in concrete extending a minimum of 6-inches beyond the extent of the tactile warning surface plate. The color of the tactile warning panels shall be Brick Red.
- Flares shall be designed with a maximum slope of 10% provided that a landing area at least 48 inches by 48 inches is provided at the top of the ramp. If the landing area is less than 48 inches by 48 inches, the maximum slope of the flares shall be 8.33%.
- Landings shall be at least 48 inches by 48 inches for new construction and at least 36 inches by 36 inches for retrofits. Landings shall be designed with slopes that are no greater than 2%.
- Approaches shall be designed with a cross slope no greater than 2% and a running slope that does not exceed the slope requirements for sidewalk ramps.

Sidewalk Ramp Location and Orientation

Sidewalk ramps shall be designed as perpendicular ramps with the direction of travel on the ramp perpendicular to the curb line and parallel to the crosswalk. Where existing conditions (such as narrow right-of-way width) preclude such layouts,

parallel ramps or diagonal ramps may be approved. Diagonal ramps are located in the middle of a section of circular curb at a comer, where the ramp is at an angle of about 45 degrees to one or two marked crosswalks. In such cases, the crosswalks shall be laid out to encompass a 48-inch by 48-inch landing and wheelchair maneuvering area at the base of the ramp in the street.

Surface Materials and Aggregates

Pavement, concrete, and aggregate materials used in the construction of sidewalks and curbs shall meet the requirements of the State of Maine Department of Transportation Standard Specifications, Revision of November 2014.

Pavement Section Materials and Thickness

All pavement materials and replacement procedures shall conform with the requirements of Sections 403 and 702 of the Maine DOT Standard Specifications. Minimum thickness of materials after compaction for each sidewalk shall be as follows:

Materials	1 ¼ inches
Bituminous Wearing Course (9.5mm)	1 ¼ inches
Bituminous Binder Course (9.5 mm)	2 inches
Base Gravel	12 inches
Subbase Gravel	